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## Information and Notices

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## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## EUROPEAN PARLIAMENT

**The establishment of a joint EU resettlement programme**

P7\_TA(2010)0163

**European Parliament resolution of 18 May 2010 on the establishment of a joint EU resettlement programme (2009/2240(INI))**

(2011/C 161 E/01)

*The European Parliament,*

- having regard to Articles 78 and 80 of the Treaty on the Functioning of the European Union,
- having regard to international and European human rights instruments, in particular to the United Nations Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights (ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Charter of Fundamental Rights of the European Union (the Charter), and the rights and guarantees which they confer upon refugees and persons seeking international protection,
- having regard to the United Nations Convention on the Rights of the Child and the primary concern of the Member States to protect the best interests of the child,
- having regard to the Commission Green Paper on the future Common European Asylum System (COM(2007)0301) of 6 June 2007,
- having regard to the Commission Policy Plan on Asylum: An integrated approach to protection across the EU (COM(2008)0360) of 17 June 2008,
- having regard to the Conclusions of the 2908th meeting of the Justice and Home Affairs Council on 28 November 2008 ((16325/1/08 REV 1 (Presse 344)) with special regard to the reception of Iraqi refugees,
- having regard to the Communication from the Commission to the European Parliament and the Council on the Establishment of a Joint EU Resettlement Programme (COM(2009)0447),
- having regard to the Proposal for a Decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 (COM(2009)0456),
- having regard to its resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme <sup>(1)</sup>,

<sup>(1)</sup> Texts adopted, P7\_TA(2009)0090.

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- having regard to the comments of the United Nations High Commissioner for Refugees (UNHCR) on the Commission Communication on the Establishment of a Joint EU Resettlement Programme and the Proposal for the amendment of Decision 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013,
  - having regard to its position of 7 May 2009 on the proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person <sup>(1)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0131/2010),
- A. whereas a fair and realistic migration policy in the European Union, entailing the establishment of a Common European Asylum System (CEAS), must comprise an effective, sound and sustainable resettlement programme, providing a durable solution for refugees who cannot return to their country of origin and whose protection or livelihood cannot be assured in first countries of asylum,
- B. whereas resettlement serves not only a humanitarian purpose towards persons resettled, but also to relieve third countries of the burden associated with hosting large numbers of refugees and is a very useful instrument for apportioning responsibility,
- C. whereas currently only 10 Member States resettle refugees on a yearly basis, with little coordination among themselves on the resettlement priorities, causing a lack of strategic use of resettlement as an EU external policy instrument,
- D. whereas strategic use of the resettlement programme could have direct and indirect benefits not only for refugees being resettled but also for other refugees remaining in the first country of asylum, for the host country and for other countries and also with regard to all international arrangements for their protection,
- E. whereas the resettlement programme may help to make illegal immigration less attractive to refugees seeking to enter the European Union,
- F. whereas the need to show solidarity to third countries sheltering large numbers of refugees in need of international protection is a major factor and reflects the need to show solidarity within the EU also,
- G. whereas the EU share of the global resettlement of refugees remains quite modest; whereas this impacts negatively on the ambition of the EU to play a prominent role in global humanitarian affairs and in the international scene,
- H. whereas effective solidarity must be at the centre of common immigration and asylum policies among Member States, which should allow a fair share of responsibility for compliance with international obligations concerning the protection of refugees, as well as towards third countries which are heavily burdened with hosting large numbers of refugees,
- I. whereas in its 7 May 2009 Resolution, the European Parliament also called for mandatory solidarity in the resettlement of refugees within the EU in cases where, inter alia, the reception capacities of one Member State are insufficient, in order to facilitate the resettlement of beneficiaries of international protection in other Member States, providing that those concerned consent and that their fundamental rights are respected,

<sup>(1)</sup> OJ C 212 E, 5.8.2010, p. 348.

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- J. whereas cooperation with third countries which have already carried out several programmes of resettlement should be fostered, in order to benefit, through exchange of best practices, from their experience of reception and integration measures and the general quality of resettlement initiatives,
- K. whereas both local and international, governmental and nongovernmental organisations, especially the UNHCR, should be involved in all stages of the EU Resettlement Programme, contributing with their specific information, technical expertise, logistic forecasting and experience,
- L. whereas the European Resettlement Programme must not make the process of resettlement more complicated,
- M. whereas the European Asylum Support Office (EASO) is expected to become operational in 2010; whereas it will be able to offer support to the Member States in carrying out resettlement initiatives, while ensuring coordination of policies within the EU; whereas the European Asylum Support Office must actively participate in deliberations between the Member States, the Commission and the UNHCR,
- N. whereas attention should be drawn not only to the need to involve more Member States in resettling refugees but also to the quality, sustainability and effectiveness of the resettlement, focusing on integration measures,
- O. whereas refugees should be promptly granted access to language and cultural courses and, where necessary, to medical and psychological care,
- P. whereas access to job opportunities for adults and immediate integration of minors in schools constitute an essential step with a view to the success of an effective resettlement initiative and that they should for this reason have access to educational and professional guidance services,
- Q. whereas there are several entities, in public administration (such as municipalities) as well as in civil society, varying from NGOs to charities and from schools to social services, that have the experience and expertise necessary to carry out follow-up measures,
- R. whereas cooperation with the above-mentioned entities – especially the municipalities – has been of great value in the reception and integration of refugees in countries with a consolidated practice of resettlement,
- S. whereas the priority-setting should become as flexible as possible, without ever disregarding the effective priority which must be given to the categories of most vulnerable people as indicated by the UNHCR,
- T. whereas resettlement is to be implemented as a complement to and without disregard for the other durable solutions provided for people seeking international protection in the EU, and whereas the efforts in refugee resettlement should not lessen the endeavour to guarantee fair and effective access to asylum inside the EU,
- U. whereas internal relocation programmes also play an important role and should be supported in addition to the resettlement activities dealt with by this report,
- V. whereas in its 7 May 2009 Resolution, the European Parliament also called for a scheme to reallocate beneficiaries of international protection from Member States which are faced with specific and disproportionate pressures to others, in consultation with the office of the United High Commissioner for Refugees, while ensuring that the reallocation follows non-discretionary, transparent and unequivocal rules, which must also be implemented further Parliament's request,

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W. whereas without access to information, human resources, expert advice and permanent follow-up on the resettlement efforts, Member States which have never participated in resettlement programmes will face great difficulties in joining and it will be difficult to achieve the objective of involving more Member States,

***A real and effective EU Resettlement Programme***

1. Welcomes the initiative of the Commission to propose a change to the European Refugee Fund in order to incorporate the impact of the EU Resettlement Programme;

2. Appreciates the general objectives set out in the Communication on the EU Resettlement Programme as mentioned above and the growing attention devoted to resettlement in the overall EU asylum policy;

3. Calls for measures to inform the Member States and local authorities of the benefits accruing from the resettlement of refugees;

4. Recalls, however, that a budget line and financial support are not sufficient to establish a real EU-wide resettlement programme;

5. Urges the Member States to promote the creation of private funding mechanisms and more widespread public-private initiatives so as to underpin the European Resettlement Programme;

6. Calls for a more ambitious programme which ensures the quality and effectiveness of the resettlement, containing specific guidelines on a new model of priority-setting, incentives to attract more Member States to resettle refugees, consistency of resettlement with other EU asylum policies and standards of reception conditions and follow-up measures to be taken in each resettlement initiative;

7. Considers that under the new financial perspectives (2013–2017) a specific envelope for resettlement should be established. Such an envelope could take the form of a dedicated resettlement fund and should provide financial support for a more ambitious resettlement programme;

8. Welcomes the opening of the new Emergency Transit Centre (ETC) in Romania offering temporary accommodation for refugees in urgent need of resettlement and/or refugees unable to remain in their countries of first asylum; calls on the Commission to make use of this and also to promote resettlement through the Emergency Transit Centre;

9. Welcomes the ad hoc initiatives taken by a number of Member States in accommodating refugees in urgent need of resettlement while recognising the need for such initiatives to take a more structured form;

***Requirements for efficiency and responsiveness of resettlement measures***

10. Underlines that an effective EU Resettlement Programme should provide protection and durable solutions both for long-term, protracted refugee situations and for rapid and adequate responses in case of emergency or unforeseen urgency, and that the setting of annual priorities should be such as to enable a prompt reaction to sudden humanitarian crises which might occur throughout the year;

11. Insists on the importance of allowing the execution of fieldwork in order to prepare the resettlement of refugees, to evaluate their needs and to permit adequate planning of the future phases of resettlement, apart from the information that might be provided by the UNHCR and by NGOs and other organisations;

12. Encourages a private-public partnership with NGOs and further social partners such as religious and ethnical organisations to contribute to the implementation of the resettlement and the promotion of voluntary work in this field;

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13. Believes that municipalities already involved, or becoming involved, in resettlement should create partnerships and twinnings with other municipalities in their home country and in the EU Member States in order to exchange their experiences in this field and strengthen cooperation across the EU;

14. Stresses the need to establish a structured cooperation framework through measures to gather expertise and enable information collecting and sharing; stresses also that an effective EU Resettlement Programme must provide the Member States (those already participating in the programme and those that wish to participate) with access to human resources, expert advice and shared information that may be useful in any phase of the resettlement initiative; recognises that all those involved in resettlement, and especially resettled refugees, are a valuable source of information for the evaluation of resettlement initiatives;

15. Calls for the consideration and exchange of best practices which foster efficiency between Member States, which may include the promotion of joint programmes, peer evaluation, the setting-up of joint missions, the use of common infrastructures (such as transit centres) and organisation of missions to Member States to evaluate the ongoing resettlement;

16. Calls for the relevance of follow-up measures on the quality of reception and integration in the host Member States not to be disregarded; considers that the success of resettlement must be defined not only in terms of the physical displacement of refugees from a third country to a Member State but also in terms of the implementation of measures that allow the integration of refugees in the host country;

17. Calls for special attention to be given to the human resources involved in any present or future EU Resettlement Programme in order to ensure a procedure which allows good practices of adaptation and integration of refugees in the host society, as experience shows that resettlement efforts need to be conducted with monitoring by appropriate officers and experts;

#### ***A permanent Resettlement Unit, cornerstone of an effective EU Joint Resettlement Programme***

18. Acknowledges the lack of structured cooperation regarding resettlement activities within the EU, which require considerable logistical preparation, such as selection and orientation missions, medical and security screenings, arrangements for travel and visas and reception and integration programmes, as mentioned in Communication COM(2009)0447;

19. Confirms, moreover, the view that the absence of mechanisms of cooperation and coordination between Member States raises the costs of the operations related to resettlement, makes them less attractive and reduces their strategic impact;

20. Recommends, therefore, the creation of a specific unit with proper staff allocated to carry out the necessary coordination between all the ongoing resettlement activities in the Member States;

21. Believes that the most appropriate institutional framework for this Resettlement Unit would be within the EASO, where it could cooperate in the ambit of EU policies in the area of asylum and migration;

22. Considers that this unit could establish close contact with the UNHCR and local NGOs, in order to obtain important information to forward to the Member States and EU institutions regarding, for instance, urgent priorities, integration techniques, etc.;

23. Insists also that the Resettlement Unit could play an important role in the monitoring and evaluation of the effectiveness and quality of the Resettlement Programme at EU level by issuing annual reports on all the activities, based on information gathered by the institutions/authorities involved in the resettlement initiatives in the Member States;

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24. Wishes to emphasise that the Resettlement Unit should keep track of the NGOs, charities and other entities which are able to cooperate with public authorities in the process of resettlement of refugees; notes, moreover, that the above-mentioned Unit should regularly issue documents indicating the standards and criteria that these entities must comply with in order to be eligible to participate in EU resettlement schemes;

25. Stresses that the EASO can make a very useful contribution to ensuring consistency and complementarity between the EU Resettlement Programme and other EU asylum policies;

#### ***Flexible priority-setting***

26. Recognises that an adequate resettlement programme requires a regular update of the nationalities and categories of refugees that should be prioritised in the resettlement process, with special regard to geographical emergencies and particularly vulnerable persons who are most in need of protection;

27. Believes that the EU annual priorities should be established by the Commission, as proposed, with strong and effective involvement of the UNHCR and the European Parliament at all stages of the identification and assessment of candidates for resettlement;

28. Suggests that a delegation of Members from its Civil Liberties, Justice and Home Affairs (LIBE), Foreign Affairs (AFET) and Development (DEVE) committees participate in the yearly meeting of the resettlement expert group;

29. Considers that an EU Resettlement Programme should include specific procedures to involve the European Parliament in the elaboration of the EU annual priorities;

30. Encourages the EASO to assume an important role in the definition of the resettlement agenda within the EU;

31. Defends the principle that, in line with the need for adaptability in the EU annual priorities, there should be categories which remain stable every year, so that Member States can resettle particularly vulnerable persons at any time of the year;

32. Suggests that individual Member States may be enabled to prepare for emergency procedures in cases of unforeseen humanitarian circumstances – for instance, when refugees are under armed attack or when natural accidents or catastrophes seriously affect refugee camps; considers that these procedures would allow resettlement to take place in a short period of time, with the administrative steps being carried out either with a compressed timetable or, in certain cases, after the displacement of the refugees; recommends that this effort should be considered among the aims of the EU Resettlement Programme;

#### ***Ensuring that more Member States participate in resettlement***

33. Regrets that only 10 Member States currently have resettlement programmes, established without coordination among themselves;

34. Recognises that the participation of Member States remains voluntary, given the divergences in reception conditions, collaborating partners and legal criteria that are used to decide who to resettle;

35. Recognises that certain Member States, particularly in southern Europe, face special challenges because of their location at the external border of the Union;



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36. Calls, nevertheless, for greater incentives to encourage more Member States to participate in the EU Resettlement Programme; acknowledges that, while greater financial assistance is important, one should not undermine the contribution that the EASO can provide with regard to this aspect by helping to equalise the situation through raising the quality of services offered to refugees in Member States and offering assistance with the most efficient practices for hosting and integration;

37. Suggests more substantial financial assistance to Member States wishing to start participating in the EU Resettlement Programme, in order to help them create a sustainable resettlement programme and to alleviate the initial burden of setting up such an initiative; suggests that, in order to avoid an excessive impact on the European Refugee Fund, the value of the financial assistance should be equalised to the other Member States after the first years of participation to the programme;

38. Believes that it will not be possible to increase the number of refugees resettled in the EU without an administrative and expert framework to underpin the programme and the creation of permanent structures to prepare for resettlement and follow-up on the integration process;

#### ***Follow-up measures***

39. Considers that an effective EU Resettlement Programme must include provisions on follow-up measures, insisting on the quality of the resettlement in each Member State, good standards at every stage from recognition to reception and integration of the refugees;

40. Calls on the Member States involved in the resettlement programme to evaluate their measures taken in the resettlement procedure so as to secure and improve the refugees' integration. Member States should also follow up regularly on the refugees' integration;

41. Is of the opinion that governmental authorities should foster maximum cooperation with non-governmental entities (international and local NGOs, for instance) and benefit from the expertise and proximity of the latter in providing the best and most efficient initiatives for resettlement of refugees; participation by civil society in the European Resettlement Programme will underpin support and reception initiatives by the Member States and local authorities;

42. Advocates intensive efforts on the part of all the entities involved to grant the refugees, especially the most vulnerable, access to adequate housing, health care, education, language courses and psychological assistance, as well as access to the labour market, so as to ensure successful integration;

43. Calls on the EASO, in particular through its proposed resettlement Unit, to establish clear criteria for quality resettlement in close cooperation with the UNHCR, NGOs and local authorities and follow the resettlement of the refugees, in order to contribute to the evaluation and further improvement of the resettlement activities in the Member States;

44. Underlines once again the role of the EASO as an entity which could raise awareness of certain shortcomings in the resettlement initiatives, assisting the Member States in finding specific solutions, and encourage better practices if provided with a permanent Resettlement Unit;

45. Calls for the organisation of a joint annual debate of its Committees on Civil Liberties, Justice and Home Affairs and on Foreign Affairs in order to contribute to the development of the programme;

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

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## **Key competences for a changing world: implementation of the education and training 2010 work programme**

P7\_TA(2010)0164

### **European Parliament resolution of 18 May 2010 on key competences for a changing world: implementation of the Education and Training 2010 work programme (2010/2013(INI))**

(2011/C 161 E/02)

*The European Parliament,*

- having regard to the Commission communication of 25 November 2009 entitled 'Key competences for a changing world' (COM(2009)0640),
- having regard to the eight key skills set out in Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 entitled 'Key Competences for lifelong learning – A European Reference Framework' <sup>(1)</sup>,
- having regard to the 10-year 'Education and Training 2010' work programme, and to the subsequent joint interim reports on progress towards its implementation,
- having regard to the Council Resolution of 15 November 2007 on the new skills for new jobs <sup>(2)</sup>,
- having regard to the report by the Expert Group on new skills for new jobs entitled 'New Skills for New Jobs: Action Now',
- having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') <sup>(3)</sup>,
- having regard to its resolution of 16 January 2008 on adult learning: it is never too late to learn <sup>(4)</sup>,
- having regard to its resolution of 18 December 2008 on delivering lifelong learning for knowledge, creativity and innovation – implementation of the 'Education & Training 2010 work programme' <sup>(5)</sup>,
- having regard to the Framework for European cooperation on in the youth field adopted in November 2009,
- having regard to the European Development Education Consensus, a strategy framework drawn up by representatives of the EU institutions, the Member States, civil society and other stakeholders in November 2007,
- having regard to the detailed assessment of national reports and performance against a set of indicators and benchmarks (SEC(2009)1598 and SEC(2009)1616),
- having regard to Articles 165 and 166 of the Treaty on the Functioning of the EU,
- having regard to Rule 48 of its Rules of Procedure,

<sup>(1)</sup> OJ L 394, 30.12.2006, p. 10.

<sup>(2)</sup> OJ C 290, 4.12.2007, p. 1.

<sup>(3)</sup> OJ C 119, 28.5.2009, p. 2.

<sup>(4)</sup> OJ C 41 E, 19.2.2009, p. 46.

<sup>(5)</sup> OJ C 45 E, 23.2.2010, p. 33.

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- having regard to the report of the Committee on Culture and Education (A7-0141/2010),
- A. whereas quality education and training are a must in terms of personal fulfilment of the individual, equality, fighting social exclusion and poverty, active citizenship and social cohesion,
- B. whereas improving the quality of education and training for all students in order to attain better results and competences, initially through new and more incisive policies to increase educational supply, is a priority,
- C. whereas despite some improvement in education and training performance in the European Union the majority of the EU benchmarks set out for 2010 will not be reached, whereas in particular skills levels remain inadequate and whereas one third of the population of Europe have very low-level educational qualifications,
- D. whereas, ten years after the launching of the Bologna Process, the desired convergence between the Member States regarding higher education has not been achieved,
- E. whereas education and training policies should enable all citizens, irrespective of their age, gender, health, physical, mental and psychic conditions and their linguistic, ethnic, national, religious and socio-economic background, to acquire, update and develop their skills and competences throughout their lives,
- F. whereas education and training are key elements in the successful implementation of the Renewed Social Agenda for opportunities, access and solidarity; whereas the implementation of that agenda would help to create more and better jobs and give more European citizens the opportunity to achieve their potential,
- G. whereas a continuous effort is required to ensure that women have equal access to education at all levels and that educational choices are not predetermined by gender stereotypes,
- H. whereas the full implementation of key competences needs further policy action both at the European and national level,
- I. whereas the crucial challenge for education and training in Europe is the reform of education towards a learning-centred holistic education system which prepares young people for being happy, active global citizens who are ready to enter the labour Market,
- J. whereas the implementation and further development of lifelong learning strategies remain a critical challenge for many Member States; whereas stronger focus should be given to the whole life-cycle instead of focusing on specific sectors or groups,
- K. whereas the benefits of educational investment are seen only in the long-term perspective and it is important to ensure that they are not set aside in the policy agenda; whereas we should call for EU guidance on the quality of education and training systems, and avoid budgetary restraint, or at least the resources allocated should increase and not decline; whereas the EU therefore needs to equip itself with budgetary mechanisms not tied to annual programming in the field of education and training,
- L. whereas investment in education and training, retraining and the updating and adaptation of the knowledge and skills of all is an essential precondition for emerging from the crisis and rising to the long-term challenges of global economic competitiveness, employment, mobilisation and social inclusion,

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- M. whereas more than 80 % of primary school teachers and 97 % of pre-school teachers in the Union are women, while in secondary education the equivalent figure is only 60 %, and in higher education and research less than 40 %,
- N. whereas the challenges faced by teachers are increasing as educational environments become more complex and heterogeneous, such as changes in information and communication technologies (ICT), financial restrictions caused by economic crisis, changes to social and family structures, and multiculturalism,
- O. whereas it will be important to implement the EU 2020 Strategic Framework for European Cooperation in Education and Training, in order to address these crucial challenges,
- P. whereas digital competences will be of increasing importance in the evolving knowledge-based economy and labour market of the EU; whereas these competences offer opportunities for economic recovery, fostering entrepreneurship, and increased access to employment,
- Q. whereas sport is one of the most effective means of combating substance abuse (smoking, alcoholism and drug-taking), as school pupils and students in higher education are one of the social groups most at risk in this regard; whereas the participation of school pupils and students in sport depends primarily on the existence of appropriate background infrastructure,
1. Welcomes the above-mentioned Commission Communication 'Key competences for a changing world';
  2. Notes that despite progress in recent years many European citizens are still not yet sufficiently skilled; points out that one in seven young people (18-24) leave school early (6 million drop-outs in EU 27), that one in four 15-year-olds have poor reading skills, that around 77 million people (nearly one third of Europe's population aged 25-64) have no, or low, formal qualifications, that only one quarter have high-level qualifications and that too many European citizens lack ICT skills; stresses that very low skills levels are a persistent problem throughout the EU and is concerned at the rise in the number of young people who are not fully literate at the age of 15 (21.3 % in 2000, 24.1 % in 2006);
  3. Asks the Commission to continue the debate on 'New Skills for New Jobs'; points out that, by 2020, 16 million more jobs will need high qualifications and four million more jobs will need medium qualifications, while 12 million fewer jobs will require low qualifications; points out that by 2015 a large majority of jobs, across all sectors, will require ICT skills; calls for this debate to involve all interested parties, including teachers, students, competent professional organizations, relevant NGOs and trade unions, civil society stakeholders, particularly parents' and students' associations, and representatives of business;
  4. Considers it vital to introduce policies seeking to improve the quality of education and training for all students and stresses that, in order for European educational systems to meet the challenge of global competitiveness, it is necessary to increase the educational opportunities available, which must be of a higher level and broader scope in order to meet the pressing demands of professional sectors and the labour market;
  5. Considers language learning crucial for facilitating young people's access to the labour market and for promoting their mobility and equal opportunities;
  6. Calls on the Member States to implement further the European Qualifications Framework;
  7. Urges that attention be given not only to the so-called new 'green jobs' but also to 'white jobs'; points out that by 2030 the proportion of those aged over 65 in relation to those aged 15-64 will increase from 26 % in 2008 to 38 % by 2030; notes that there will therefore be an increasing need for shared policies on active ageing, with particular reference to measures to promote literacy and refresh and update key skills in the field of ICT in order to overcome the digital divide, which is a growing factor in the social exclusion of the elderly;

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8. Notes that the Commission Communication on EU 2020 underlines that the 'employment rate of women is particularly low' (only 63 % of women are in work compared to 76 % of men) and that 'policies to promote gender equality will be needed to increase labour force participation'; notes that consequently education and training policy needs to be targeted to close this gap in the labour market, thereby contributing to the achievement of sustainable growth and social cohesion; stresses the importance of a non-gender-based education from the youngest possible age;
9. Calls for special attention to the need to facilitate the integration of people with disabilities, irrespective of their age, in education and training, with particular reference to the genuine integration of disabled children from an early age into educational establishments; underlines the need for proper investments and for a long-term strategy to remove any threshold in this area;
10. Believes that all education should foster the acquisition of democratic competences by supporting student councils and allowing students to take co-responsibility for their education as enshrined in a Charter on Students Rights; in this regard, calls for a thorough debate in European society about the function and role of education and suggests that the European Citizens' Agora could be the space for such a debate;
11. Calls on the European Commission, Member States and employers, in close cooperation with education and training providers, to encourage skills upgrading for people from disadvantaged backgrounds;
12. Recognises that globalisation has profoundly changed Europe's societies and recommends the inclusion of Global/Development Education within all education to enable citizens to deal with the threats and opportunities of a changing world;
13. Considers it essential, at all levels in education and training, to establish digital and media literacy and to provide an introduction to new technologies and to teach everyone to apply expertise and critical discernment in equal measure when using modern forms of communication and media content; underlines the urgent need to improve the e-skills of all European citizens; points out that training and education in ICT, both at national and EU level, are a necessity, given the increasing importance of these skills in the evolving labour market;
14. Highlights the importance of sufficient and high-quality support for the development of teachers' competences and of introducing new ways of organising learning in attractive school environments;
15. Underlines the importance of art, culture and sport in education and training and the need to pay particular attention to these subjects in pre-primary, primary and secondary education and lifelong learning; considers that, as well as developing vocational and technical abilities, cultural and social education are an integral part of education and training policy because they help develop non-academic aptitudes, thus fostering individual fulfilment and the acquisition of basic skills;
16. Calls on the Member States to ensure there are sufficient funds for investment in sport for educational institutions and to increase the cooperation of the public and private spheres in this area;
17. Calls on the Member States to ensure sufficient investment in education in order to guarantee accessibility to the labour market for all categories;
18. Stresses the importance of using history and language as vehicles for the achievement of European social and cultural integration;

#### ***Pre-primary education***

19. Draws attention to the importance of high-quality early childhood education for the early acquisition of key competences, including a child's ability to communicate both in his or her mother tongue and in the language of the host country concerned, and in particular for supporting children from disadvantaged backgrounds and with special (learning) needs in order to fight against future poverty and social exclusion;

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20. Draws attention to the importance of promoting a reading culture from pre-school onwards, and to the importance of access to reading material already at the pre-school age;
21. Draws attention to the importance of education in one's mother tongue including in the case of traditional minorities;
22. Stresses the importance of multilingualism for mobility: for this reason calls on the Member States to introduce the learning of a second language at an early stage;
23. Stresses that it is essential to put in place educational support measures for children of immigrants in order to facilitate their adjustment to the educational and social environment of the host country;
24. Underlines the need to encourage and support actions to enhance children's creativity from an early stage in life, thus better paving the way for a culture of innovation in Europe;
25. Draws attention to the Barcelona targets that aimed at providing childcare by 2010 for at least 90 % of children between three years old and the mandatory school age and for at least 33 % of children under three years of age and making childcare affordable for as many people as possible;

#### ***Primary and secondary education***

26. Underlines the need to continue to develop and confirm language acquisition at primary and secondary school, also with reference to immigrant children, and the importance of being taught in their mother tongue in the case of traditional minorities;
27. Supports the idea of an educational approach that allows more regular consultation of, and greater participation by, students in the management of the educational process, active participation by students' parents in the educational community and the development of a confidence-based relationship between students and teachers, serving to stimulate the spirit of initiative and the acquisition of social and civic skills that are essential to active citizenship;
28. Stresses the importance of incorporating new technologies into the syllabus as a necessary learning tool in a modern educational system; supports the idea that children, at an early age under proper supervision, acquire skills enabling them to handle media content and in particular the internet with a sense of responsibility and critical discernment and considers it essential to make children aware of the issues of protection of privacy and personal data and compliance with the rules of copyright;
29. Considers that the progress made in adapting school curricula to key competences is a positive step, but that it is vital to make further efforts, notably through the recognition and certification of skills acquired in non-formal and informal education, and to support the acquisition of key competences for those at risk of educational under-achievement and social exclusion;
30. Calls for action to promote physical and sporting activity in schools and the creation of and participation in school championships, which will improve health, foster integration and help develop values that will contribute to the creation of positive patterns of behaviour;
31. Advocates education and training for children from migrant families, stressing the major contribution of education to the successful integration of migrants into European society;
32. Calls for a comprehensive strategy for key competence acquisition, ranging from reform of school curricula through to support for ongoing training and professional development of teachers, thus providing for a well-trained educational community; considers that incentives should be offered to teachers to enable them to improve their teaching and to focus on professional development;

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33. Calls on the Member States to introduce new subject combinations and materials in schools providing general education so as to enable young people with one of the most frequent learning disorders – dyslexia – to complete their studies successfully, notwithstanding their learning disability;

34. Stresses the importance of integrated education in order to prevent social prejudices and discrimination and thus contribute to European social solidarity;

### **Higher education**

35. Calls for enhanced mobility between higher education institutions, the business world and vocational education and training (e.g. students, teachers, employees, trainers) to promote student-centred learning and the acquisition of competences such as entrepreneurship, intercultural understanding, critical thinking and creativity, which are increasingly needed on the labour market; considers that to this end existing obstacles within the EU should be urgently addressed, with a special focus on the obstacles related to financial and recognition barriers, so as to enhance the quality of mobility experiences for all students; supports higher education quality assurance as a means to reinforce mobility for academic and research purposes and as a precondition for equal job opportunities for EU citizens;

36. Stresses the importance of providing all young people with a solid grounding in the basic skills that are essential to promoting lifelong mobility and enabling them to deal with developments in the employment market and the emergence of new economic and social needs;

37. Calls for research programmes to be promoted in order to strengthen the 'knowledge triangle' that is crucial for boosting growth and employment in the European Union;

38. Calls on the Member States to modernise the agenda of higher education and, in particular, to coordinate curricula with the demands of the labour market;

39. Calls on higher education institutions to modernise their courses and, in general, to accelerate the Bologna Process;

40. Considers that higher education institutions should become more open to and prepared for all learners, in particular non-traditional learners, students with special needs and disadvantaged groups and that one of the most useful means to that end would be well-funded grant systems whereby young people from poor families could be encouraged to embark on a course of study; also considers that specific policies should be implemented by Member States in order to ensure the fundamental right to education for everyone, including young people with less financial opportunities and that a composite benchmark for equity in higher education should be explored in the future, as part of the Education and Training strategic framework;

41. Recalls in this context the Council Conclusions <sup>(1)</sup> of May 2007 on the indicators developed for the follow-up of the Beijing Platform for Action in the areas of education and training of women, in particular higher education and research; regrets, however, that these indicators are not entirely taken into account in the monitoring of the implementation of the Education and Training 2010 work programme; encourages in this respect their use as a tool for monitoring progress towards gender equality in education and training;

42. Notes that while progress has been made regarding women's access to higher education, women are still under-represented in the disciplines of mathematics, sciences and technology (only 32 % of graduates are female, and 68 % are male); points out that reducing gender imbalances in these fields would contribute to a decrease in the skills shortages experienced by the EU in those sectors;

43. Considers non-formal education as an educational field complementary to formal education and recommends that it should be treated as such in educational policy making under ET2020;

<sup>(1)</sup> Council Document 9152/2007.

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44. Calls for increased, more effective and wider-ranging investment in higher education;
45. Calls on the Member States to encourage partnerships (at international, national, regional and local level) between higher education institutions, universities, research centres and the business world and financial investment by the business world in higher education;
46. Calls on Member States to allocate the necessary resources for the higher education sector, so as to make it responsive to global challenges, as a major tool for economic and social recovery following the recent downturn;
47. Calls on the Member States to support by legislative, administrative and financial means education in their mother tongue for minorities;

### ***Vocational education and training***

48. Insists that high-quality vocational education and training are fundamental to the supply of new professionals and essential for the 'new skills for new jobs' action, giving particular attention to expanding work-based learning and apprenticeships, including for young graduates on the basis of agreements between universities and businesses; further considers it important to promote study periods and traineeships for vocational training students in other European Union countries, along the same lines as the Erasmus programme for university students; calls for more support and prestige to be attached to vocational training;
49. Stresses the need to further modernise vocational training programmes by taking into account the key competences, in order, on the one hand, to improve their quality and make them more attractive to young people while, on the other hand, making them more appropriate to the developing needs of the labour market; considers that vocational training programmes should improve the transversal key competences;
50. Stresses the need to adopt, on the basis of existing good practice, a model for the recognition of educational credits relating to citizenship skills for young people taking part in volunteer and community service work promoted by non-profit making associations or in the context of development cooperation;
51. Calls for improved transition between secondary vocational education and training and higher education, which ensures higher qualifications;
52. Stresses the lifelong learning dimension of the Recommendation on Key Competences and insists that to reach its full implementation more progress is needed in the fields of vocational education and training and in adult learning, including through the legal recognition of a universal right to lifelong education;
53. Stresses the importance of exchanges of information and of good and successful practice between Member States in the field of vocational education and training;

### ***Lifelong learning***

54. Calls for quick action to tackle the growing number of people with low levels of reading literacy, providing particular support for local authorities, since they are most easily accessible to the public; calls on the Member States and the Commission to focus their attention on the illiterate, whose numbers are still too high, and to take resolute action to tackle this problem – including where adults are concerned;
55. Is extremely concerned about the increasing numbers of unemployed young people, especially in the current economic crisis; urges Member States to ensure that labour markets are as flexible as possible to ensure that young people can easily find work and move between jobs;



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56. Stresses the need for improved inclusion of education providers in the development of overarching national qualifications frameworks, and for greater recognition of prior education, including that acquired on an informal or ad hoc basis;
57. Notes that the objectives set in respect of four of the five benchmarks adopted in 2003 will not be reached; calls upon the Commission, the Member States, the regional and local authorities and other actors to examine the causes and take appropriate action to reverse the situation;
58. Stresses the importance of an ongoing structured dialogue and consultation between those in their final stages of education and training, higher education institutions and business;
59. Supports the objective of raising adult participation in lifelong learning from 12.5 % to 15 % by 2020, and calls for appropriate action; to this end, calls on universities to facilitate wider access to studying, diversify and broaden the student base and amend study programmes to make them attractive to adults returning to study; calls on the Commission and Member States to take even more decisive action to support and disseminate life-long learning institutions such as 'Second Chance Schools'; calls for the gender perspective to be taken into account and promoted in the implementation of lifelong learning strategies; draws attention to the fact that universities of the third age play an essential role in life-long learning;
60. Notes that one of the main obstacles faced by adults wanting to participate in education and training is the lack of supporting facilities for their families; therefore encourages the Member States to create supporting measures, as a means of ensuring that all students and workers with family responsibilities (e.g. childcare, or other dependants) have the opportunity to update and/or increase their skills and competences, on the basis of good practice developed in this field under European Social Fund programming, involving service and reconciliation vouchers; considers that the opportunities of e-learning in particular should be explored as these allow for greater flexibility in combining education, work and care;
61. Encourages the European Institute for Gender Equality to take steps with a view to improving the collection and analysis of comparable data on gender equality in the field of education and training, and ensure that statistics on the relevant indicators relating to the Beijing Platform for Action are made readily available and are regularly updated;
62. Recommends to educational and training establishments that they seek to publicise more widely their programmes that are open to adults and to simplify the administrative procedures for gaining access to these programmes;
63. Calls upon the European Commission to take full account of the expertise of stakeholders and of their role in implementing the ET2020 strategy;
64. Calls upon the European Commission to include non-formal education, Vocational Education and Training and school students in the upcoming Mobility Benchmark for ET2020 and to take over the Bologna Process benchmark on mobility of students;

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65. 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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## Deontological questions related to companies' management

P7\_TA(2010)0165

### European Parliament resolution of 18 May 2010 on deontological questions related to companies' management (2009/2177(INI))

(2011/C 161 E/03)

The European Parliament,

- having regard to the Commission recommendation of 30 April 2009 complementing Recommendations 2004/913/EC and 2005/162/EC as regards the regime for the remuneration of directors of listed companies <sup>(1)</sup>,
  - having regard to the Commission recommendation of 30 April 2009 on remuneration policies in the financial services sector <sup>(2)</sup>,
  - having regard to the communication from the Commission accompanying the two above mentioned recommendations, which was also published on 30 April 2009 (COM(2009)0211),
  - having regard to the proposal for a directive of the European Parliament and of the Council amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies (COM(2009)0362),
  - having regard to Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies <sup>(3)</sup>,
  - having regard to Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC <sup>(4)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Employment and Social Affairs (A7-0135/2010),
- A. whereas the European Union and the rest of the world are experiencing the severest economic crisis of the last 60 years, the real economy is experiencing its worst recession of that period, and difficult employment conditions are anticipated despite a relative upturn in the economy,
- B. whereas, irrespective of the type of company or the sector in which it operates, a number of questions related to companies' management are important in the general context of the deontology of business conduct, such as the duty of care, transparency, corporate social responsibility, risk management, the economic sustainability of financial investment decisions, board of directors or supervisory board practices or the exercise of shareholders' rights; whereas the recent financial crisis showed that those questions need to be considered in the light of preserving financial stability and continuously analysed in order to help find solutions allowing companies to face current challenges and to help promote economic growth and higher employment within the EU,

<sup>(1)</sup> OJ L 120, 15.5.2009, p. 28.

<sup>(2)</sup> OJ L 120, 15.5.2009, p. 22.

<sup>(3)</sup> OJ L 184, 14.7.2007, p. 17.

<sup>(4)</sup> OJ L 157, 9.6.2006, p. 87.

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- C. whereas the crisis also showed close links between risk management and remuneration policy and the importance of the latter in the mechanisms governing the proper functioning of companies; for this reason risk management should be duly taken into account when devising remuneration policy so as to enable effective risk management systems to be built into a broader, balanced approach to governance, and to ensure that if incentive systems are set up, care is taken to provide appropriate risk management systems as a counterbalance,
- D. whereas companies in all sectors share a number of classes of risk, although some types of risk are sector-specific (such as risks facing companies active in the financial sector); whereas failure of effective risk management resulting from inadequate monitoring of compliance with supervision rules and misaligned incentives in remuneration policies played a central role in the recent financial crisis,
- E. whereas risk management should be understood and applied at the level of the whole organisation and not only of its individual operational units; it should also be disclosed, transparent and subject to reporting requirements,
- F. whereas any solution should ensure that, when the risk is taken, it accords with the purpose of the business and the strategy of the company with due regard to effective risk management; effective risk management should be regarded as one of the most important elements of good corporate governance in all companies,
- G. whereas one of the first steps taken by the Commission after the crisis addressed the issue of remuneration policy by complementing Commission Recommendations 2004/913/EC and 2005/162/EC, which aimed to ensure appropriate remuneration policy by setting out best practices for its design with a new recommendation as regards the regime for remuneration of directors of listed companies and by publishing a recommendation on remuneration policies in the financial services sector,
- H. whereas the degree of recommendation varies, depending on the type of company, with due regard to size, internal organisation and complexity of activities; whereas such distinctions can be made between financial (listed or not) and listed but non-financial companies, and between different sectors of the financial industry such as banking, insurance and fund management,
- I. whereas in the context of remuneration several points need to be considered, such as (i) remuneration schemes, including their structure, transparency and symmetry and the link between remuneration and incentive, (ii) the process of determining the remuneration schemes, including the definition of actors, roles and responsibilities, (iii) control over remuneration schemes, with particular attention given to shareholders, and (iv) total remuneration including salaries and pensions,
- J. whereas some aspects of principles of paramount importance contained in the recommendations remain unclear and must be put properly into practice, such as the concept of performance criteria, which should help in creating the link between pay and performance, the notion of 'inadequate performance' in the case of termination payments, the termination payment and variable components of remuneration in the financial services sector,
- K. whereas, given the recurring difficulties in defining the link between pay and performance, the focus should be on the effectiveness of the process in which remuneration policy is determined and on transparency, both of which should be based on sound governance defined and assessed by reference to an appropriate time-frame, oriented towards the medium to long term so as to avert dangerous, unsustainable risk management policies geared to the short term (if not the very short term), with defined, separated roles and the responsibilities of those involved,
- L. whereas any adopted solutions should not follow the one-size-fits-all principle and companies should retain flexibility in adjusting systems to their own needs,
- M. whereas ex-post assessment of the performance and remuneration policy is needed,

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- N. whereas transparency proved to be an important element of good governance; whereas it should not be reduced to mere disclosure, but it should mean that companies are able to explain the choice of a particular remuneration policy,
- O. whereas disclosure of the policy on directors' remuneration in a clear and easily understandable way should in principle benefit the process of taking decisions on remuneration policy, in particular by shareholders; such disclosure could include detailed disclosure in the annual accounts or in the remuneration report of the total remuneration and other benefits granted to individual directors,
- P. whereas the company's objective should be constructive engagement of shareholders and employees; whereas this requires exploration of other measures for effective involvement of shareholders in shaping the company's policy on remuneration (such as the possibility introduced in Germany for companies to seek shareholders' approval of a tier remuneration policy through an advisory vote), in particular since shareholders are not always willing or prepared to take on a more active role; whereas this should also mean that ways should be explored of ensuring more proactive rather than reactive behaviour by shareholders vis-à-vis boards,
- Q. whereas, especially in the listed companies, non-participation by shareholders is substantial, and electronic voting should therefore be encouraged in shareholders' meetings,
- R. whereas existing legislation on information and consultation of workers as regards management of their firms must be correctly implemented so as to make possible a genuine dialogue with management and a clear definition of the firms' remuneration practices and objectives,
- S. whereas it falls within the legal remit of company boards to establish criteria for management remuneration and fix the levels of such remuneration,
- T. whereas voluntary standards are essential in improving boards' performance and a review of good practices may be necessary,
- U. whereas the aim should be to create competent boards of directors and supervisory boards capable of objective and independent judgment; whereas boards' effectiveness and efficiency should be evaluated,
- V. whereas, owing to the acknowledged weaknesses of the current system of corporate governance, a percentage ( for ex. 1/3) of the directors ( members of the board) should be professionals, remunerated, responsible and subordinated only to the shareholders; whereas their responsibility and subordination should be filtered through professional expertise,
- W. whereas, while legislating in this area might be a more difficult and time-consuming option than adoption of recommendations, the soft law approach is not satisfactory,
- X. whereas the Commission plans to follow up the recommendations with legislative proposals to bring remuneration schemes within the scope of prudential oversight, and has proposed notably to revise the Capital Requirements Directive; whereas the Commission intends to examine additional measures in relation to non-banking financial services,
- Y. whereas recommendations issued by the Commission in respect of listed companies do not necessarily represent appropriate general guidelines for developing best practices in non-listed companies,
- Z. whereas uniform and coherent implementation of any instrument adopted in this area throughout the EU and by all relevant parties is essential,

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1. Welcomes steps aiming at addressing the deontological aspects of companies' management, which the recent financial crisis reveals are far from resolved; welcomes in this context the two recommendations issued by the Commission;
2. Points out that the soft law approach is however not satisfactory;
3. Welcomes therefore the Commission's first legislative proposal allowing the EU legislator to properly address the relevant issues, i.e. the amendment of the Capital Requirements Directive;
4. Endorses the principles which the Commission put forward in its recommendations of 30 April 2009 concerning, firstly, remuneration regimes and governance arrangements with regard to the remuneration of the directors and managers of listed companies, and, secondly, on remuneration regimes and the process of drafting and implementing remuneration policy (governance), the transparency of remuneration policy and prudential supervision (surveillance) in the financial sector, but emphasises that these recommendations have not been put into practice satisfactorily by the Member States;
5. Maintains that the EU needs an industrial, social, and environmental model geared to the long term, consistent with the general interest – of companies, shareholders, and workers – and with a new financial architecture based on a system of prudential and deontological rules and on national and European supervisory authorities with binding powers; also believes that the financial sector should meet the needs of the real economy, help to promote sustainable growth and display the greatest possible degree of social responsibility;
6. Recalls that, during the process of economic renewal, in addition to supporting the real economy, measures for the protection of jobs, training and working conditions are of major importance and should be taken into account by all stakeholders;
7. Maintains that remuneration policies making for sound, sustainable governance are necessary not just for deontological reasons, but also for eminently economic reasons, given that policies of this kind have a direct impact in terms of assets and the development outlook for companies themselves as well as the economy in general, and of preserving and creating higher levels of employment;
8. Considers that provisions on remuneration policies for directors of banks and credit institutions have to be more than mere recommendations and must hence take the form of binding measures linked to a system of oversight, the object being to ensure that the variable component of remuneration – bonuses, stock options, and incentives – does not drive companies to adopt over-risky investment and management policies which pay no heed to the fallout for the real economy;
9. Emphasises that corporate management and remuneration policies must comply with and foster the principles of wage parity and equal treatment of women and men established by the Treaties and by EU directives;
10. Sees the need for further European legislative action in order to solve the problem of different national remuneration rules for companies in cases where managers move from one Member State to another within a (holding) company or from one company to another company in a different Member State, or when companies make use of freedom of movement within the internal market, for example, by way of cross-border mergers;
11. Considers it important to emphasise the general social responsibility of company boards for the sustainable, longer-term development of firms based in an EU Member State, and to expect it as a duty of such boards that they structure company directors' remuneration in a way which reflects that aim and which is transparent to the European public;

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12. Urges the Commission to propose sector-specific amendments to financial services legislation to ensure consistency between banking and non-banking institutions in remuneration policy. Furthermore, calls on the Commission to bring forward legislative proposals in the field of company law to help address corporate governance issues and ensure consistency in remuneration policy for all types of companies;
13. Invites the Commission to encourage and support effective implementation of measures adopted at EU level, focusing primarily on cross-border companies, and to fulfil its undertaking to submit an evaluation report on the application of both recommendations by Member States; in this context calls on the Commission to include in the evaluation report's conclusions a schedule of appropriate legislative and non-legislative activities which might be a necessary follow-up;
14. Calls for efficient implementation of the rules on consultation and employee participation systems opted for in the context of Directive 2001/86/EC <sup>(1)</sup> supplementing the Statute for a European Company;
15. Sees the European company as a suitable platform for best practices with a view to embedding ethical principles in the way that transnational companies are directed and putting such principles into practical application;
16. Calls on Member States to effectively implement measures such as the EU Shareholders' Rights Directive to remove the obstacles to and enhance shareholders' participation in voting, in particular with respect to cross-border voting;
17. Calls on all stakeholders to actively engage in a review of business practices and changes in business culture;
18. Calls for encouragement for more women to be assigned to management posts by means of a Commission recommendation to introduce a system for the filling of posts on company decision-making bodies, posts in other bodies and posts in general;
19. Proposes that the national supervisory authorities, in assessing the independence of members of the managing bodies of undertakings more strictly, should devise more effective anti-corruption schemes, the establishment of which may not only be conducive to more ethical business management practices but may also increase the economic success of undertakings;
20. Supports the establishment of uniform and comprehensive guidance concerning risk management, which at present seems to be addressed by various codes and standards applicable in Member States only in a fragmentary way;
21. Stresses that, in the case of economic crimes, it is possible to bring criminal proceedings against the individual members of the board of directors responsible for these crimes;
22. Invites the Commission to promote the utilisation of best practice guidance for unlisted companies, which is designed to take account of the specificities and differences of such companies;
23. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>(1)</sup> OJ L 294, 10.11.2001, p. 22.

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## An EU Strategy for Youth

P7\_TA(2010)0166

### European Parliament resolution of 18 May 2010 on ‘An EU Strategy for Youth – Investing and Empowering’ (2009/2159(INI))

(2011/C 161 E/04)

The European Parliament,

- having regard to Articles 165 and 166 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union of 18 December 2000, and in particular Article 14 thereof,
- having regard to the United Nations Convention on the Rights of the Child of 20 November 1989, and in particular Articles 23 and 28 thereof,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities of 13 December 2006, and in particular Articles 7 and 24 thereof,
- having regard to the Commission communication of 29 April 2009 on ‘An EU Strategy for Youth - Investing and Empowering. A renewed open method of coordination to address youth challenges and opportunities’ <sup>(1)</sup>,
- having regard to the Commission staff working document accompanying the Communication from the Commission ‘An EU Strategy for Youth – Investing and Empowering’ – EU Youth Report <sup>(2)</sup>,
- having regard to the Council resolution of 27 November 2009 on a renewed framework for European cooperation in the youth field (2010-2018) <sup>(3)</sup>,
- having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training (‘ET 2020’) <sup>(4)</sup>,
- having regard to the Council conclusions of 11 May 2009 on the evaluation of the current framework for European cooperation in the youth field and on the future perspectives for the renewed framework <sup>(5)</sup>,
- having regard to the Council recommendation on the mobility of young volunteers across the European Union <sup>(6)</sup>,
- having regard to the Council decision on the European Year of Voluntary Activities promoting Active Citizenship (2011) <sup>(7)</sup>,

<sup>(1)</sup> COM(2009)0200.

<sup>(2)</sup> SEC(2009)0549.

<sup>(3)</sup> OJ C 311, 19.12.2009, p. 1.

<sup>(4)</sup> OJ C 119, 28.5.2009, p. 2.

<sup>(5)</sup> 9169/09.

<sup>(6)</sup> OJ C 319, 13.12.2008, p. 8.

<sup>(7)</sup> 15658/09.

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- having regard to the European Youth Pact adopted by the Brussels European Council of 22 and 23 March 2005 <sup>(1)</sup>,
  - having regard to the Commission communication of 2 July 2008 on a 'Renewed Social Agenda', which targets youth and children as a main priority <sup>(2)</sup>,
  - having regard to the opinion of the European Economic and Social Committee on the Communication from the Commission <sup>(3)</sup>,
  - having regard to its Written Declaration on devoting more attention to youth empowerment in EU policies <sup>(4)</sup>,
  - having regard to its resolution of 21 February 2008 on the demographic future of Europe <sup>(5)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education (A7-0113/2010),
- A. whereas investing in actions for young people is crucial for the future of European societies, especially at times when the proportion of young people in the total population is constantly decreasing,
- B. whereas all young people are an added value to society and have to be recognised as such,
- C. whereas current generations, when shaping policies of today, have a strong responsibility towards young people and future generations; whereas policy-makers and researchers need to take young people's views into account to give them a say,
- D. whereas the European Union possesses important tools relating to youth policies, yet these tools need to be fully exploited, communicated and integrated by Member States,
- E. whereas employment means more than just paid work: it is an agent of socialisation and can be an important source of support, structure and identity formation,
- F. whereas an insecure job situation may lead young people to refrain from or to postpone starting a family, thus having an impact on demographic developments,
- G. whereas today's European youth is exposed to growing unemployment rates and is badly affected by the economic crisis, whereas in particular young people with poor qualifications are more likely to be unemployed, and whereas it is important, therefore, to ensure that young people receive the best possible training which guarantees them prompt access to and a long-term stake in the labour market,
- H. whereas equal access for all young people to high-quality education and training at all levels should be supported and opportunities for lifelong learning should be further promoted,
- I. whereas young people's transition between education and training and the labour market should be facilitated,

<sup>(1)</sup> OJ C 292, 24.11.2005, p. 5.

<sup>(2)</sup> 11517/08.

<sup>(3)</sup> SOC/349.

<sup>(4)</sup> DCE/2008/2193.

<sup>(5)</sup> Texts adopted, P6\_TA(2008)0066.



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- J. whereas absolute priority should be given as a matter of urgency to the problems of early school-leaving and illiteracy, in particular among adolescents and the youth prison population,
- K. whereas issues relating to health, housing and the environment are of great importance for young people and can have a serious impact on their lives and future; whereas a favourable environment should be promoted in terms of education, employment, social inclusion and health,
- L. whereas young people, while having to be able to rely upon a healthy family environment, require support in satisfying their need for autonomy and independence,
- M. whereas environmental aspects are not explicitly included in the Commission communication and in the Council Resolution, although they are crucial for young people and have a serious impact on the health, quality of life and well-being of future generations; whereas, therefore, in an EU strategy for youth environmental issues should be clearly mentioned in the fields of action,
- N. whereas active participation in society is not only an important means of empowering young people but also contributes to their personal development, to their better integration into society, to the acquisition of skills and to the development of a sense of responsibility,
- O. whereas youth work is important for the EU's youth strategy, as a worthwhile leisure activity for and to be undertaken by young people, but also in order to acquire skills and achieve personal development,
- P. whereas learning and experiencing what it means to have a stake in society fosters an understanding of and active participation in democracy and its processes,
- Q. whereas the existence of the European programmes which benefit youth should be better communicated to young people so as to enhance their participation,
- R. whereas an effective youth policy can contribute to the development of a European mentality,

#### **General remarks**

1. Welcomes the Commission Communication 'An EU Strategy for Youth – Investing and Empowering';
2. Welcomes the Council Resolution on a renewed framework for European cooperation in the youth field (2010-2018);
3. Points out that the definition of the concept of 'youth' varies among Member States; notes that this concept is influenced by different social circumstances and that this fact allows scope for a different approach by each Member State;
4. Takes the view that Community programmes and funds should reflect Europe's ambitions for young people;
5. Calls on the Member States to fully implement the provisions of the Lisbon Treaty in the area of youth policy, such as the encouragement of the participation of young people in democratic life, special attention to young sportsmen and sportswomen and the legal enforcement of the Charter of Fundamental Rights;

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***Key remarks about the effectiveness of the youth strategy***

6. Acknowledges that the reinforced Open Method of Coordination (OMC) with due regard for the principle of subsidiarity is an appropriate tool for cooperation on youth policy issues, despite its weaknesses, its restricted use, its legitimacy deficits, its lack of effective cooperation between 'experts' and elected politicians, a lack of proper integration with national priorities and the risk of 'responsibility confusion' between the various levels; considers that, in order to obtain long-term results, the Open Method of Coordination should be reinforced;
7. Underlines that the Open Method of Coordination needs to be carried by a strong political will on the part of all those involved if it is to deliver maximum results; considers implementation shortcomings to be a fundamental obstacle to achieving the set goals;
8. Recognises the importance of cooperation among institutions at local, regional, national and European level in order to achieve the objectives of this strategy and calls on the Commission, the Member States and youth representatives to play an active part in implementing a youth strategy;
9. Urges closer cooperation on youth issues between the European Parliament, the Commission and the Council and stresses the need for more integrated cooperation with and among national parliaments within the scope of the OMC process;
10. Welcomes the clear definition of the dual approach, the introduction of working methods and especially the clear list of implementation instruments set out by the Council; requests the involvement of the European Parliament in the definition of the priorities of the work cycles; calls for European cooperation in the youth field to be evidence-based, pertinent and concrete;
11. Stresses the need to develop clear and user-friendly indicators both at European and national level which make it possible to improve, broaden and update our true knowledge of the condition of young people and to measure and compare progress on the implementation of commonly set objectives; underlines the importance of constant monitoring and evaluation;
12. Points out the importance of an evaluation of the state of implementation of the EU Strategy for Youth; stresses that Member States' progress reports in the youth field should be made publicly available in order to increase public awareness; stresses the need to monitor the way the lives of young people in Europe are developing and changing so that the actual progress made can be assessed;
13. Considers that peer-learning should be more developed as a means of facilitating the exchange of good practice and contributing to the consistency of the actions taken at national level;
14. Considers that in order to have a complete EU strategy for youth, the formulation of youth policies and of EU programmes and actions should go hand in hand in an accurate and transparent way; considers, in particular, that the results deriving from the implementation of EU programmes should give feedback to the formulation of youth policies and the EU strategy for youth in general, and vice versa;
15. Stresses, further, the need for an in-depth analysis of the existing programmes already implemented in order to make effective quality management possible and, on that basis, devise any improvements which may be needed to the programmes in the future;
16. Points out the need to mobilise and to adapt the EU programmes and social funds for youth, to facilitate access to them and to simplify the procedures for access; stresses how important it is to devise a practical, non-bureaucratic approach in this area with a view to implementing an integrated strategy to improve young people's lives; highlights the importance of young people being involved in implementing youth programmes so that their needs can be better taken into account;

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17. Stresses the important role of the Comenius, Erasmus and Leonardo da Vinci programmes in the development of European education and training policies; reiterates its political priority of considering those programmes as a cornerstone in the development of the EU youth strategy, especially for the next generation of multiannual programmes;
18. Considers that even more effort should be made to promote the mobility of young people within Europe and that, in mobility programmes, there must be sufficient scope for and attention devoted to exchanges of young people outside formal education;
19. Calls on the Commission, within the new mobility programmes, to devote special attention to the mobility of youth workers, and to this end calls for the special visa regime which currently exists for students to be extended to youth workers;
20. Draws attention to the need to involve the mass media in popularising programmes for young people;
21. Acknowledges that improving young people's lives is a cross-cutting task which must be taken into account in every policy area; encourages the European Institutions and the Member States to promote the creation of a youth sector in all departments and ministries that will help to strengthen the drafting of appropriate youth policies; also calls on the Commission to appoint 'youth officers' in its directorates-general and to give them further training; considers that the aim should be to assess Commission documents in the light of youth policy objectives; therefore, strongly welcomes the cross-sectoral approach as a necessary factor to achieve a maximum level of effectiveness; considers that the mainstreaming of youth issues in all fields of policy is a key factor for the success of the youth strategy;
22. Stresses the need for the institutionalisation of intergenerational justice at European level and the adoption of this principle by Member States for the just regulation of relations between the generations;

### ***Fields of action***

23. Strongly stresses that the global economic crisis is having a major impact on young people and that it should therefore profoundly influence priorities within the fields of action; considers that this should be done by identifying a range of measures to back up the social exit strategy and that special attention should be paid to the review of social safety nets and social security systems;

### ***General principles applying to every field of action***

24. Underlines the importance of eliminating all kinds of discrimination among young people, such as discrimination based on sex, racial or ethnic origin, religion, disability, age and sexual orientation;
25. Stresses the importance of considering young people as a priority group in the EU's social vision;
26. Strongly underlines the need to give young people with disabilities effective, tailor-made support as well as real and equal opportunities in physical, sensory and cognitive access to education, employment, culture, leisure, sports, social activities and involvement in the conduct of public and civil affairs;
27. Calls for measures to ensure respect for diversity and the successful integration of youngsters and children;
28. Calls on the Member States to identify cross-sectoral connections between youth policies and education, training, employment, culture and other policies;
29. Underlines the need for strong links between policies on youth and children;

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***Education and training***

30. Encourages the Member States to intensify the interaction between the sides of the knowledge triangle (education, research, innovation) as a key element for growth and job creation; strongly recommends promoting common criteria for stronger mutual recognition of non-formal education and vocational training, for example by speeding up the adoption of the EQF system for the recognition of qualifications, transparency and the validation of skills;

31. Calls on Member States to undertake more initiatives to invest in the right skills for jobs in demand and encourages them to link educational curricula to labour market demands, to provide legislation for short-term vocational training (where still needed) and to use, whenever possible, the validation of skills and the recognition of qualifications;

32. Draws attention to the problem of school drop-out and the need to take measures to ensure that as high a percentage of young people as possible complete their period of compulsory education;

33. Strongly encourages Member States, in the context of increased funding, to promote learning and training mobility for all young people, which is a key factor for gaining learning and working experience; stresses the importance of youth mobility also in regions bordering on the EU by guaranteeing broad participation in the European programmes which benefit youth;

34. Urges Member States to do their utmost to meet the strategic objectives and to reach the benchmarks fixed under the strategic framework for European cooperation in education and training ('ET 2020'), particularly as regards low achievers in basic skills, and early school leavers;

35. Calls on the Member States to create sufficient channels to enable people who have left the education system to rejoin it and ensure that appropriate bridges are available for people who have followed vocational training courses to go on to higher levels of education and urges them to take measures and to offer targeted programmes for young people who have fallen behind or have left school earlier due to difficult circumstances or poor choices;

36. Stresses the importance of providing young people with access to guidance and counselling on the transition from education to work;

37. Calls on Member States to ensure that children and young people, irrespective of the legal status of their families, have a right to State education, helping them to achieve, with due respect for their own culture and language, the necessary command of the language of the host Member State and a knowledge of its culture as a tool for integration;

38. Calls on Member States to ensure equal access to education for young people irrespective of social origin and financial conditions, and to guarantee equal access to education for disadvantaged young people from low-income families;

39. Calls on the Member States to implement the United Nations Convention on the Rights of Persons with Disabilities and to make inclusive education - covering both formal and informal education - a reality;

40. Underlines the importance of a new, effective and continuous training system for teachers in order to help young students to cope better with the challenges of our quickly changing society;

41. Stresses the importance of promoting media literacy;

42. Points out that education plays a fundamental role in the positive development of personal attitudes;

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**Employment and entrepreneurship**

43. Is extremely concerned about the increasing numbers of young people who are unemployed, under-employed or have no job security, especially in the current economic crisis; strongly supports the invitation addressed to the European Council to ensure a youth perspective in the post-2010 Lisbon and Europe 2020 Strategies and to support the continuation of initiatives in line with the overall objectives of the European Youth Pact; strongly supports the proposal to develop appropriate measures targeted at young people in the recovery plans drawn up in the economic and financial crisis plans;
44. Underlines the essential need to attain the objectives of Europe's Lisbon Strategy for growth and jobs and considers that the renewed EU 2020 agenda should enable the EU to make a full recovery from the crisis by moving more speedily towards an innovative and job-creating economy; in this context, urges that the renewed agenda be more focused on young people;
45. Calls on the Member States to take action against job insecurity and poor working conditions that young people experience in the labour market and to actively support the reconciliation of the worlds of employment and personal and family life;
46. Urges the Member States to take the inter-generational dimension into account in their policies to foster employment;
47. Calls on Member States to facilitate the access of young people to all kinds of employment in good working conditions so as to avoid a mismatch between skills and jobs that represents a waste of talent; in this respect, recommends an improvement in the quality of internships provided as well as the rights of interns by ensuring that the majority of intern programmes endow young people with qualifications and lead to paid positions;
48. Also calls on Member States to offer more employment opportunities, to implement social protection policies for disadvantaged young people, to ensure equal opportunities for young people in the periphery and in urban centres and to give special support to young mothers;
49. Recalls the risk of a brain drain and the negative consequences for young people's countries of origin; calls upon Member States to explore and develop youth retention strategies in countries and regions prone to outward migration, which takes diverse forms, such as brain drains, skills gap fillers and cheap, flexible, unskilled and often seasonal labour;
50. Calls on the Member States to eliminate the cases where a disparity in income levels between young men and young women on the grounds of sex is noted;
51. Calls on the Member States to ensure decent employment rights and social security in an era of globalisation by striking a balance between flexibility and security;
52. Calls on the Member States to guarantee the total transferability of acquired social benefits so as not to jeopardise welfare protection for young workers who have opted for mobility;
53. Stresses the importance of periods of practical training in companies and institutions during the period of study, which may make it easier subsequently to find a job;
54. Suggests promoting an entrepreneurial culture among young people by improving communication on entrepreneurship, by supporting the development of European structures and networks to that end and by encouraging young people to become self-employed and to use microcredit and microfinance tools; stresses the importance of life-long learning;
55. Supports the need for synergy between the worlds of education and industry and for advanced forms of integration between universities and businesses;

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56. Encourages the Member States to support private initiatives for young people, including through national programmes that supplement the European programmes;

57. Draws attention to the need to draw up policies to reconcile working life and private life and encourage young people to start a family; also points out the need to ensure that young people have sufficient income so that they can take decisions independently, including the decision to start a family;

***Health, well-being and environment***

58. Underlines that the impact of climate and environmental changes and environmental degradation have a negative impact on young people's lives and calls for sustainable actions in this field;

59. Calls on the Member States to include in their curricula appropriate forms of education on the prevention of health- and environment-related risks;

60. Deeply regrets the fact that the cooperation framework makes no reference to consumer policies; takes the view that some health problems may be related to the production and marketing of unhealthy food;

61. Underlines the need to take into account the specific vulnerability of young people and children when formulating consumer and environmental policies; stresses the need to ensure a high level of protection of young consumers through actions such as information and education campaigns;

62. Underlines the importance of further combating the use of drugs and alcohol and tobacco-related harm and other forms of addiction, including gambling, especially by means of prevention and rehabilitation; calls on the Member States to make the most of the EU Drugs Action Plan and of the EU Strategy to support Member States in combating alcohol-related harm and other forms of addiction;

63. Also recalls that children and young people are exposed to a multitude of scenes of a violent nature in the media; suggests that the issue be further investigated and that all the necessary measures be taken with a view to eliminating the impact on their mental health;

64. Recommends guiding young people in their use of new technologies by means of media education policies and policies to raise awareness of the dangers inherent in their uncontrolled use;

65. Stresses the role of informing young people about sex education issues in protecting their health;

66. Draws attention to the continuing high level of under-age pregnancies and calls on the Commission and the Member States to make young people aware of and educate them about this problem;

67. Calls on the Member States to ensure that immigrant children and young people, irrespective of the legal status of their families, have access to basic health care;

68. Emphasises the role of sport as a whole set of activities promoting healthy lifestyles for young people and supporting teamwork, fair play and responsibility, and the role of information for young people in combating violence at sports grounds; calls for special programmes for young people with disabilities;

69. Calls on the Member States, in their efforts to encourage young people to participate in sports, to take gender-specific issues into account and to provide support for less popular sports as well;

70. Stresses the importance of promoting youth education campaigns to combat doping and support clean sport;

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**Participation**

71. Stresses the importance of an ongoing structured dialogue and consultation with young people; strongly encourages promoting the participation of young people and youth organisations at all levels (local, national and international) in the formulation of general policies and, in particular, of youth policy and not only that, through ongoing structured dialogue;

72. Underlines the importance of considering the method of youth consultation, so as to ensure that a broad range of views of young people are taken into account; is in favour of the development of structures where all the actors can work together, equally influence policies and decisions and provide the means needed to create these structures;

73. Encourages Member States to include youth organisations in the policy-making process, including at local level;

74. Stresses the importance of representative youth representatives in the structured dialogue and recommends that the Commission consult representatives of national youth councils concerning the priority topics for young people;

75. Agrees to the frequently addressed need for recognition of and support for youth organisations and the major contribution they make to non-formal education; calls on the Commission and the Council to encourage the Member States to set up and provide support for local youth parliaments and councils and to launch corresponding programmes;

76. Stresses the need to involve more, and more diverse, young people, with a view to enhancing representativeness; is in favour of encouraging participation from an early age; in this respect, encourages reflection on reinforcing links between schools, youth organisations and other civil-society organisations and strongly recommends fostering stronger recognition of non-formal education;

77. Suggests the establishment of awards schemes for young people who actively participate in society, with the ultimate purpose of establishing a culture of both rights and obligations;

78. Stresses the need for particular efforts to encourage young people living in peripheral and rural areas and in poor neighbourhoods to actively participate in European activities; in this respect, regrets that the cooperation framework proposes no specific action in order to better communicate EU programmes to young people and notably to those who live in remote places and to those who are not organised in political, social or nongovernmental organisations; asks the Commission for a definite commitment in this regard;

79. Underlines the need to step up efforts to ensure an effective three-way exchange of views and information between the academic, business and political communities at local, regional, national and European levels;

**Creativity and culture**

80. Calls on the Member States to facilitate access to new technologies in order to boost young people's creativity and capacity for innovation and generate interest in culture, the arts and science;

81. Is surprised at the lack of any explicit reference to cultural issues in the Commission communication; adds that such issues cannot come down only to entrepreneurship and the use of new technologies;

82. Welcomes the fact that the Council resolution takes into account the role played by social and cultural activities, which complements that of the education system and of families; notes that such activities also contribute decisively to the fight against discrimination and inequality and facilitate young people's access to leisure pursuits, culture and sport;

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83. Stresses the importance of supporting and recognising youth culture when the Member States allocate funds, as this is essential for developing young people's creativity;
84. Welcomes the proposal included in the Council resolution to promote specialised training for youth workers in culture, new media and intercultural competences;
85. Suggests including a youth perspective in policies, programmes and actions in the culture and media fields;
86. Takes the view that cultural institutions (e.g. museums, libraries and theatres) should be encouraged to involve children and young people to a greater extent;
87. Calls on the Commission and Council to devise a European youth pass so that young people can gain access to cultural institutions throughout the EU at a very low charge;

#### ***Voluntary activities***

88. Welcomes the decision of the Council to designate 2011 as the European Year of Volunteering and the measures set out in the Council Recommendation on the mobility of young volunteers across the European Union;
89. Takes the view that youth volunteering should be supported, also by extending the European Voluntary Service programme, and by helping disadvantaged young people to commit themselves to volunteering;
90. Considers that, depending on the outcome of the evaluation of the Amicus Preparatory Action, further actions of this kind should be envisaged;
91. Takes the view that voluntary activities should not replace professional, paid employment opportunities but add value to society;
92. Calls for the introduction and mutual recognition of a 'European Volunteer Pass' as an adjunct to the existing 'European Youth Pass'; this pass would provide a record of the voluntary work performed by children and young people and could be submitted to potential employers as proof of a qualification;

#### ***Social inclusion***

93. Welcomes the fact that 2010 is designated the European Year of Combating Poverty and Social Exclusion, especially in the context of economic and financial crisis, which is having a particularly heavy impact on young people;
94. Holds the view that, against the background of ageing societies, intergenerational equity is a key challenge; calls on Member States to take the interests of young people and of future generations into account when formulating their policies, especially in times of economic and financial crisis;
95. Stresses also the need to develop more outreach programmes for marginalised groups, such as young immigrants and all those with special needs (the disabled, young people who need to be reintegrated into society after a period of imprisonment, homeless people, those in casual employment, etc.);
96. Recognises the need to raise awareness of disabled young people and calls on the European Institutions to take action to ensure that, in the future, young persons with disabilities are fully integrated;



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97. Reiterates its request to ensure gender equality from an early age and in all areas of life; therefore, particularly welcomes the fact that the Council Resolution aims at improving childcare and promoting the sharing of responsibilities between parents in order to facilitate reconciliation between professional and private life for both young women and young men;

98. Stresses the need to make children and young people aware that discrimination is unacceptable in any form and in any area and to take resolute action to combat all forms of extremism;

99. Recommends that priority be given in each Member State to ensuring that no young minors are denied access to social care;

100. Stresses the importance of an inclusive digital environment; encourages Member States to develop, as part of their formal and informal education systems, concepts which guarantee access to information, education and culture and improve young people's media skills;

#### ***Youth and the world***

101. Recommends direct development aid to measures for the benefit of young people and to combat drug use and trafficking in developing countries;

102. Is in favour of the fostering of general interest activities that create a sense of responsibility among young people, such as volunteering for climate change, for development or for humanitarian aid; in this respect, welcomes the opportunities that the creation of a European Voluntary Humanitarian Aid Corps will give young people to participate in the humanitarian work of the EU and calls on the Member States to ensure that young people are fully aware of its existence;

103. Encourages the Commission to further explore the possibility of enhancing international cooperation activities in youth volunteering;

104. Calls on the Member States to develop exchanges and twinning schemes with third countries and communities in order to promote intercultural dialogue and encourage young people to embark on common projects;

105. Calls for the improvement and extensive implementation of the Erasmus Mundus programme;

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106. 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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## Simplification of the CAP

P7\_TA(2010)0172

### European Parliament resolution of 18 May 2010 on simplification of the CAP (2009/2155(INI))

(2011/C 161 E/05)

The European Parliament,

- having regard to the Commission Communication of 19 October 2005 - Simplification and Better Regulation for the Common Agricultural Policy (COM(2005)0509),
  - having regard to the Commission Communication of 18 March 2009 - A simplified CAP for Europe - a success for all (COM(2009)0128),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A7-0051/2010),
- A. whereas all legislation must be proportionate to the objective and should only be introduced after a full impact assessment analysing the financial burden which legislation would impose, and including a full cost benefit analysis, has been carried out,
- B. whereas simplification should benefit farmers first and foremost and not only the national authorities and payment bodies in the Member States, as has been predominantly observed,
- C. whereas a new CAP should allow farmers to concentrate on the core objective of providing safe, quality and traceable food while also supporting them to deliver non-market public goods,
- D. whereas the objective should be to reduce the implementation costs of the CAP while reducing the administrative burdens on Community producers, to enable farmers to spend more time working their land,
- E. whereas a new CAP should be sustainably competitive,
- F. whereas it is necessary to ensure clear and understandable legislation that provides legal certainty for competent authorities and farmers, and to eliminate unnecessary legislation,
- G. whereas the distribution of the single farm payment should ensure fairness,
- H. whereas a functional legal framework is necessary to manage the important legal issues involved in the CAP,
- I. whereas a new CAP should be more market-orientated, in line with the recent reforms of the common agricultural policy, and focused on reducing excessive protectionism, while keeping the tools available to assist farmers in times of severe economic volatility,
- J. whereas the new CAP should be more simple and responsive,
- K. whereas legislation should be more flexible, in order to make the CAP adapt to recognise specific regions and territories, without jeopardising the common character of the CAP,

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- L. whereas the exchange of good practice should be promoted among Member States and local authorities,
- M. whereas the common agricultural policy is of central importance in the EU-27 as a means not only of ensuring an adequate supply of safe food but also of continuing to respond to such challenges as the conservation of rural areas, mountain regions, disadvantaged areas, extremely peripheral areas and the multifunctionality of European agriculture,

### **General principles**

1. Emphasises that the CAP should seek to harmonise regulation by removing duplication; also asks the Commission, when introducing new regulation, to simultaneously seek to remove unnecessary burdens;
2. Urges the Commission to consult widely and regularly with agricultural stakeholders in order to better assess the impact of regulation on the ground, and to identify practical, simple and transparent rules for farmers;
3. Underlines that further simplification of the CAP is necessary to reduce its implementation costs for EU institutions, Member States and the beneficiaries themselves; in this way, the policy will also become more understandable to farmers and taxpayers;
4. Calls on the Commission to harmonise CAP rules by eliminating the duplication of tasks and reducing bureaucracy, with a view to increasing the competitiveness of the agricultural sector in all the Member States;
5. Stresses that CAP measures should be proportionate to the objective and that the legislative path should be chosen only where it is genuinely justifiable, thereby avoiding a legal construction which is difficult for farmers to understand;
6. Calls for the CAP to be outcome-driven rather than focussed on regulation and for all Member States and their regional authorities to offer more help and advice to farmers through advisory tools and through appropriate communication methods;
7. Expects that, in line with the principles of better regulation, all future legislation will be accompanied by a full impact assessment with consideration for regulatory and administrative burdens and ensuring that any new regulation is proportionate to the aims it seeks to achieve;
8. Believes that, where possible, Member States should allow self-certification;
9. Considers that the Member States should have the option, in rural development plans, to introduce a flat-rate land parcels scheme, particularly for small farms, on condition that compliance with the obligations entered into is guaranteed;
10. Recognises the value of the principle of cross-compliance as one of the key concepts of CAP direct payments, but that strong simplification is recommended, without reducing their effectiveness;
11. Stresses the need for the CAP to be simpler, more transparent and more equitable;
12. Points out that the simplification of the CAP need not result in less support for farmers and the dismantling of traditional market management instruments; calls for the European Union to introduce efficient mechanisms to curb price volatility with a view to the future;

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13. Stresses that simplification of the CAP must go hand-in-hand with information measures for beneficiaries, and calls on the Commission to expand and develop information measures on the common agricultural policy;

14. Calls for the possibility of autonomous error correction which would allow recipients of payments who unintentionally broke the rules to inform the authorities without becoming liable to fines as a result;

15. Points out that the system of fines for farmers for errors in payment claims should be commensurate with the scale of the infringement and that penalties should not be applied in the case of minor mistakes, and particularly not in the case of errors that are not the fault of the farmer;

16. Points out that any administrative fines, including the obligation to pay back any payments obtained by the farmer, should not be based on circumstances objectively beyond the farmer's control;

17. Points out the problem of farmers with spouses who run separate agricultural holdings, who should therefore have separate rights and obligations with respect to claims for CAP payments;

#### ***Cross-compliance (CC)***

18. Believes that the basic aim of inspections is to give advice to farmers and put them on the right track in order to better comply with the legislative requirements with as little encumbrance as possible; inspections should, therefore, continue to be carried out by the public authorities to ensure they are independent and impartial;

19. Emphasises that, according to the UN, global food production must increase by 70 % by 2050 to meet the demands of nine billion people;

20. Considers that cross-compliance requirements should be laid down and should also take farm size into account so as to reduce the burden on small farms, where the risk is lower;

21. Insists that, when Member States apply penalties to farmers for failure to comply with regulations, these penalties must be applied in a transparent, simple and proportionate manner which takes account of the realities on the ground;

22. Considers that the statutory requirements for CC control should be easily understandable for farmers and control authorities;

23. Believes that the fundamental objective of checks is to encourage farmers to comply more fully with the law and that yearly CC controls for statutory management requirements (SMR) could be reduced or replaced by random checks, if there have only been a few infringements in recent years;

24. Emphasises that the requirement for follow-up checks in relation to small infringements (triviality limit) should be reduced to random samples;

25. Considers that the use of statutory management requirements which cannot be simply controlled and are not measurable should be abolished;

26. Considers that Member States, or regional and local authorities, as appropriate, should be allowed to reduce the inspection quota to a specific lower limit if they have a risk analysis framework that complies with Community law requirements, along with evidence of high compliance;

27. Calls for the introduction of a risk analysis framework compliant with Community law in each Member State, with a view to reducing the inspection quota to a specific lower limit;

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28. Considers that more help and advice through efficient information and advisory tools, such as a telephone helpline or the use of the Internet, would help prevent infringements and give Member States the means to steadily reduce their inspection quota;
29. Considers that the controls carried out – or due to be carried out – at farms by the various parties whose job or statutory duty it is to conduct them should be coordinated with a view to reducing the number of farm inspection visits;
30. Considers that a communication plan on cross-compliance should be drawn up in order to provide as much information as possible, for both farmers and consumers, about cross-compliance requirements and the benefits arising from the public goods and services delivered by farmers whose activities comply with those requirements;
31. Considers that the number of CC requirements should be reduced and their scope updated;
32. Calls for the authorisation of a practicable and transparent system of indicators with the aim of simplifying the assessment instruments for CC checks and calls for abolition of the current system and of the possibility of two or more penalties being imposed for a single error; calls on the Commission to analyse the disproportion between infringements of animal identification regulations, accounting for some 70 % of all infringements, and other requirements and to make appropriate changes;
33. Considers that a single legislative text should be drawn up on cross-compliance considers that the positive externalities generated by farms, in terms of public goods and services, should be fairly remunerated;
34. Calls for the retention of certain hard and fast CC rules, with which the Member States are able to agree and comply;

### ***Direct payments***

35. Considers that farmers must have access to workable systems that allow them easily and without needless bureaucracy to submit applications for direct payments, typically in the place in which they live;
36. Believes that, in order to simplify the rules for the single payment scheme, the provision of the same detailed information on an annual basis should be abolished;
37. Considers that less information need be provided with applications, as the information needed can be found in the paying agencies of Member States;
38. Calls for more flexible payment arrangements to be permitted which make it possible to make payments even before all checks have been definitively completed;
39. Urges the Commission to examine the definition of eligible land and its interpretation in the Member States;
40. Believes that the current definition of agricultural activity for the purposes of single payment should be reviewed in order to ensure that claimants who are not active farmers are not eligible;
41. Considers that the future system should take into account the principles of simplification and that simplification, transparency and fairness should be the key priorities of the CAP reform;
42. Calls on the Commission to review the system of control and settlement of accounts;

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43. Considers that the Commission should adopt a more proportionate and, ultimately, a risk-based approach to the application of regulatory controls, the conduct of compliance audits and the imposition of financial corrections;
44. Invites the Commission to come forward with proposals by means of which the audit and control framework for the CAP might be improved;
45. Considers that existing major disparities of direct support between the Member States must be prevented to ensure equal treatment of farmers throughout the European Union and to avoid market and competition distortions;
46. Recognises that, in order to cope with environmental challenges, including climate change adaptation and mitigation, farmers have an important role to play in defining the practical measures required to meet these objectives and believes that outcome agreements rather than regulation are the best mechanisms to deliver those objectives;
47. Stresses that a reduction of the administrative burden relating to monitoring and reporting imposed on producer organisations in the fruit and vegetable sector would make these organisations more attractive to farmers and encourage them to associate and act together;

#### ***Rural development***

48. Stresses that when payments are made due to an existing certification scheme (e.g. organic production and environment aid schemes), one audit only is sufficient;
49. Notes with concern the high level of errors in applications for direct payments recorded in some Member States; stresses that these errors are attributable mainly to the orthophotographic equipment used, rather than to farmers; calls for such errors to be punished only in cases of clear attempted fraud;
50. Considers that legislation which presents a conflict with other legislation should be regularised before being imposed on the farmer (e.g. environment legislation and single payments scheme);
51. Considers that the definitions in rural development legislation should be reviewed and, if necessary, expanded in order to ensure consistency with direct payment legislation;
52. Believes that transparency regarding penalties and obligations on farmers should be increased;
53. Calls for the introduction of precisely-defined obligations on farmers with a view to eliminating the lack of transparency regarding penalties;
54. Wishes to use a broader, long-term view of control of these schemes with more emphasis on the ultimate impact and outcome instead of focusing on specific error rates due to rural development/environmental measures;
55. Stresses that the current complex system of indicators needs to be reviewed and simplified, and that the monitoring system, annual reports and ex-ante, mid-term and ex-post evaluations have created an overly complex system of indicators and reports;
56. Asks the Commission to examine the use of outcome agreements as a simple and more efficient method for the delivery of public goods in the future;
57. Calls for the introduction of a simplified and consistent system of indicators, which would implicitly result in greater ease of understanding and application, pertinent evaluations and less bureaucracy;

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58. Considers that the rules concerning eligibility of the VAT to be financed under Pillar II of the CAP, especially for activities performed by bodies governed by public law, should be harmonised with those used for the Structural Funds;

59. Stresses that simplification of the CAP must go hand-in-hand with simplification of its implementation, and calls on the Member States to minimise the bureaucratic formalities required of potential CAP beneficiaries, especially in the area of rural development;

60. Calls on Member States, in their national rural development programmes, to place at the disposal of potential beneficiaries systems that guarantee transparency, and to grant them the necessary time to prepare applications for financing and meet the various eligibility criteria for the aid schemes; calls on the Commission to ensure that this matter is a permanent feature of the bilateral discussions with the Member States;

### ***Animal identification***

61. Urges the Commission to examine the system of animal identification used in each Member State and to work towards a uniform system of animal identification ensuring that unnecessary regulation is removed: in particular, examination of producer numbers and holding numbers, the number of registers required and the difference between producer and holding;

62. Calls for far-reaching harmonisation of the currently very differentiated animal identification regulations;

63. Believes that reporting on the movement of sheep and goats and the forwarding of information to databases and the authorities should be simplified as much as possible, with all communication tools being permitted, including new technologies;

64. Considers that for sheep and goats, as for pigs, herd identification is sufficient;

65. Calls for deferment of the obligation on the electronic identification of sheep and goats starting from 31 December 2009, given its excessive cost in a time of economic crisis;

66. Calls for an amnesty of three years on cross-compliance penalties relating to electronic identification of sheep and goats, given that this is a new and complex technology and will require some time for farmers to become accustomed to and road-test; further, calls on the Commission to conduct a thorough review of the regulation;

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

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## New developments in public procurement

P7\_TA(2010)0173

### European Parliament resolution of 18 May 2010 on new developments in public procurement (2009/2175(INI))

(2011/C 161 E/06)

The European Parliament,

- having regard to the Treaty establishing the European Community, with particular reference to the changes introduced by the Lisbon Treaty,
- having regard to Directives 2004/18/EC and 2004/17/EC on procedures for the award of public contracts and Directive 2007/66/EC on review procedures concerning the award of public contracts,
- having regard to the Commission communication of 19 November 2009 entitled 'Mobilising private and public investment for recovery and long term structural change: developing Public Private Partnerships' (COM(2009)0615),
- having regard to the Commission communication of 5 May 2009 entitled 'Contributing to Sustainable Development: The role of Fair Trade and non-governmental trade-related sustainability assurance schemes' (COM(2009)0215),
- having regard to the Commission communication of 16 July 2008 entitled 'Public procurement for a better environment' (COM(2008)0400),
- having regard to the Commission interpretative communication of 5 February 2008 on the application of Community law on Public Procurement and Concessions to Institutionalised Public-Private Partnerships (IPPP) (C(2007)6661),
- having regard to the Commission staff working document entitled 'European Code of Best Practices Facilitating Access by SMEs to Public Procurement Contracts' (SEC(2008)2193),
- having regard to the Commission interpretative communication of 1 August 2006 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives <sup>(1)</sup>,
- having regard to the following judgments of the Court of Justice of the European Union (CJEU):
  - of 19 April 2007 in Case C-295/05 *Tragsa*,
  - of 18 December 2007 in Case C-532/03 *Commission v Ireland* (Irish rescue services),
  - of 13 November 2008 in Case C-324/07 *Coditel Brabant*,
  - of 9 June 2009 in Case C-480/06 *Commission v Germany* (Stadtwerke Hamburg),
  - of 10 September 2009 in Case C-206/08 *Eurawasser*,
  - of 9 October 2009 in Case C-573/07 *Sea s.r.l.*,
  - of 15 October 2009 in Case C-196/08 *Acoset*,

<sup>(1)</sup> OJ C 179, 1.8.2006, p. 2.



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- of 15 October 2009 in Case C-275/08 *Commission v Germany* (Datenzentrale Baden-Württemberg),
  - of 25 March 2010 in Case C-451/08 *Helmut Müller*,
  - having regard to the opinion of the Committee of the Regions of 10 February 2010 on 'Contributing to Sustainable Development: The role of Fair Trade and non-governmental trade-related sustainability assurance schemes' (RELEX-IV-026),
  - having regard to the following studies:
    - 'Evaluation of Public Procurement Directives: Markt/2004/10/D Final Report', Europe Economics, 15 September 2006,
    - 'The Institutional Impacts of EU Legislation on Local and Regional Governments: A Case Study of the 1999/31/EC Landfill Waste and 2004/18/EC Public Procurement Directives', European Institute of Public Administration (EIPA), September 2009,
  - having regard to its resolution of 3 February 2009 on pre-commercial procurement: driving innovation to secure sustainable high-quality public services in Europe <sup>(1)</sup>,
  - having regard to its resolution of 20 June 2007 on specific problems in the transposition and implementation of public procurement legislation and its relation to the Lisbon Agenda <sup>(2)</sup>,
  - having regard to its resolution of 26 October 2006 on public-private partnerships and Community law on public procurement and concessions <sup>(3)</sup>,
  - having regard to its resolution of 6 July 2006 on Fair Trade and development <sup>(4)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade and the Committee on Regional Development (A7-0151/2010),
- A. whereas the economic and financial market crisis has highlighted the vital economic importance of public procurement, whereas the effects of the crisis on local authorities are already clearly evident, and whereas at the same time public authorities can perform their tasks properly in the public interest only if they can count on the requisite legal certainty in this area and if procurement procedures are not too complex,
- B. whereas a well-functioning procurement market is essential for the internal market, in order to encourage cross-border competition, stimulate innovation, promote a low-carbon economy and achieve optimal value for public authorities,
- C. whereas public procurement law serves to ensure that public funds are managed soundly and efficiently and to give interested companies the opportunity to be awarded public contracts in a context of fair competition,
- D. whereas the 2004 revision of the public procurement directives was intended to simplify and modernise the relevant procedures, make them more flexible and establish greater legal certainty,

<sup>(1)</sup> OJ C 67 E, 18.3.2010, p. 10.

<sup>(2)</sup> OJ C 146 E, 12.6.2008, p. 227.

<sup>(3)</sup> OJ C 313 E, 20.12.2006, p. 447.

<sup>(4)</sup> Texts adopted, P6\_TA(2006)0320.

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- E. whereas the Lisbon Treaty has incorporated into European Union primary law the first acknowledgement of the right to regional and local self-government, consolidated the concept of subsidiarity and granted both the national parliaments and the Committee of the Regions the right to bring actions before the CJEU,
- F. whereas the European Court of Justice has examined a disproportionate number of infringement cases in this area, indicating that many Member States have struggled to comply with the public procurement directives,
- G. whereas, with a view to ensuring that European policies develop in such a way as to meet the aspirations of Europe's citizens, the Treaty on the Functioning of the European Union incorporates the notion of a social market economy, a social clause and a protocol on services of general interest defining the shared values of the Union,
- H. whereas ILO Convention 94 stipulates that general public contracts shall contain clauses ensuring equitable remuneration, and labour conditions which are not less favourable than those laid down in collective agreements, for example,

#### ***General remarks and recommendations***

1. Deplores the fact that the aims of the 2004 revision of the public procurement directives have not yet been achieved, particularly with regard to the simplification of procurement rules and the creation of more legal certainty; expresses the hope, however, that the most recent judgments handed down by the CJEU will help to resolve the outstanding legal issues and that the number of appeal procedures will fall; calls on the Commission to have regard to, and actively to pursue, the aims of simplifying and streamlining the public procurement procedure in any review of the European rules;
2. Further deplores the fact that the existing regulations – in combination with incomplete implementation measures at national and regional level, the plethora of soft law proposals put forward by the Commission, and the interpretation of the relevant legal provisions by European and national courts – have given rise to a complicated and confusing set of rules which is creating, in particular for public bodies, private undertakings and providers of services of general interest, serious legal problems that can no longer be overcome without incurring substantial administrative costs or seeking external legal advice; urges the Commission to remedy this situation and, as part of the 'Better Lawmaking' initiative, to examine the impact of soft law proposals, to restrict such proposals to key aspects and to assess them in the light of the principles of subsidiarity and proportionality, taking into account the five principles set out in the 2001 White Paper on European Governance (openness, participation, accountability, effectiveness and coherence);
3. Points out that as a result of this development public procurers often have to prioritise legal certainty above policy needs and, given the pressure on public budgets, frequently have to award the contract or service in question to the cheapest offer rather than the most economically advantageous tender; is afraid that this will weaken the EU's innovative base and global competitiveness; urges the Commission to remedy this situation and to develop strategic measures to encourage and empower public procurers to award contracts to the most economical, highest-quality offers;
4. Emphasises that European initiatives in the area of public procurement must be coordinated more effectively in order to avoid jeopardising consistency with the public procurement directives or creating legal problems for those applying the rules; calls, therefore, for compulsory coordination measures within the Commission, under the lead of the Internal Market and Services Directorate-General, which is in charge of public procurement, and with the participation of the other relevant Directorates-General; calls for a uniform internet presence and regular information for the contracting authorities, with a view to making the relevant legal provisions more transparent and user-friendly;
5. Criticises the lack of transparency with regard to the composition and work of the Commission's internal advisory committee on public procurement (ACPP) and the role and competencies of the Advisory Committee on the Opening-Up of Public Procurement (CCO), and calls on the Commission to take steps to ensure that the composition of both this committee and the planned new advisory committee on public-private partnerships is balanced, including trade unionists and representatives of the business community, in particular SMEs, and that they work in a transparent manner; demands that the European Parliament be kept properly informed and receive all the available information at every stage and at the end of the process;

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6. Takes the view that, since public contracts concern public funds, they should be transparent and open to public scrutiny; asks the Commission for clarification with a view to ensuring legal certainty for local and other public authorities and enabling them to inform citizens of their contractual obligations;

7. Stresses that public contracts must be awarded under transparent conditions whereby all interested parties are treated equally and the relationship between price and project performance is the ultimate criterion, so that they go to the best tender and not merely the cheapest tender;

8. Calls on the Commission to carry out an ex-post assessment of the public procurement directives, taking account of the opinions expressed in this report; expects that review to be carried out with the full involvement of all stakeholders and in close cooperation with the European Parliament; advocates that any revision take account of the whole framework and encompass the directive on review procedures concerning the award of public contracts as well as an analysis of the national laws transposing the directive on review procedures, in order to prevent any further fragmentation of public procurement law; takes the view that the practical impact of that directive cannot yet be assessed, as it has not been transposed in all the Member States;

### **Public-public cooperation**

9. Points out that the Lisbon Treaty, which came into force on 1 December 2009, incorporates an acknowledgement of the right to regional and local self-government into European Union primary law for the first time (Article 4(2) of the Treaty on European Union); emphasises that in several judgments the CJEU has invoked the right to local self-government and made it clear that the 'possibility for public authorities to use their own resources to perform the public-interest tasks conferred on them may be exercised in cooperation with other public authorities' (judgment in Case C-324/07); draws attention, further, to the CJEU Grand Chamber judgment of 9 June 2009 in Case C-480/06, which found, further, that Community law does not require public authorities to use any particular legal form in order to carry out their public service tasks on a joint basis; accordingly, regards public-public partnerships, such as cooperation agreements between local authorities and forms of national cooperation, as falling outside the scope of the public procurement directives, provided that the following criteria are all met:

- the purpose of the partnership is the provision of a public-service task conferred on all the local authorities concerned,
- the task is carried out solely by the public authorities concerned, i.e. without the involvement of private individuals or undertakings, and
- the activity involved is essentially performed on behalf of the public authorities concerned;

10. Points out that the Commission has clarified that not every action taken by public authorities is subject to procurement law, and that as long as European law provisions do not require the creation of a market in a certain area, it remains up to the Member States to decide whether and to what extent they want to perform public functions themselves;

11. Points out that the CJEU's conclusions in the aforementioned judgment not only apply directly to cooperation between local authorities but are generally valid, with the result that they can be applied to cooperation between other public contracting authorities;

12. Points out that, in its judgment of 10 September 2009 in Case C-573/07, the CJEU found that the mere possibility of opening up the capital of a previously publicly-owned company to private investors may not be taken into consideration as a factor making competitive tendering a requirement unless the character of the public capital company changes during the period for which the contract is valid, thereby altering the fundamental conditions of the contract and necessitating a new competitive tender; notes that there have been major developments in relation to the rules in the area of public-public cooperation as a result of the CJEU's case-law, and welcomes the recent judgements handed down by the Court in this area; calls, therefore, on the Commission and the Member States to make information about the legal implications of these judgments widely available;

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### ***Service concessions***

13. Points out that service concessions within the meaning of Article 1(3)(b) of Directive 2004/17/EC and Article 4 of Directive 2004/18/EC are contracts in connection with which 'the consideration for the provision of services consists either solely in the right to exploit the work or in this right together with payment'; emphasises that service concessions were excluded from the scope of the public procurement directives in order to offer contracting authorities and contractors a greater degree of flexibility; points out that in several judgments the CJEU has confirmed that service concessions are not covered by those directives, but rather by the general principles laid down in the Treaty on the Functioning of the European Union (ban on discrimination, principle of equal treatment and transparency), and that it must remain open to public contracting authorities to ensure the provision of services by way of a concession if they consider that to be the best method of providing the public service in question, even if the risk associated with such an operation is limited, but this limited risk is transferred in full to the concession-holder (judgment in Case C-206/08 of 10 September 2009, points 72-75);

14. Notes the Commission communication of 19 November 2009 on the development of public-private partnerships and awaits the relevant impact assessment with great interest; expects the Commission to draw lessons from failing PPPs; emphasises that due account must be taken of both the complexity of the procedures and the differences between the Member States in terms of legal culture and practice with regard to service concessions; takes the view that the process of defining the term 'service concession' and establishing the legal framework governing such concessions has evolved as a result of the 2004 public procurement directives and the CJEU's supplementary case-law; insists that any proposal for a legal act dealing with service concessions would be justified only with a view to remedying distortions in the functioning of the internal market; points out that such distortions have not hitherto been identified, and that a legal act on service concessions is therefore unnecessary as long as it is not geared to an identifiable improvement in the functioning of the internal market;

### ***Public-private partnership***

15. Welcomes the legal clarification of the conditions under which procurement law applies to institutionalised public-private partnerships, particularly given the great importance that the Commission, in its communication of 19 November 2009, attaches to such partnerships in connection with combating climate change and promoting renewable forms of energy and sustainable transport; points out that the public procurement directives always apply if a task is to be conferred on an undertaking which is privately owned, even to a very small extent; emphasises, however, that both the Commission, in its communication of 5 February 2008, and the CJEU, in its judgment of 15 October 2009 in Case C-196/08, have made it clear that a double competitive tendering procedure is not required in connection with the award of contracts to, or the conferral of certain tasks on, newly-established public-private partnerships, but that all the following criteria must be met before a concession can be awarded without competitive tendering to a mixed public-private undertaking specially established for that purpose:

- the private partner must be selected by means of a transparent procedure, with the contract published in advance following a review of the financial, technical, operational and administrative requirements and the characteristics of the tender in the light of the particular service to be provided;
- the mixed public-private undertaking must retain the same corporate purpose throughout the duration of the concession. According to the CJEU, any material change to that corporate purpose or to the task to be performed would necessitate the launching of a new competitive tendering procedure;

takes the view, therefore, that the matter of the application of procurement law to institutionalised public-private partnerships has been settled, and calls on the Commission and the Member States to issue statements to that effect;

16. Emphasises, however, that the recent financial crisis has shed new light on the ways in which public-private partnerships are often financed and the financial risks shared; asks the Commission to evaluate properly the financial risks associated with the creation of PPPs;

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***Town planning/urban development***

17. Welcomes the CJEU judgment in Case C-451/08; takes the view that the directive's broad and ambitious aims must be borne in mind when interpreting it, but that it should not be assumed that its scope can be extended indefinitely by appealing to the purpose of the measure, since otherwise there would be a danger that all town planning activities would be subject to the directive, given that, by definition, provisions on the possible execution of building works substantially alter the value of the land in question; takes the view that in the last few years procurement law has permeated areas which are not inherently classified under public purchasing, and suggests, therefore, that the criterion of purchasing be emphasised still more strongly in the application of the rules of procurement law;

***Procurement below the threshold***

18. Points out that the European Parliament is a party to the Germany v. Commission case brought before the CJEU on 14 September 2006 against the Commission's interpretative communication of 1 August 2006 on the Community law applicable to contract awards not or not fully subject to the provisions of the public procurement directives, and expects a prompt ruling;

***Micro, small and medium-sized enterprises***

19. Asks the Commission to evaluate the impact of the public procurement directives on micro, small and medium-sized enterprises, especially in their role as sub-contractors, and to assess, with a view to a future review of the directives, whether we need further rules on the award of sub-contracts, specifically to avoid SMEs as subcontractors being subject to worse conditions than the main contractor awarded the public contract;

20. Calls on the Commission to simplify public procurement procedures in order to relieve both local governments and companies from spending a large amount of time and money on purely bureaucratic matters; emphasises that simplifying the procedures will facilitate SMEs' access to such contracts and enable them to participate on a more equal and fairer footing;

21. Takes the view that sub-contracting is a form of organisation of labour suited to the specialised aspects of the execution of works; emphasises that sub-contracting contracts must comply with all the obligations imposed on the main contractors, especially as regards labour law and safety; takes the view that, to this end, it would be advisable to establish a link between contractor and sub-contractor in terms of responsibility;

22. Supports the systematic admission of alternative bids (or variants); points out that tender conditions, in particular the admission of alternative bids, are crucial for promoting and disseminating innovative solutions; stresses that specifications referring to performance and functional requirements and the express admission of variants give tenderers the opportunity to propose innovative solutions;

23. Encourages the creation of a single web access portal for all information relating to public contracts, as an upstream network for all calls for tenders; notes that the aim should be to provide training and information, to direct undertakings towards contracts and to explain the applicable legislation, in particular for SMEs (which do not generally have extensive human and administrative resources with expertise in procurement-related terminology and procedures), and that specialist helpdesks could also assist them in evaluating whether they genuinely fulfil the conditions of the tender, and if so in completing their bids;

24. Notes that SMEs have struggled to gain access to public procurement markets and that more should be done to develop an 'SME strategy'; calls, therefore, as part of this strategy, on the Member States to work with contracting authorities to encourage sub-contracting opportunities where appropriate, to develop and disseminate best-practice techniques, to avoid overly prescriptive pre-qualifying processes, to use standards in tender documents to ensure that suppliers do not have to start from scratch, and to establish a centralised advertising portal for contracts; also calls on the Commission to take stock of Member States' initiatives in this area and to encourage wider dissemination of the Small Business Act's European Code of Best Practices;

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25. Encourages Member States to promote a 'supplier development programme', as already developed in some countries; notes that such a tool can be used to encourage dialogue between suppliers and procurers, enabling actors to meet at an early stage of a purchasing process; stresses that such a mechanism is essential for stimulating innovation and improving SMEs' access to procurement markets;

26. Urges the Commission to do more to secure a greater role for European SMEs in international public procurement and to intensify efforts to prevent discrimination against European SMEs by matching the specific provisions applied by some parties to the GPA (such as Canada and the USA); notes that measures to improve both transparency and access to national procurement markets would help SMEs to gain access to such markets;

27. Calls on the Commission to secure the inclusion, in the renegotiated WTO Government Procurement Agreement (GPA), of a clause enabling the European Union to give preference to SMEs when awarding public contracts, along the lines of those already applied by other States Parties to this agreement;

### ***Green procurement***

28. Draws attention to the great importance of public procurement for climate and environmental protection, energy efficiency, innovation and stimulating competition, and reiterates that public authorities should be encouraged and empowered to base public procurement on environmental, social and other criteria; welcomes the practical assistance given to public authorities and other public bodies in connection with sustainable procurement; calls on the Commission to explore the possibility of using green public contracts as a tool to promote sustainable development;

29. Reiterates its previous call, in its report of February 2009, for the Commission to produce a handbook on pre-commercial procurement, which should illustrate practical examples of risk-benefit sharing according to market conditions; takes the view, in addition, that intellectual property rights must be vested in the companies participating in pre-commercial procurement, which would foster understanding amongst public authorities and encourage suppliers to become involved in pre-commercial procurement procedures;

30. Welcomes the establishment of the European Commission's EMAS helpdesk, which provides practical information and support to help companies and other organisations evaluate, report on and improve their environmental performance in the context of public procurement; calls on the Commission to consider developing a more generic online portal which could offer practical advice and support for those using the public procurement process, particularly the actors involved in complex and collaborative procurement procedures;

### ***Socially responsible procurement***

31. Emphasises the lack of clarity in the area of socially responsible public procurement, and calls on the Commission to provide assistance in the form of manuals; draws attention, in this connection, to the changes in the legal framework brought about by the Lisbon Treaty and the Charter of Fundamental Rights, and looks to the Commission to implement the relevant provisions in an appropriate manner; emphasises the underlying problem that social criteria relate to the manufacturing process, so that their impact is generally indiscernible in the final product, and that globalised production systems and complex supply chains make compliance with the criteria difficult to monitor; expects, therefore, precise, verifiable criteria and a database containing product-specific criteria to be developed for the area of socially responsible public procurement as well; draws attention to the problems faced by contracting authorities, and the costs they incur, in verifying compliance with such criteria, and calls on the Commission to offer suitable assistance and to promote instruments which can be used to certify the reliability of supply chains;

32. Calls on the Commission to make it clear that public authorities may base public procurement on social criteria such as the payment of relevant standard wages and other requirements; calls on the Commission to devise guidelines or other practical assistance for public authorities and other public bodies in connection with sustainable procurement, and urges the Commission and the Member States to organise frequent training courses and campaigns to raise awareness of this issue; supports the idea of a transparent process, involving the Member States and local authorities, with a view to developing the relevant criteria further; points out that, in the area of social criteria in particular, such a process offers good prospects for improvements;

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33. Calls on the Commission to encourage public authorities to use fair trade criteria in their public tenders and purchasing policies on the basis of the definition of fair trade set out in the European Parliament resolution of 6 July 2006 on fair trade and development and the recent Commission communication of 5 May 2009; reiterates its earlier call for the Commission to promote the use of such criteria by, for example, producing constructive guidelines on fair trade procurement; welcomes the unanimous adoption of the opinion of the Committee of the Regions of 11 February 2010 calling for a common European fair trade strategy for local and regional authorities;

#### ***Practical help: database and training courses***

34. Calls for the development of a frequently updated database of standards, especially those relating to environmental and social criteria, to be made available to public authorities, in order to ensure that procurers have access to appropriate guidance and a clear set of rules when drawing up tenders, so that they can easily verify their compliance with the relevant standard; expects the Member States and all stakeholders to be fully involved in this process; notes that this bottom-up process should take into account the valuable experience and knowledge that often exists at local, regional and national level; draws attention, furthermore, to the negative impact which a market fragmented by the existence of numerous different regional, national, European and international labels has on innovation and research;

35. Notes the importance of standards for public procurement in that they can help public procurers meet their targets, allowing them to use tried and tested processes to procure products and services, delivering a more cost-effective tender procedure and ensuring that procurement meets other policy objectives such as sustainability or buying from small businesses;

36. Recognises that training and exchanges of experience between public authorities and the Commission are essential in order to overcome some of the complexities of the public procurement market; is concerned, however, that as public budgets tighten, such initiatives may be undermined; calls, therefore, on the Member States and the Commission to use the existing resources and mechanisms at their disposal, such as the peer reviews envisaged in the Services Directive, to encourage small teams of procurement experts from one region to review the activities of another EU region, which may help to build confidence and establish best practices across different Member States;

37. Urges the Commission and the Member States to organise training courses and campaigns to raise awareness among local authorities and policy-makers, and to include other stakeholders, in particular providers of social services;

#### ***Regional development***

38. Stresses that the Court of Auditors regularly indicates in its annual reports on the implementation of the EU budget, as well as in its latest annual report on the 2008 financial year, that failure to comply with EU procurement rules is one of the two most common causes of errors and irregularities in the implementation of European projects co-financed by the Structural Funds and the Cohesion Fund; emphasises, in this context, that irregularities are often caused by improper transposition of EU rules and by differences in the rules applied by Member States; calls on the Commission and the Member States to revise, in cooperation with regional and local authorities, the various sets of rules applicable to public procurement in order to unify them and simplify the whole legal framework for public procurement, in particular with a view to reducing the risk of errors and ensuring more efficient use of the Structural Funds;

39. Takes the view that it is not only costs and complexity which can be prohibitive, but also the time needed to complete the public procurement process, along with the threat of legal action in the form of lengthy appeal procedures that are often obstructed by various actors, and hence welcomes the fact that the recovery plan makes it possible to apply accelerated versions of the procedures outlined in the public procurement directives to major public projects specifically in 2009 and 2010; calls on the Member States to make use of the procedure and to assist local and regional authorities in implementing and using these procedures, in each case in compliance with the standard public procurement rules and regulations;

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40. Calls on the Commission to consider the possibility of continuing to use accelerated procedures in connection with the Structural Funds, even beyond 2010, and extending the temporary threshold increase, with the specific aim of speeding up investment;

#### ***International trade***

41. Points out that the internal market and international markets are increasingly interlinked; takes the view, in this context, that the EU internal market legislators and EU negotiators in the field of international trade should be mindful of the possible consequences for one another when conducting their activities, and that they should adopt a coherent policy that is always directed to the promotion of EU values in procurement policies, including transparency, a principled stance against corruption and the advancement of social and human rights; invites the Committee on the Internal Market and Consumer Protection and the Committee on International Trade to hold joint briefing sessions in order to foster synergies;

42. Stresses that a sound government procurement framework is a precondition for a fair and free competition-oriented market, and helps to fight corruption;

43. Further points out, in the context of the European Union's commitments in the field of international public procurement, the importance of strengthening anti-corruption mechanisms in this area, and draws attention to the need to focus efforts on ensuring transparency and fairness in the use of public funds;

44. Urges the 22 observer states on the GPA committee to speed up the process of acceding to the GPA;

45. Calls on the Commission to evaluate the possibility of incorporating into public procurement agreements with international partners provisions requiring compliance with the fundamental human rights obligations laid down in conventions and international agreements;

46. While arguing strongly against protectionist measures in the field of public procurement at global level, firmly believes in the principle of reciprocity and proportionality in that area; calls on the Commission to consider imposing proportional targeted restrictions on access to parts of the EU's procurement markets for those trading partners which benefit from the openness of the EU market, but have not shown any intention of opening up their own markets to EU companies, in order to encourage our partners to offer reciprocal and proportional market access arrangements for European companies;

47. Draws attention to the provisions of Articles 58 and 59 of Directive 2004/17/EC; calls on the Member States to make full use of the possibility of informing the Commission of problems relating to access by their undertakings to third-country markets, and calls on the Commission to take effective measures to ensure that EU undertakings enjoy genuine access to third-country markets;

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

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Tuesday 18 May 2010

## The EU Policy Coherence for Development and the 'Official Development Assistance plus concept'

P7\_TA(2010)0174

### European Parliament resolution of 18 May 2010 on the EU Policy Coherence for Development and the 'Official Development Assistance plus' concept (2009/2218(INI))

(2011/C 161 E/07)

The European Parliament,

- having regard to Articles 9 and 35 of the joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' <sup>(1)</sup>,
- having regard to Title V of the Treaty on European Union and, in particular, Article 21(2) thereof, establishing the principles and objectives of the EU in international relations, and to Article 208 of the Treaty on the Functioning of the European Union (Lisbon Treaty), which reaffirms that the EU shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries,
- having regard to Article 7 of the Treaty on the Functioning of the European Union (Lisbon Treaty), which reaffirms that the EU shall ensure consistency between its policies and activities, taking all of its objectives into account,
- having regard to Article 12 of the ACP-EC Partnership Agreement (the Cotonou Agreement),
- having regard to the Joint Africa-EU Strategy, adopted in Lisbon in December 2007,
- having regard to the communication from the Commission 'Policy Coherence for Development: accelerating progress towards attaining the Millennium Development Goals' (COM(2005)0134 – SEC(2005)0455),
- having regard to the first biennial EU report on Policy Coherence for Development (COM(2007)0545) and the accompanying Commission Staff Working Paper (SEC(2007)1202),
- having regard to the Communication from the Commission to the Council and the European Parliament entitled 'EU Code of Conduct on Division of Labour in Development Policy' (COM(2007)0072),
- having regard to the EU 2009 report on Policy Coherence for Development (COM(2009)0461 final) and the accompanying Commission Staff Working Paper (SEC(2009)1137),
- having regard to the communication from the Commission 'Policy Coherence for Development – Establishing the policy framework for a whole-of-the-Union approach' (COM(2009)0458),
- having regard to the Commission staff working document 'Policy Coherence for Development Work Programme' (SEC(2010)0421 final) accompanying the Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions,

<sup>(1)</sup> OJ C 46, 24.2.2006, p. 1.

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- having regard to the Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions: A twelve-point EU action plan in support of the Millennium Development Goals (COM(2010)0159),
- having regard to the Commission Communication ‘Supporting developing countries in coping with the crisis’ (COM(2009)0160),
- having regard to the Commission Green Paper on Reform of the Common Fisheries Policy (COM(2009)0163),
- having regard to its resolution of 25 February 2010 on the Green Paper on Reform of the Common Fisheries Policy <sup>(1)</sup>,
- having regard to its legislative resolution of 24 April 2009 on the proposal for a Council directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments, and in particular Annex I <sup>(2)</sup> thereto,
- having regard to the Council conclusions of 21 and 22 December 2004 on agriculture and fisheries,
- having regard to the Council conclusions of 24 May 2005 on accelerating progress towards achieving the Millennium Development Goals,
- having regard to the Council conclusions of 17 October 2006 on integrating development concerns in Council decision-making,
- having regard to paragraph 49 of the European Council Presidency conclusions of 14 and 15 December 2006,
- having regard to the Council conclusions of 19 and 20 November 2007 on policy coherence for development,
- having regard to paragraph 61 of the European Council Presidency conclusions of 19 and 20 June 2008,
- having regard to the conclusions of the General Affairs and External Relations Council of 18 May 2009 on supporting developing countries in coping with the crisis,
- having regard to the Council conclusions of 17 November 2009 on policy coherence for development and on the Operational Framework on Aid Effectiveness,
- having regard to the 1996 OECD strategy document ‘Shaping the 21st Century: the Contributions of Development Cooperation and the 2002 OECD ministerial’ declaration ‘Action for a Shared Development Agenda’ and its 2008 report entitled ‘Building Blocks for Policy Coherence for Development’,
- having regard to the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action,
- having regard to the ministerial declaration on policy coherence for development adopted by the OECD on 4 June 2008,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0039.

<sup>(2)</sup> Texts adopted, P6\_TA(2009)0325.

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- having regard to the 2000 UN Millennium Declaration and the eighth Millennium Development Goal,
- having regard to the WTO ministerial meeting in November 2001 and to the Monterrey Consensus of 2002,
- having regard to the World Summit on Sustainable Development of 2002 and the Resolution adopted by the General Assembly in the framework of the World Summit of 2005,
- having regard to the Resolution on the role of the Cotonou Partnership Agreement in addressing the food and financial crisis in ACP countries adopted at the 17th ACP-EU Joint Parliamentary Assembly <sup>(1)</sup> held in Prague from 4 to 9 April 2009,
- having regard to its resolutions based on reports by its Committee on Development: European Parliament resolution of 23 March 2006 on the development impact of Economic Partnership Agreements (EPAs) <sup>(2)</sup>; European Parliament resolution of 1 February 2007 on mainstreaming sustainability in development cooperation policies <sup>(3)</sup>; European Parliament resolution of 25 October 2007 on the state of play of EU-Africa relations <sup>(4)</sup>; European Parliament resolution of 17 June 2008 on policy coherence for development and the effects of the EU's exploitation of certain biological natural resources on development in West Africa <sup>(5)</sup>; European Parliament resolution of 29 November 2007 on Advancing African Agriculture – Proposal for agricultural development and food security in Africa <sup>(6)</sup>; and European Parliament resolution of 22 May 2008 on the follow-up to the Paris Declaration of 2005 on Aid Effectiveness <sup>(7)</sup>,
- having regard to its resolutions based on reports by its Committee on International Trade: European Parliament resolution of 23 May 2007 on the EU's Aid for Trade <sup>(8)</sup> and European Parliament resolution of 1 June 2006 on trade and poverty: designing trade policies to maximise trade's contribution to poverty relief <sup>(9)</sup>,
- having regard the 2009 CONCORD report entitled 'Spotlight on Policy Coherence',
- having regard to the 2003 ActionAid study entitled 'Policy (in)coherence in European Union support to developing countries: a three country case study',
- having regard to the 2006 study by Guido Ashoff (2006) entitled 'Enhancing policy coherence for development: conceptual issues, institutional approaches and lessons from comparative evidence',
- having regard to the 2007 report by the ECDPM entitled 'The EU institutions & Member States' mechanisms for promoting policy coherence for development: final report',
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Development and the opinion of the Committee on International Trade (A7-0140/2010),

<sup>(1)</sup> ACP-EU/100.568/09/fin.

<sup>(2)</sup> OJ C 292 E, 1.12.2006, p. 121.

<sup>(3)</sup> OJ C 250 E, 25.10.2007, p. 77.

<sup>(4)</sup> OJ C 263 E, 16.10.2008, p. 633.

<sup>(5)</sup> OJ C 286 E, 27.11.2009, p. 5.

<sup>(6)</sup> OJ C 297 E, 20.11.2008, p. 201.

<sup>(7)</sup> OJ C 279 E, 19.11.2009, p. 100.

<sup>(8)</sup> OJ C 102 E, 24.4.2008, p. 291.

<sup>(9)</sup> OJ C 298 E, 8.12.2006, p. 261.

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- A. whereas the OECD has proposed defining the concept of policy coherence for development (PCD), which means 'working to ensure that the objectives and results of a government's development policies are not undermined by other policies of that government, which impact on developing countries, and that these other policies support development objectives, where feasible' <sup>(1)</sup>; whereas the EU has developed a concept of PCD aimed at building synergies between EU policies, and whereas lack of political action to this end may have a negative impact on the expected result of development cooperation,
- B. recalling the European Union's commitment to taking measures to encourage policy coherence for development, in accordance with the conclusions of the European Council in 2005 <sup>(2)</sup>,
- C. whereas there is a difference between consistency among policies (avoiding contradictions among different external policy areas) and coherence for development (the obligation for all EU policies that impact on developing countries to take development objectives into account),
- D. whereas Article 208 of the Treaty on the Functioning of the European Union establishes the reduction and, in the long term, the eradication of poverty as the primary objective of EU development policy; whereas PCD works towards the Union's development cooperation objectives through all its policies,
- E. whereas there are clear incoherencies in the EU's trade, agriculture, fisheries, climate, intellectual property rights, migration, finance, arms and raw materials policies; and whereas PCD can lead to poverty reduction by finding fundamental synergies among EU Policies,
- F. whereas constraints for PCD are lack of political support, unclear mandates, insufficient resources, absence of effective monitoring tools and indicators, as well as the lack of prioritisation of PCD over conflicting interests,
- G. whereas the financial contributions paid by the EU within the framework of Fisheries Partnership Agreements (FPAs) have not helped to consolidate the fisheries policies of partner countries, largely owing to a lack of monitoring of the implementation of these agreements, the slow payment of assistance, and sometimes even the failure to use this assistance,
- H. whereas the first Millennium Development Goal aims to reduce by half the proportion of people who suffer from hunger by 2015, yet whereas nearly a billion people still lack food on a daily basis, even though the planet provides enough food to meet the needs of its entire population,
- I. whereas EU export subsidies for European agricultural products have a disastrous effect on food security and the development of a viable agricultural sector in developing countries,
- J. whereas the EU is committed to reaching the UN target of giving 0,7 % of gross national income (GNI) in official development assistance (ODA) by 2015, and the interim aid target for the EU collectively is 0,56 % by 2010,
- K. whereas the Court of Justice of the European Union (CJEU) issued a judgment in November 2008 whereby European Investment Bank (EIB) operations in developing countries must prioritise development over any economic or political objective,
- L. whereas the crisis has shown that ODA is unique in targeting the poorest countries and providing development finance in a more predictable and reliable way than other financial flows,

<sup>(1)</sup> Policy Coherence for Development: Institutional Approaches: Technical Workshop: OECD workshop held in Paris on 13 October 2003.

<sup>(2)</sup> Article 35 of the Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' (2006/C 46/01).

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M. whereas a large number of studies have shown that there are approximately EUR 900 billion per year of illicit financial flows out of developing countries, which severely hinders the fiscal revenue of developing countries and consequently their self-development capacities,

1. Welcomes the increased attention and commitment to PCD by the Commission, the Council and the Member States, as demonstrated by the biennial reporting;
2. Reaffirms its own commitment to enhance PCD in the EU and in its parliamentary work;
3. Stresses that the European Union is by far the biggest aid donor in the world (EU aid rose to EUR 49 billion in 2008, representing 0,40 % of GNI), and that aid volumes are expected to increase to EUR 69 billion in 2010 to meet the collective promise of 0,56 % of EU GNI made at the G8 Gleneagles Summit in 2005; points out that this would release an additional EUR 20 billion for development objectives;
4. Recalls the adoption, in October 2007, of the EU Strategy on Aid for Trade, with a commitment to increase the collective EU trade-related assistance to EUR 2 billion annually by 2010 (EUR 1 billion from the Community and EUR 1 billion from the Member States);
5. Calls on the developing countries, especially those that benefit most from EU aid, to ensure good governance in all public matters, and especially in the management of aid received, and urges the Commission to take all necessary steps to ensure transparent and efficient aid implementation;
6. Welcomes the PCD Work Programme 2010-2013 as a guideline for the EU institutions and Member States, and acknowledges its role as an early warning system for upcoming policy initiatives; welcomes also the interlinkages between the different policy fields;
7. Recalls the responsibility of the European Union in taking into account the interests of developing countries and their citizens;
8. Considers that all EU policy areas with an external impact must be designed to support and not contradict the fight against poverty and the achievement of the Millennium Development Goals, as well as the fulfilment of human rights, including gender equality and social, economic and environmental rights;
9. Stresses the need to take relevant aspects of Policy Coherence for Development into account in bilateral and regional trade agreements and multilateral trade agreements firmly anchored in the rules-based WTO system, and in this connection urges the Commission and the Member States to actively engage with all other relevant WTO partners that can contribute to bringing about a balanced, ambitious and development-oriented outcome to the Doha Round in the very near future;
10. Underlines the fact that the so-called 'Singapore issues', such as liberalisation of services, investment and government procurement, the introduction of competition rules and stronger enforcement of intellectual property rights, do not serve the aim of achieving the eight Millennium Development Goals;
11. Insists that the European Union, the Member States and the EIB assume a leading role in this and make investments through tax havens less attractive by adopting rules on public procurement contracts and the granting of public funds that prevent any company, bank or other institution registered in a tax haven from benefiting from public funds; with a view to this, asks the Commission and the Member States to use the mid-term review of EIB external lending activity to make concrete improvements to its capabilities for evaluating the beneficiaries of its loans and to ensure that its investments in developing countries actually contribute to eradicating poverty by providing annual reports on their progress;
12. Calls on the Commission and Member States to give an overall assessment of the fisheries agreements with third countries, so as to ensure that the European Union's external policy in the field of fisheries is completely consistent with its development policy, while strengthening European Union partner countries' capacity to guarantee sustainable fishing in their waters, enhancing food security and local employment in the sector;

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13. Recalls that EU access to fish stocks in third countries should not in any way be a condition for development assistance to those countries;
14. Urges the Commission to include, in addition to social clauses, human rights clauses in all FPAs to enable the European Union to use appropriate measures where known human rights violations take place in third countries that have signed FPAs with the EU;
15. Recalls that 75 % of the world's poor population lives in rural areas, but that only 4 % of ODA is dedicated to agriculture; calls on the Commission, Member States and developing countries, therefore, to put the issue of agriculture at the top of their development agendas;
16. Is concerned about the negative impact on development in third countries of financial institutions aimed principally at tax avoidance; asks the Commission to step up cooperation on fiscal governance, particularly with the countries listed in Annex 1 to its legislative proposal of 24 April 2009 (A6-0244/2009), which receive European development funds;
17. Welcomes the recommendation contained in the conclusions of the Council meeting of 14 May 2008 to include a clause on good governance in the tax area in trade agreements, since this constitutes the first step in the fight against fiscal measures and practices that encourage tax evasion and fraud; asks the Commission to include such a clause immediately in its negotiations on future trade agreements;
18. Calls on the Commission and the ACP countries to continue their dialogue on migration in order to strengthen the principle of circular migration and its facilitation by granting circular visas; stresses that respect for human rights and the equitable treatment of nationals of ACP countries is seriously compromised by bilateral readmission agreements with transit countries, in a context of externalisation by Europe of the management of migration, which do not guarantee respect for the rights of migrants and which may result in 'cascade' readmissions which jeopardise their safety and their lives;
19. Urges the Council to reach a rapid, comprehensive agreement on the proposal for amendment of the directive on taxation of savings income, particularly in relation to the countries listed in Annex 1 to this legislative proposal which receive European development funds;
20. Stresses the need to include the EDF, which is the main financing instrument for EU development cooperation, in the framework of PCD; confirms its support for the full budgetisation of the EDF in the context of democratic parliamentary control and of transparency in its implementation, taking into account in particular the increasing importance of implementation of the EU development policies setting up specific facilities (as in the case of the EU-Africa Strategy);
21. Invites the Commission not only to monitor economic growth objectives, but to look particularly at reducing inequalities in income distribution both within individual developing countries and globally. Particular attention should be paid to increasing participative processes of sustainable self-development through forms of association such as cooperatives and PRA (Participatory Reflection and Action), which are based on consensus and participation by local communities and which therefore provide more effective organisational models with a more long-term impact, promoting the role of the social economy in development;
22. Invites the Commission to promote development assistance actions that, taking account of the effects of the financial crisis, can prevent a rise in insecurity and conflict, global political and economic instability, and an increase in forced migration ('refugees from hunger');
23. Calls on developing countries to provide basic public services and guarantee access to land, including credit for small-scale farmers, in order to promote food security and the fight against poverty, which help to reduce the concentration of large farms and the intensive exploitation of resources for speculation, with the destruction of the ecosystems, calls furthermore on the Commission to support the abovementioned policies;

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24. Invites the Commission to assess the impact of the digital divide between rich and poor nations, looking particularly at the risk of information technologies being instrumental in discrimination, since they marginalise those who, for social, economic or political reasons, cannot access these new products, which are ushering in the new information revolution;
25. Asks for clear mandates to assess PCD, for clear and precise operational goals, and for detailed procedures to carry out this exercise;
26. Underlines the crucial need to approach PCD as a long-term endeavour so as to secure lasting support for PCD; stresses the importance of a timely assessment of policies to avoid negative impacts on developing countries; to this end, asks for the impact of the activities of European and non-European private players to be assessed, paying particular attention to multinationals;
27. Calls for the assessment, by comparative analysis, of the approach, methodology and results of cooperation and aid policies outside Europe and relative levels of international collaboration, looking particularly at China's intervention in Africa;
28. Stresses that the Council's decision to focus on five broad areas for the PCD exercise in 2009 must not replace the monitoring of the 12 traditional policy areas - Trade, Environment, Climate Change, Security, Agriculture, Bilateral Fisheries Agreements, Social Policies (employment), Migration, Research/Innovation, Information Technologies, Transport, and Energy; calls on the Commission, furthermore, to identify incoherencies whenever European policies have a negative impact on development and to suggest that it provide solutions; calls on the Commission to create mechanisms for including new policy areas that do not fit satisfactorily into the existing 12, such as raw materials;
29. Recalls its vital international commitments to the 0,7 % ODA/GNP target for 2015, which must be devoted exclusively to poverty eradication; expresses its concern that the 'ODA-plus approach' may dilute the EU's ODA contribution to the fight against poverty; is concerned that funds raised with the 'ODA-plus approach' have no legal commitment to poverty eradication or to assisting with the achievement of the Millennium Development Goals;
30. Is concerned that the capital outflow from developing countries into the EU caused by incoherent policies under the 'ODA-plus approach' is not mentioned and that the damage inflicted on developing countries by unfair tax competition and illegal capital outflow is not taken into account;
31. Is concerned that the 'ODA-plus approach' only focuses on the financial inflows from the EU to the South and overlooks the financial outflows from the South to the EU, which gives a misleading picture of the direction of the financial flows;
32. Asks the Commission to further clarify the whole-of-the-Union approach and its impact on the EU's development policy; expresses concern that this approach could be integrated into the next Financial Perspective;
33. Calls on European members of the OECD's DAC to reject any attempt to broaden the ODA definition designed to include the 'Whole of the Union' and 'ODA+' approaches recently proposed by the European Commission, as well as non-aid items such as financial flows, military spending, debt cancellation, particularly cancellation of export credit debts, money spent in Europe on Students and refugees;
34. Recognises that the fulfilment of the ODA commitments is imperative but still not sufficient to tackle the development emergency, and reiterates its call upon the Commission to identify as a matter of urgency additional innovative sources of finance for development, and to present proposals for the introduction of an international financial transaction tax to generate additional resources in order to overcome the worst consequences of the crisis and to keep on track towards the achievement of the MDGs;

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35. Firmly reminds the Commission and Member States that ODA has to remain the backbone of the European development cooperation policy aiming at eradicating poverty; therefore, underlines that if innovative sources of development financing are to be widely promoted, they must be additional, used in a pro-poor approach and cannot be used to replace ODA in any circumstances;
36. Fears that, in most developing countries, most of the MDG targets will not be met by 2015; urges the Member States, therefore, to reach their collective target and proceed to binding legislation and to issue annual timetables to meet the promises they have made; welcomes, with this in mind, the 'Draft International Development Bill' presented by the UK Government in January 2010;
37. Recalls that, in accordance with the EU institutional framework, it proposes to appoint a standing rapporteur for 'policy coherence for development', with the mandate of following up, and informing the DEVE Committee of, incoherencies in EU policies;
38. Calls on the Commission to use systematic, clear benchmarks and regularly updated indicators in order to measure PCD, for example the Sustainable Development Indicators, as well as to enhance transparency vis-à-vis the European Parliament, aid recipient States and civil society;
39. Calls on developing countries to create country-specific indicators on PCD in line with the EU general indicators, in order to assess real needs and achievements in terms of development;
40. Takes the view that, if actions and measures within the EU's development policy do not respect the principles and objectives laid down in Article 208 of the Lisbon Treaty and the EU's external action listed in Article 21 of the Treaty on European Union, these constitute a breach of an obligation for which an action may be brought before the Court of Justice of the European Union under Articles 263 and 265 of the Treaty on the Functioning of the European Union;
41. Emphasises the importance of coherence between trade and development policies for better development and tangible implementation, and welcomes in this respect the EU 2009 Report on Policy Coherence for Development (COM(2009)0461);
42. Reiterates the need for coherence between trade policy and other (environmental and social) policies, notably in regard to trade agreements containing incentives for the production of biofuels in developing countries;
43. Reiterates the importance of coherence between trade and development policies and stresses that the implementation of the Sustainable Development Chapters in the trade agreements should serve as an opportunity for the European Commission to promote good governance and the application of fundamental European values;
44. Considers the recent EU decision to re-establish export subsidies for milk powder and other dairy products, which in the main subsidise agro business in Europe at the cost of poor farmers in developing countries, a blatant violation of the core principles of policy coherence for development, and calls on the Council and Commission to revoke that decision immediately;
45. Calls for the cessation of export subsidies; to this end, recalls the commitment made in Doha in 2001 by all WTO members to conclude a Development Round of negotiations aiming at rectifying the existing imbalances in the trade system, putting trade at the service of development, and contributing to poverty eradication and the achievement of the Millennium Development Goals;
46. Calls on the Commission, in order to ensure that DG Trade has a coherent mandate for trade negotiations, to take due account of Parliament's preconditions for giving its consent to the conclusion of trade agreements;



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47. Calls on the Commission to take every measure available to it to ensure that, while the Sugar Protocol is ending and the EU reform of the sugar regime is taking place, it safeguards its relevant partners against any temporary upheavals in the market;
48. Proposes further to develop existing EU instruments for lowering customs tariffs such as the GSP/GSP+ System and chapters in FTAs and EPAs, and further to integrate internationally agreed labour and environmental standards into those instruments;
49. Calls again on the Commission to make full use of the GSP and GSP + mechanisms for building institutional capacity in developing countries in order to enhance their own internal coherence in drawing up development strategies;
50. Stresses that systematic consultation of labour organisations and trade unions on the implementation of social and environmental standards in non-EU countries, notably before the conclusion of EPAs or the granting of GSP +, would ensure a better coherence in trade policies benefiting sustainable development in developing countries;
51. Recognises that according to the Commission's Aid for Trade (Aft) monitoring report 2009 (COM(2009)0160 final, p. 30), the EU's Aft commitments to the African, Caribbean and Pacific (ACP) States fell from EUR 2 975 million in 2005 to EUR 2 097 million in 2007, that the ACP's share of the EU's overall Aft commitments fell from 50 % to 36 % over the same period, and that this is not consistent with prior promises to prioritise poverty eradication and development;
52. Welcomes, in this connection, all the existing initiatives in the area of trade with developing countries at EU and WTO levels, in particular the Everything But Arms (EBA) initiative, GSP and GSP+, the asymmetry and transitional periods in all existing European Partnership Agreements (EPAs) and the Aid-for-Trade Work Programme 2010-2011, and calls for the revision of the last of these, with a view to giving it greater leverage to foster sustainable growth;
53. Recognises the important role that the EU's GSP+ system can play in encouraging good governance and sustainable development within developing countries, and encourages the Commission to ensure that this tool is effective and that ILO and UN conventions are properly implemented on the ground;
54. Reiterates that the EU should support those developing countries which use the 'flexibilities' built into the TRIPS Agreement in order to be able to provide medicines at affordable prices under their domestic public health programmes;
55. Welcomes the safeguard clause on food security drafted into the Economic Partnership Agreements, and encourages the Commission to ensure its effective implementation;
56. Deplores the TRIPS+ provisions included in the CARIFORUM-EC Economic Partnership Agreement, and in the agreements that are being negotiated with the countries of the Andean Community and Central America, provisions which create barriers to access to essential medicines;
57. Urges the Commission to end its present TRIPS-plus approach in EPA negotiations regarding pharmaceuticals and medicines, to allow developing countries to provide medicines at affordable prices under domestic public health programmes;
58. Points out that any measures in ACTA negotiations to strengthen powers of cross-border inspection and seizure of goods should not harm global access to legal, affordable and safe medicines;
59. Is worried about recent cases of EU Member States' custom authorities seizing generic medicines in transit in European ports and airports, and underlines that such behaviour undermines the WTO Declaration on Access to Medicine; asks the EU Member States concerned to put a swift stop to this practice; calls on the Commission to assure Parliament that the currently negotiated ACTA does not prevent access to medicine for developing countries;

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60. Believes that the climate change challenge must be addressed through structural reforms, and calls for a systematic climate change risk assessment of all aspects of policy planning and decision making, including in trade, agriculture and food security; demands that the result of this assessment be used to formulate clear and coherent country and regional strategy papers, as well as in all development programmes and projects;
61. Welcomes the Commission's recent comments to the effect that it will look again at Regulation (EC) No 1383/2003, which has had unintended consequences for the transit through the EU of generic medicines which were ultimately destined for developing countries;
62. Believes that initiatives such as the Unitaid patent pool for HIV/Aids medicines can help bring coherence to the EU's health and intellectual property policies;
63. Welcomes the Commission's support for proposals to help indigenous communities to exploit and benefit from their traditional knowledge and genetic resources;
64. Welcomes the Commission's comments to the effect that the EU could lower tariffs on environment-friendly goods with like-minded countries in the event that an agreement cannot be found within the WTO;
65. Supports the Commission in facilitating the transfer of technology to developing countries, specifically low-carbon and climate-resilient technology which is essential for climate change adaptation;
66. Acknowledges the economic importance of remittances to developing countries, but stresses the need to address the issue of 'brain drain' in the implementation of bilateral trade agreements, in particular within the health sector;
67. Highlights the work done by many civil society organisations on tax evasion by EU multinationals in developing countries and asks the Commission to take their recommendations into account in future negotiations;
68. Welcomes the mechanisms to enhance PCD within the Commission, namely the inter-service consultation system, the Impact Assessment process, the Sustainability Impact Assessment, the Interservice Quality Support Group and, where appropriate, the Strategic Environmental Assessment; asks, however, which criteria DG Development used when deciding to overturn incoherent policy initiatives and asks for greater transparency as regards the outcome of inter-service consultations; calls for the information gathered in the Impact Assessments to be made available to the European Parliament in a more comprehensible form, and for the European Parliament, the national parliaments and the parliaments of the developing countries to be more closely involved in these mechanisms;
69. Asks that the 'aid for trade' strategy benefit all developing countries, and not only those agreeing to a greater liberalisation of their markets; during trade negotiations, notably in the context of Economic Partnership Agreements, calls on the Commission not to impose, against the wishes of developing countries, the opening of negotiating chapters on the 'Singapore issues' and financial services, and not to enter into agreements of this type unless these countries have first set up an appropriate national regulatory and supervisory framework;
70. Asks the Commission to include legally binding social and environmental standards systematically in trade agreements negotiated by the European Union, in order to promote the objective of trade working for development;
71. Asks the Commission to start the impact assessments earlier, i.e. before the drafting process of policy initiatives is already far advanced and to base them on existing or specially conducted evidence-based studies, and to systematically include social, environmental and human rights dimensions, since a prospective analysis is most useful and practical given the lack of data and the complexities of measuring PCD; asks the Commission to include the results of the impact assessments in the Development Cooperation Instrument (DCI)'s Regional and Country Strategy Papers, together with suggestions for a follow-up;

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72. Expresses its concern that, out of 82 impact assessments conducted in 2009 by the Commission, only one was dedicated to development; stresses the need for a systematic approach to PCD performance measuring; therefore calls on the Commission to give to its unit for forward-looking studies and policy coherence in DG DEV a central role in enhancing the consideration of PCD;
73. Calls on the Commission to involve the European Parliament in the process of the Commission's PCD report, e.g. in terms of the questionnaire, better timing, and taking account of Parliament's own initiative reports;
74. Asks the Commission to involve the EU Delegations in its PCD work by appointing PCD focal points responsible for PCD in each Delegation to monitor the impact of EU policy at partner-country level; asks for inclusion of PCD in staff training; calls on the Commission to publish annually the results of field consultations to be conducted by EU delegations; to this end, calls on the Commission to ensure that the EU delegations have sufficient capacity to broadly consult local governments, parliaments and to guarantee opportunities for active participation by non-state actors and civil society on the issue of PCD;
75. Suggests that European Commission staff and members of Council delegations working in the field of PCD be trained with a view to raising their awareness of that policy goal;
76. Calls on the Commission to give the Commissioner for Development sole responsibility for country allocations, Country, Regional and Thematic Strategy papers, National and Multiannual Indicative Programmes, Annual Action programmes and the implementation of aid in all developing countries, in close cooperation with the High Representative and the Humanitarian Aid Commissioner, in order to avoid incoherent approaches within the College and the Council;
77. Calls on the Member States and their national parliaments to promote PCD through a specific working programme with binding timetables, in order to improve the European PCD work programme, as well as aid efforts, whilst ensuring that this agenda does not run counter to partner countries' development strategies;
78. Suggests including PCD in the DCI midterm review, especially in the relevant thematic programmes;
79. Suggests inclusion of specific PCD commitments in every Presidency's work programme;
80. Suggests that the Council improve the work of existing structures for enhancing PCD, for example by having more joint meetings of the working groups and making the work programme publicly accessible;
81. Suggests drafting a biennial EP report on PCD; suggests to all its committees that they draft reports that address their respective development perspectives;
82. Underlines the importance of inter-committee cooperation in the European Parliament; to this end, suggests that, when a sensitive issue regarding PCD is discussed by a committee, the other relevant committees are closely associated, and that when a committee organises an expert hearing on a sensitive issue concerning PCD, the other relevant committees must take part in organising the hearing;
83. Asks for institutional clarification regarding the Commission's Communication on Policy Coherence (COM(2009)0458) concerning an enhanced partnership and dialogue with the developing countries on the topic of PCD; asks whether this enhanced partnership would also include a mechanism for advising developing countries what they themselves can do to promote PCD and a plan for capacity building at country level to perform PCD assessments;
84. Instructs its President to forward this resolution to the Council and the Commission.
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## **Penalties for serious infringements against the social rules in road transport**

P7\_TA(2010)0175

### **European Parliament resolution of 18 May 2010 on penalties for serious infringements against the social rules in road transport (2009/2154(INI))**

(2011/C 161 E/08)

*The European Parliament,*

- having regard to the report from the Commission analysing the penalties for serious infringements against the social rules in road transport, as provided for in the legislation of the Member States (COM(2009)0225),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A7-0130/2010),
- A. whereas in recent years the European Union has created a system of social rules in road transport by adopting Regulation (EEC) No 3821/85 and Regulation (EC) No 561/2006, together with Directive 2006/22/EC, in order to increase safety on the roads and to ensure fair competition,
- B. whereas the penalty systems in the Member States of the European Union have evolved historically, and therefore show wide disparities, with fines in extreme cases that can be as much as ten times higher in one country than in another,
- C. whereas the legal position with regard to international transport operations has become very hard for undertakings and especially for drivers to understand; whereas the Member States face major challenges in transposing the regulations as required and whereas the current situation is not compatible with the single market,
- D. concerned at the reports of shortcomings affecting digital tachographs which make them highly vulnerable to tampering,

### **General**

1. Welcomes the Commission report on analysing the penalties for serious infringements against the social rules in road transport, as provided for in the legislation of the Member States; regrets, however, that because of incomplete data from some Member States the report does not constitute a comprehensive analysis of the current situation in Europe; asks the Commission to call on the Member States to supply the missing data;
2. Notes that the Commission report is based on the categorisation of infringements according to the new Annex III to Directive 2006/22/EC, without taking account of the deadline for implementation laid down in Article 2(1) of Commission Directive 2009/5/EC;
3. Calls therefore on the Commission to submit an updated and complete report on the implementation of the new Annex III to Directive 2006/22/EC before the end of 2010;
4. Points out that in past reporting periods there have been significant delays, so that, for example, the current report of 3 August 2009 (the 24<sup>th</sup> report from the Commission analysing the penalties for serious infringements against the social rules in road transport) deals only with data from 2005 and 2006, and hence can draw hardly any conclusions about the current state of harmonisation of the social rules for road transport users;

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5. Calls on the Commission and the Member States to do their utmost to ensure that the objectives set out in Article 17 of Regulation (EC) No 561/2006 are fulfilled more quickly, so that more recent statistics are available for future harmonisation measures;

6. Points out that Annex IV to Regulation (EC) No 1071/2009 also contains a list of serious infringements within the meaning of this Regulation; therefore considers that a harmonised categorisation of serious infringements against the social rules is extremely necessary;

#### ***Significant differences between Member States***

7. Notes that the differences in penalties for serious infringements against the social rules in road transport as provided for in the legislation of the Member States concern not only the level of fines, but also the types and the categorisation of the penalties;

8. Points out that these differences can be explained by economic and geographical factors, as well as the Member States' differing legal systems in criminal matters and their differing policy approaches to road safety;

9. Notes that the social rules in road transport, in particular Regulation (EEC) No 3821/85 and Regulation (EC) No 561/2006, together with Directive 2006/22/EC, afford the Member States a great deal of scope for interpretation; regrets that the many imprecise formulations in the European rules necessarily result in a failure to achieve uniform transposition into national law in the Member States; takes the view that to achieve further harmonisation we first need uniform and binding interpretation of these Regulations and the Directive;

10. Regrets that some Member States do not provide for differentiation of penalties according to the seriousness of the infringement; calls on the Member States to adopt national legislation that has an effective, proportionate and dissuasive effect and that takes due account of how serious an infringement is;

#### ***Further harmonisation***

11. Emphasises that an effective, balanced and dissuasive penalty system can only be based on clear, transparent and comparable penalties across the Member States; calls on the Member States to find legislative and practical ways of reducing the in some cases very substantial differences in the type and level of penalties applied;

12. Calls on the European Commission, after consulting inspection bodies and representatives of the transport sector, to come up with a uniform and binding interpretation of the Regulation on driving and resting hours. The inspection bodies should take this interpretation into account;

13. Takes the view that to achieve further approximation of the types of penalties and of the levels of fines, a categorization of fines linked to a categorization of penalties is needed, and minimum and maximum penalties for each infringement against the social rules in road transport should be laid down; stresses that in streamlining penalties the need for fair fines to be proportionate in the different Member States in accordance with objective criteria (such as GNP or geographical factors) must be balanced by an effective deterrent against serious infringements;

14. Points out that the new Annex III to Directive 2006/22/EC introduced by Commission Directive 2009/5/EC should be evaluated as the foundation for a uniform approach to categorising infringements against the social rules in road transport as laid down in the legislation of the Member States; urges the Member States to adopt the laws, regulations and administrative provisions necessary for rapid transposition of Commission Directive 2009/5/EC;

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15. Also recalls that the Treaty of Lisbon has inserted in the Treaty on the Functioning of the European Union a new Article 83(2) on the approximation of criminal laws and regulations of the Member States; calls on the Commission to examine these new legislative means in the field of judicial cooperation in criminal matters and to submit, within twelve months, a report to the Council and the European Parliament on the possible harmonisation measures, including aspects relating to road safety and the cross-border application of fines, if it has not already done so;

16. Welcomes the fact that pursuant to Article 22(4) of Regulation (EC) No 561/2006 the Commission has prepared 'guidelines' to support the Member States in the national interpretation and application of this Regulation; notes, however, that the guidelines are not legally binding and have therefore not achieved their aim of uniform transposition in the Member States;

17. Considers that, in order to achieve an internal market in transport and to increase legal certainty for drivers and hauliers, the interpretation of the application of social legislation should be harmonised; with this in mind calls on the Commission, in cooperation with Corte, Tispol and Euro Contrôle Route, to submit proposals seeking to put an end to the discriminatory application of social legislation in road transport; highlights in this connection the need for a common, article-by-article interpretation of the application of Regulation (EC) No 561/2006 and Regulation (EEC) No 3821/85;

18. Calls on the Member States to take account of these guidelines in implementing the social rules so as to ensure that harmonised transposition is achieved;

#### **Checks**

19. Stresses that unfair competition can be avoided and road transport safety guaranteed only by consistent and non-discriminatory enforcement of the applicable legislation; emphasises that a harmonised and effective approach to checks is essential for the transposition of the social rules in road transport;

20. Points out that the traffic situation, in terms of infrastructure, volume of traffic and congestion, varies widely between the Member States and therefore considers that these factors, inter alia, could be taken into account in determining the frequency of checks, bearing in mind that one of their main purposes is to ensure compliance with social welfare rules;

21. Believes that the Commission should develop and promote such harmonised approaches to checks and take regulatory action so as to remove obstacles to the European single market and improve road safety; calls on the Commission, in order to achieve these objectives, to create an effective and appropriate coordination instrument at the European level;

22. Calls on the Commission to draw up recommendations and European minimum standards for the training of inspection bodies and for coordinating cooperation between the inspection bodies; asks the Commission to improve the collection of statistical information so as to enable more meaningful analysis of the effectiveness of enforcement and promote a harmonised approach by the Member States to enforcement issues;

23. Calls on the Member States always to train their enforcement staff in the latest developments in data collection and, in implementing common standards, to work closely with the European Commission in order to promote a harmonised approach to checks, thus creating legal certainty;

24. Takes the view that more frequent and thorough checks must be made both at the roadside and at the premises of undertakings; calls on the Commission to ensure that the Member States respect the amount of checks to be organised, as referred to in Article 2(3) of Directive 2006/22/EC; calls on the Commission to inform the European Parliament of the further steps it intends to take with regard to these checks;

25. Calls on the Commission to submit, as soon as possible, a report on the checks made on the shortcomings affecting digital tachographs and the steps taken to prevent their vulnerability;

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26. Underlines that the digital tachograph, based on Regulation (EEC) No 3821/85, should be improved as an instrument for checking; the Commission should investigate how to achieve faster downloading of data from the digital tachograph by the controlling authorities;

27. Draws attention to the Disproportionate Fines Complaint Desk set up by Euro Contrôle Route, and calls on drivers and hauliers to apply to this complaint desk in the event of disproportionate application of social legislation for road transport;

#### **Other initiatives**

28. Considers that an easily understandable brochure in all official languages of the European Union would be useful for undertakings and for lorry drivers; stresses that this brochure should give the drivers and undertakings concerned more information about the relevant social rules and the penalties applicable to infringements in the various Member States; considers that such information should also be made available to undertakings and drivers from third countries; draws attention to the value of using intelligent transport systems to provide drivers with such information in real time;

29. Is convinced that in the context of using modern information and communication technologies and intelligent transport systems, the possibility should exist for businesses and drivers to obtain information on the social rules in force and the penalties for infringing them;

30. Calls on all the Member States to reinforce cooperation on the basis of existing structures such as Euro Contrôle Route and in this way to improve coordination of common checks, exchange of best practice and joint organisation of training programmes for control bodies;

31. Considers that all available technology should be used to inform lorry drivers, including those coming from neighbouring countries, in real time about the relevant social rules and the penalties applicable to infringements in the various Member States, for example with the use of GPS or other tools available;

32. Calls on the Member States to establish an appropriate infrastructure, including a sufficient number of safe parking spaces and services, on the European road network so that drivers can in fact comply with the provisions on driving times and rest periods and so that checks can be carried out efficiently; points out that the security aspect must be of particular importance in the case of these facilities; calls on the Commission periodically to publish, in the most appropriate format, the facilities available, both public and private, across the European road network, providing information on the services on offer for road sector professionals;

33. Calls on the Commission and the Member States to encourage and finance schemes for the construction of secure parking areas, since these are indispensable if drivers are to respect the provisions of Regulation (EC) No 561/2006;

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

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## **Union's efforts in combating corruption**

P7\_TA(2010)0176

### **Declaration of the European Parliament of 18 May 2010 on the Union's efforts in combating corruption**

(2011/C 161 E/09)

*The European Parliament,*

— having regard to Rule 123 of its Rules of Procedure,

- A. concerned that corruption undermines the rule of law, leads to the misuse of EU funds provided by the taxpayer, and distorts the market, having played a role in the current economic crisis,
- B. whereas the Union has ratified the UN Convention against Corruption, and 78 % of Union citizens agree that corruption is a major concern in their country (Eurobarometer, December 2009),
- C. having regard to the emphasis placed by Parliament on combating corruption in its resolution on the Stockholm Programme regarding freedom, security and justice,
- D. noting the International Day against Corruption (9 December), on which this declaration is launched,
  1. Urges the European institutions to adopt a comprehensive anti-corruption policy and create a clear mechanism for monitoring the situation in the Member States on a regular basis;
  2. Calls on the Commission to provide all necessary resources to implement this monitoring mechanism and ensure that its conclusions and findings are followed up effectively;
  3. Calls on the Commission and the relevant Union agencies to take all necessary measures and provide sufficient resources to ensure that EU funds are not subject to corruption, and to adopt dissuasive sanctions where corruption and fraud are found;
  4. Instructs its President to forward this declaration, together with the names of the signatories<sup>(1)</sup>, to the Council, the Commission, and the Member States.

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<sup>(1)</sup> The list of signatories is published in Annex 1 to the Minutes of 18 May 2010 (P7\_PV(2010)05-18(ANN1)).



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**Food additives other than colours and sweeteners**

P7\_TA(2010)0182

**European Parliament resolution of 19 May 2010 on the draft Commission directive amending the Annexes to European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners and repealing Decision 2004/374/EC**

(2011/C 161 E/10)

*The European Parliament,*

- having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives <sup>(1)</sup>, and in particular Articles 31 and 28(4) thereof,
  - having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(2)</sup>,
  - having regard to Directives 95/2/EC of the European Parliament and Council of 20 February 1995 on food additives other than colours and sweeteners <sup>(3)</sup> and Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption <sup>(4)</sup> which have been repealed and replaced by the above-mentioned Regulation (EC) No 1333/2008,
  - having regard to the draft Commission directive amending the Annexes to European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners and repealing Decision 2004/374/EC,
  - having regard to Article 5a(3)(b) of the Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(5)</sup>,
  - having regard to Rule 88(2) and (4)(b) of its Rules of Procedure,
- A. whereas, under Article 31 of Regulation (EC) No 1333/2008, the Commission may, until the establishment of the Community lists of food additives provided for in Article 30 of that Regulation, adopt measures to amend the Annexes to, inter alia, Directive 95/2/EC,
- B. whereas Annex IV to Directive 95/2/EC contains a list of food additives that may be used in the European Union and prescribes the conditions for their use,
- C. whereas, in addition, the general criteria for the use of food additives were laid down in Annex II to Directive 89/107/EEC and since that Directive has been repealed and replaced by Regulation (EC) No 1333/2008, the relevant criteria are now to be found, inter alia, in Article 6 of that Regulation, which concerns general conditions for inclusion and use of food additives in Community lists,

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 16.

<sup>(2)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(3)</sup> OJ L 61, 18.3.1995, p. 1.

<sup>(4)</sup> OJ L 40, 11.2.1989, p. 27.

<sup>(5)</sup> OJ L 184, 17.7.1999, p. 23.

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- D. whereas Article 6 of that Regulation provides that a food additive may be permitted for use in the EU only if it meets certain conditions including, under paragraph 1(c), that it does not mislead the consumer, and under paragraph 2, that it has advantages and benefits for consumers,
- E. whereas Article 6 of that Regulation also provides, in paragraph (1)(a), that a food additive may only be permitted for use if it does not pose a safety concern to the health of the consumer,
- F. whereas furthermore, Regulation (EC) No 178/2002 (which is known as 'the General Food Law Regulation') and in particular Article 8 thereof, provides inter alia that food law shall aim at the protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume, and that it shall aim at the prevention of practices which may mislead the consumer,
- G. whereas the draft Commission Directive, and in particular recital 25 and point (3)(h) of the Annex thereto, provides for the inclusion in Annex IV to Directive 95/2/EC of an enzyme preparation based on thrombin with fibrinogen as a food additive for reconstituting food,
- H. whereas thrombin, whilst derived from the edible parts of animals, has the character of a 'meat-glue' and its purpose as a food additive is to bind together separate meat pieces in order to produce a single meat product,
- I. whereas the purpose of the use of thrombin therefore is to present pieces of meat to consumers as a single meat product, and therefore the risk of misleading the consumer is obvious,
- J. whereas recital 25 of the draft Commission Directive itself recognises that the use of thrombin with fibrinogen as a food additive could mislead the consumer as to the state of the final food,
- K. whereas point (3)(h) of the Annex to the draft Commission Directive provides for the inclusion of bovine and/or porcine thrombin in the list of permitted food additives under Annex IV to Directive 95/2/EC in pre-packed meat preparations and pre-packed meat products for the final consumer to a maximum of 1mg/kg, to be used together with fibrinogen and under the condition that the food shall bear the information 'combined meat parts' in the proximity of its sales name,
- L. whereas, whilst the draft Commission Directive would not permit the use of thrombin as a food additive in meat products served in restaurants or other public establishments serving food, there is however, a clear risk that meat containing thrombin would find its way into meat products served in restaurants or other public establishments serving food, given the higher prices that can be obtained for pieces of meat served as a single meat product,
- M. whereas it is therefore not clear that the prohibition against the use of thrombin in meat products served in restaurants or other public establishments serving food, would result in the prevention in practice of such meat products being used in restaurants or other public establishments serving food, and sold to consumers as single-meat products,
- N. whereas the above-mentioned labelling conditions contained in the draft Commission Directive would fail to guard against the creation of a false and misleading impression to consumers as to the existence of a single-meat product, and therefore there is a risk that consumers would be misled and prevented from making an informed choice in relation to the consumption of meat products containing thrombin,

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- O. whereas the advantages and benefits for consumers of thrombin have not been demonstrated,
- P. whereas the process of binding together many separate pieces of meat significantly increases the surface area that may be infected by pathogenic bacteria (such as clostridium and salmonella) which, in such a process, can survive and be reproduced without oxygen,
- Q. whereas the risk of infection by pathogenic bacteria is particularly serious since the binding process can be undertaken by way of cold bonding without the addition of salt and without any subsequent heating process, and as a result the safety of the final product cannot be guaranteed,
- R. whereas the draft Commission Directive therefore fails in these respects to comply with the criteria for the inclusion of food additives in Annex IV to Directive 95/2/EC,
1. Considers that the draft Commission directive is not compatible with the aim and content of Regulation (EC) No 1333/2008;
  2. Opposes the adoption of the draft Commission Directive amending the Annexes to European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners and repealing Decision 2004/374/EC;
  3. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

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### **‘Action plan on organ donation and transplantation (2009-2015)’**

P7\_TA(2010)0183

#### **European Parliament resolution of 19 May 2010 on the Commission Communication: Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States (2009/2104(INI))**

(2011/C 161 E/11)

*The European Parliament,*

- having regard to Article 184 of the Treaty on the Functioning of the European Union,
- having regard to the Charter on Fundamental Rights of the European Union,
- having regard to the Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation (COM(2008)0818),
- having regard to the Commission Communication entitled ‘Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States’ (COM(2008)0819),
- having regard to Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells <sup>(1)</sup>,
- having regard to the World Health Organization’s Guiding Principles on Human Organ Transplantation,

<sup>(1)</sup> OJ L 102, 7.4.2004, p. 48.

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- having regard to the Council of Europe Convention on Human Rights and Biomedicine, and its Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin,
  
  - having regard to the Conference on Safety and Quality in Organ Donation and Transplantation in the European Union held in Venice on 17-18 September 2003,
  
  - having regard to Rule 48 of its Rules of Procedure,
  
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Legal Affairs (A7-0103/2010),
- A. whereas there are currently 56 000 patients waiting for a suitable organ donor in the EU, and it is estimated that every day 12 people die while waiting for a solid organ transplant,
- B. whereas the needs of patients for transplantation in Europe are not being met owing to the limited number of organs available from both deceased and altruistic living donors,
- C. whereas there are wide variations between Member States in deceased organ donation rates, ranging from 34.2 donors per million population (pmp) in Spain to 1.1 pmp in Bulgaria, and the shortage of organs is a major factor affecting transplantation programmes,
- D. whereas national policies and the regulatory framework for donations and transplantation vary substantially between Member States according to different legal, cultural, administrative and organisational factors,
- E. whereas organ donation and transplantation are sensitive and complex issues, with an important ethical dimension, which require the full participation of society for their development and the involvement of all relevant stakeholders,
- F. whereas organ transplantation provides the possibility of saving lives, offers a better quality of life and (in the case of kidney transplantation) has the best cost/benefit ratio when compared with other replacement therapies as well as increasing the possibilities for patients to participate in social and working life,
- G. whereas the exchange of organs between Member States is already common practice, although there are wide differences in the number of organs exchanged across borders between Member States; and whereas the exchange of organs between Member States has been facilitated by international exchange organisations such as Eurotransplant and Scandiatransplant,
- H. whereas at present there is neither a database covering the whole of the European Union which contains information about organs intended for donation and transplantation or on living or deceased donors, nor, moreover, a pan-European certification system which provides proof that human organs and tissues have been legally obtained,
- I. whereas only Spain and few other Member States have succeeded in increasing significantly the number of deceased donations, and it has been proven that such increases are linked to the introduction of certain organisational practices that allow the systems to identify potential donors and maximise the number of deceased persons becoming actual donors,

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- J. whereas Directive 2004/23/EC will provide a clear legal framework for organ donation and transplantation in the European Union, with the result that in every Member State a national competent authority will be created or designated to ensure compliance with EU quality and safety standards,
- K. whereas the trafficking of organs and of human beings for the purpose of removing organs constitutes a severe violation of human rights,
- L. whereas there is a strong link between illegal organ trafficking and the trafficking of persons for the purpose of removing organs on the one hand and the legal system of organ donation on the other because, firstly, the non-availability of organs in the legal system acts as an incentive for illegal activities, and, secondly, illegal activities severely undermine the credibility of the legal system of organ donation,
- M. whereas rates of refusal of organ donation vary widely within Europe, and such variability could be explained by the level of training and expertise of professionals in terms of communication and family care, the different legislative approaches to consent to organ donation and their practical implementation, and other important cultural, economic or social factors that influence society's perception of the benefits of donation and transplantation,
- N. whereas living donation can be a helpful additional measure for patients who cannot get the organ they need via post-mortem transplantation, but whereas it needs to be emphasised that living donation can only be considered if any illegal activity and payment for the donation has been ruled out,
- O. whereas a healthcare intervention may only be carried out after the person concerned has given free and informed consent to it; whereas that person should be given appropriate information beforehand as to the purpose and nature of the intervention as well as on its consequences and risks; and whereas the person concerned may freely withdraw consent at any time,
- P. whereas Member States must ensure that organs intended for transplantation are not removed from a deceased person unless that person has been certified dead in accordance with national law,
- Q. whereas living donation should be complementary to deceased donation,
- R. whereas the use of organs in therapy entails a risk of transmission of infectious and other diseases,
- S. whereas the fact that people are living longer is serving to reduce the quality of available organs, which in turn is leading in many cases to a reduction in the number of transplants, including in those Member States where the number of donors is increasing,
- T. whereas public awareness and opinion play a very important role in increasing organ donation rates,
- U. whereas work carried out by charities and other voluntary organisations in Member States increases awareness of organ donation, and whereas their efforts ultimately contribute to an increase in the numbers of people on organ donor registers,
1. Welcomes the Action Plan on Organ Donation and Transplantation (2009-2015) adopted by the Commission in December 2008, which sets out a cooperative approach between Member States in the form of a set of priority actions based on the identification and development of common objectives and the evaluation of donation and transplantation activities through agreed indicators that might help to identify benchmarks and best practices;

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2. Expresses its concern over the insufficiency of available human organs for transplantation to meet patients' needs; acknowledges that the severe shortage of organ donors remains a major obstacle preventing the full development of transplant services and the main challenge that the Member States face with regard to organ transplantation;
3. Notes the success of schemes whereby citizens are given the option of directly joining an organ-donor register when completing certain administrative procedures, such as applying for a passport or driving licence; urges the Member States to look into adopting such schemes with a view to increasing the numbers of people on donor registers;
4. Considers that, to ensure that organs available for therapy are not wasted, it is important that there is a clearly defined legal framework regarding their use and that society trusts the donation and transplantation system;
5. Notes the importance of organisational aspects of organ procurement and stresses that the exchanging of information and best practice among Member States will help countries with low organ availability to improve their donation rates, as demonstrated, for example, by the implementation of elements of the Spanish Model in different countries both within and outside the EU which have succeeded in increasing organ donation rates;
6. Stresses the importance of donor coordinators, and the importance to appoint donor coordinators at hospital level. The role of the donor coordinator should be recognised as a key figure for improving, not only the effectiveness of the process of donation and transplantation, but also the quality and safety of the organs to be transplanted;
7. Emphasises that changes to the organisation of organ donation and procurement can substantially increase and sustain organ donation rates;
8. Emphasises that the identification of potential donors has been considered one of the key steps in the process of deceased donation; stresses that the appointment of a key donation person at hospital level (transplant donor coordinator), whose main responsibility is to develop a proactive donor detection programme and optimise the entire process of organ donation, is the most important step towards improving donor detection and organ donation rates;
9. Takes note of the importance of the cross-border exchange of organs, given the need to match donors with recipients and the consequent importance of a large donor pool to cover the needs of all the patients on the waiting lists; considers that if there is no exchange of organs between Member States, then recipients that need a rare match will have very low chances of receiving an organ, while at the same time specific donors will not be considered because there is not a suitable recipient on the waiting lists;
10. Welcomes the activities of Eurotransplant and Scanditransplant, but notes that exchanges of organs outside these systems and between these systems can be significantly improved, especially for the benefit of patients in small countries;
11. Stresses that the establishment of common binding standards of quality and safety will be the only mechanism that can ensure a high level of health protection throughout the EU;
12. Stresses that donation should be voluntary and unpaid, and take place in clearly defined legal and ethical contexts;
13. Calls on Member States to ensure that organs are allocated to recipients according to transparent, non-discriminatory and scientific criteria;

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14. Calls on Member States to ensure that a legal basis for ensuring valid consent or objection to organ donation by a deceased person or his/her relatives is clearly defined and to ensure that organs are not removed from a deceased person unless that person has been certified dead in accordance with national law;
15. Endorses measures which aim at protecting living donors and ensuring that organ donation is made altruistically and voluntarily, without any payment other than compensation which is strictly limited to making good the expenses incurred in donating an organ, such as travel expenses, childminding costs, loss of earnings or recovery costs, prohibiting any financial incentives or disadvantages for a potential donor; urges Member States to define the conditions under which compensation may be granted;
16. Calls on the Commission to evaluate the possibility to ensure that living donors are legally insured in all Member States; calls on the Commission to analyse the different health care coverage of living donors in all Member States in order to identify best practices across the EU;
17. Stresses that Member States shall ensure that living donors are selected on the basis of their health and medical history, including a psychological evaluation if deemed necessary, by qualified or trained and competent professionals;
18. Stresses that the establishment of well-structured operational systems and the promotion of successful models at a national level are of the utmost importance; suggests that operational systems should comprise an adequate legal framework, technical and logistic infrastructure, and organisational support coupled with an effective allocation system;
19. Calls on Member States to promote the development of quality improvement programmes for organ donation in every hospital where there is potential for organ donation, as a first step, on the basis of a self-evaluation of the entire process of organ donation by specialists in intensive care and the transplant coordinator of every hospital, but seeking complementarity with external audits to the centres, if necessary and feasible;
20. Stresses that continuous education should form an essential part of all Member States' communication strategies on the issue; in particular, suggests that people should be better informed and encouraged to speak about organ donation and to communicate their wishes about donation to their relatives; notes that only 41 % of European citizens seem to have discussed organ donation within their families;
21. Encourages the Member States to make it easier for living persons to make explicit statements of willingness to donate organs by offering on-line enrolment in a national and/or European donors' register with a view to speeding up procedures for verifying consent to donate organs;
22. Calls on the Commission, in close cooperation with Member States, the European Parliament and relevant stakeholders, shall examine the possibility of developing a system whereby the wishes expressed by citizens consenting to the donation of organs after they are deceased are taken into account in as many Member States as possible;
23. Calls on Member States to ensure the accomplishment of systems and related registers which are easily accessible for the purposes of recording the wishes of future donors;
24. Calls, further, on the Member States to take steps to facilitate the inclusion, on national identity cards or driving licences, of references or symbols which identify the holder as an organ donor;
25. Calls, consequently, on Member States to improve the knowledge and communication skills of health professionals and patient support groups on organ transplantation; calls on the Commission, the Member States and civil society organisations to take part in this effort to raise public awareness of the possibility of organ donation whilst taking into account the cultural particularities of each Member State;

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26. Calls on Member States to reach the full potential of deceased donation by establishing efficient systems for identifying organ donors and by promoting transplant donor coordinators in hospitals across Europe; asks Member States to evaluate and make more frequent use of organs from 'expanded' criteria donors (i.e. older donors or those who have certain diseases), maintaining the highest quality and safety standards by exploiting, in particular, recent biotechnological advances which limit the risk of transplanted organs being rejected;
27. Believes it is necessary to ensure that a suitable balance is struck between, on the one hand, the protection of the donor in terms of anonymity and confidentiality and, on the other hand, the ability to trace organ donations for medical purposes, in order to prevent the remuneration of organ donation and trading and trafficking in organs;
28. Stresses that living donors should be treated in accordance with the highest medical standards and without any financial burden for themselves when medical problems such as hypertension, renal failure and their consequences occur which are potentially caused by the transplantation process, and any loss of earning as consequence of the transplantation or any medical problem should be avoided; the donors should be protected against discrimination in the social system;
29. Considers that all transplant system rules (allocation, access to transplant services, activity data, etc.) should be made public and be properly controlled, with a view to avoiding any unjustified discrimination in terms of access to transplant waiting lists and/or therapeutic procedures;
30. Notes that, although several Member States have introduced compulsory registration of transplant procedures and some voluntary registries also exist, no comprehensive system exists to collect data on the different types of transplantation and their outcomes;
31. Strongly supports, in consequence, the creation of national and EU-wide registers as well as the establishment of a methodology to compare the results of existing post-transplant follow-up registers of organ recipients in compliance with the existing European legal framework on the protection of personal data;
32. Supports the creation of special EU-wide protocols to provide procedures for operative and post-operative stages under the responsibility of the respective operating teams, specialist pathologists and specialists in other necessary fields;
33. Supports the creation of national and EU-wide registers on the follow-up of living donors, with the purpose of better ensuring their health protection;
34. Emphasises that any commercial exploitation of organs that denies equitable access to transplantation is unethical, is inconsistent with the most basic human values, contravenes Article 21 of the Convention on Human Rights and Biomedicine and is prohibited under Article 3(2) of the EU Charter on Fundamental Rights;
35. Points out that the organ shortage is linked in two ways to organ trafficking and trafficking in persons for the purpose of the removal of organs: firstly, increased organ availability in the Member States would contribute to better monitoring of these practices, by obviating any need for EU citizens to consider seeking an organ outside the EU, and, secondly, illegal activity seriously undermines the credibility of the legal organ donation system;



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36. Repeats the recommendations on the fight against the organ trade made in the Adamou report on organ donation and transplantation <sup>(1)</sup> and takes the view that these should be taken fully into account by the Commission when drafting the action plan; insists that awareness of the problem within the Commission and Europol needs to be increased;
37. Emphasises the importance of the World Health Assembly to be held in May 2010 and urges the Commission and the Council to fight strongly at WHO level for the principle of voluntary and unpaid donation;
38. Welcomes the joint Council of Europe/United Nations study on trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs;
39. Notes the report of David Matas and David Kilgour about the killing of members of Falun Gong for their organs, and asks the Commission to present a report on these allegations, along with other such cases, to the European Parliament and to the Council;
40. Urges Member States to establish mechanisms to avoid a situation where healthcare professionals, institutions or insurance companies encourage citizens of the Union to acquire an organ in third countries through practices involving trafficking in organs or in persons for the purpose of the removal of organs; urges Member States to monitor cases of this nature occurring within their territories; urges Member States to evaluate the introduction of legislative measures, including sanctions, applicable to persons promoting and/or participating in such activities;
41. Strongly rejects the behaviour of some health insurance organisations in encouraging patients to participate in transplant tourism and asks the Member States to monitor strictly and punish such behaviour;
42. Emphasises that patients who have received an organ under illegal circumstances cannot be excluded from healthcare in the European Union; points out that as in any other case a distinction should be drawn between the punishment for illegal activity and the need for treatment;
43. Stresses that the Member States should intensify their cooperation under the auspices of Interpol and Europol in order to address the problem of trafficking in organs more effectively;
44. Recognises that it is vitally important to improve the quality and safety of organ donation and transplantation; points out that this will have an impact on reducing transplant risks and will consequently reduce adverse effects; acknowledges that actions on quality and safety could have an effect on organ availability and vice versa; asks the Commission to help Member States to develop their capacity in creating and developing regulatory frameworks to enhance quality and safety;
45. Emphasises that good cooperation between health professionals and national authorities or other legitimised organisations is necessary and provides added value;
46. Recognises the important role of post-transplantation care, including the appropriate use of anti-rejection therapies, in the success of transplants; acknowledges that optimum use of anti-rejection therapies can lead to improved long-term health for patients, graft survival and, hence, wider availability of organs owing to the reduced need for retransplantation, and asserts that Member States should ensure that patients have access to the best available therapies;
47. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

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<sup>(1)</sup> European Parliament resolution of 22 April 2008 on organ donation and transplantation: Policy actions at EU level (Texts adopted, P6\_TA(2008)0130).

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## **Institutional aspects of accession by the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms**

P7\_TA(2010)0184

### **European Parliament resolution of 19 May 2010 on the institutional aspects of the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (2009/2241(INI))**

(2011/C 161 E/12)

*The European Parliament,*

- having regard to Article 6(2) of the Treaty on European Union, Articles 216(2), 218(6), 218(8) and 218(10) of the Treaty on the Functioning of the European Union and the Protocol on Article 6(2) of the Treaty on European Union concerning the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter referred to as the ECHR),
  - having regard to the decision of the Conference of Presidents of 14 January 2010 authorising the application of Rule 50 of the Rules of Procedure (procedure with associated committees) <sup>(1)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Foreign Affairs (A7-0144/2010),
- A. whereas, in case law which has remained consistent since the judgments in Case 11-70 Internationale Handelsgesellschaft mbH of 17 December 1970 <sup>(2)</sup> and in Case 4-73 Nold of 14 May 1974 <sup>(3)</sup>, the Court of Justice of the European Union has held that fundamental rights form an integral part of the general legal principles which the Court enforces,
- B. whereas in so doing the Court of Justice of the European Union draws its inspiration from the constitutional traditions common to the Member States and from international instruments concerning the protection of human rights to which the Member States have acceded, such as the ECHR,
- C. whereas the essence of this case law was incorporated into primary law by the Maastricht Treaty on European Union of 1993,
- D. whereas the Court of Justice of the European Union devotes particular attention to the development of the case law of the European Court of Human Rights, as demonstrated by the growing number of judgments which refer to provisions of the ECHR,
- E. whereas in principle the European Court of Human Rights makes a ‘presumption of compatibility’ of the conduct of a Member State of the Union with the ECHR when the State is merely implementing Union law,
- F. whereas, in an opinion of 28 March 1996, the Court of Justice of the European Union found that the European Community could not accede to the ECHR without a previous amendment to the Treaty because the Community did not have an explicit or implicit competence to do so,

<sup>(1)</sup> Minutes of the meeting of the Conference of Presidents, PE432.390/CPG, point 9.1.

<sup>(2)</sup> ECR 1970, p. 1125.

<sup>(3)</sup> ECR 1974, p. 491.

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- G. whereas the limits set by the Lisbon Treaty and the Protocols thereto must be upheld at the time of accession and, more specifically, Article 6(2) of the Treaty on European Union and Protocol No 8 to the Lisbon Treaty; whereas these provisions do not merely constitute an option allowing the Union to accede but require the Union institutions to act accordingly, and whereas the agreement on the accession of the Union to the ECHR must reflect the need to retain the specific features of the Union and of Union law,
- H. whereas, due to the conclusion of Protocol No 14 amending the ECHR, it is now possible for the Union to accede on behalf of the signatory states to the ECHR and whereas the accession terms and conditions must be agreed at the time of accession between the Union, of the one part, and the signatory states to the ECHR of the other part,
- I. whereas such an agreement should also deal with administrative and technical issues, such as the principle of a contribution from the Union to the operating costs of the European Court of Human Rights; whereas in that context plans should be made to establish an autonomous budget for the European Court of Human Rights to facilitate assessment of the various contributions,
- J. whereas, as a result of acceding to the ECHR, the Union will be integrated into its fundamental rights protection system and, in addition to the internal protection of these rights by the case law of the Court of Justice of the European Union, will have the benefit of an external protection body which is international in character,
- K. whereas the ECHR has been developed not only through the additional Protocols, but also through other Conventions, Charters and Agreements, resulting into a continuously evolving system of protection of Human Rights and Fundamental Freedoms,
1. Stresses the main arguments in favour of accession of the Union to the ECHR, which may be summarised as follows:
- accession constitutes a move forward in the process of European integration and involves one further step towards political Union
  - while the Union's system for the protection of fundamental rights will be supplemented and enhanced by the incorporation of the Charter of Fundamental Rights into its primary law, its accession to the ECHR will send a strong signal concerning the coherence between the Union and the countries belonging to the Council of Europe and its pan-European human rights system; this accession will also enhance the credibility of the Union in the eyes of third countries which it regularly calls upon in its bilateral reports to respect the ECHR,
  - accession to the ECHR will afford citizens protection against the action of the Union similar to that which they already enjoy against action by all the Member States; this is all the more relevant because the Member States have transferred substantial powers to the Union,
  - legislative and case law harmonisation in the field of human rights of the rule of law of the EU and the ECHR will contribute to the harmonious development of the two European courts in the field of human rights, particularly because of the increased need for dialogue and cooperation, and thus will create an integral system, in which the two courts will function in synchrony,
  - accession will also compensate to some extent for the fact that the scope of the Court of Justice of the European Union is somewhat constrained in the matters of foreign and security policy and police and security policy by providing useful external judicial supervision of all EU activities,

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- accession will not in any way call into question the principle of the autonomy of the Union's law, as the Court of Justice of the European Union will remain the sole supreme court adjudicating on issues relating to EU law and the validity of the Union's acts, as the European Court of Human Rights must be regarded not only as a superior authority but rather as a specialised court exercising external supervision over the Union's compliance with obligations under international law arising from its accession to the ECHR; the relationship between the two European courts shall not be hierarchical but rather a relationship of specialisation; thus the Court of Justice of the European Union will have a status analogous to that currently enjoyed by the supreme courts of the Member States in relation to the European Court of Human Rights;
- 2. Recalls that, pursuant to Article 6 of the Treaty on European Union and Protocol No 8, accession does not entail any extension of the powers of the Union and in particular does not create a general human rights competence for the Union, and that, pursuant to Article 4(2) and Article 6(3) of the Treaty on European Union, the Member States' traditions and constitutional identities must be respected;
- 3. Notes that, pursuant to Article 2 of Protocol No 8 to the Lisbon Treaty, the agreement on the accession of the Union to the ECHR must ensure that accession will not affect the particular internal situation of the Member States in relation to the ECHR and its protocols in general and with regard to any derogations and reservations made by Member States in particular, and that such circumstances should not influence the position taken by the Union in relation to the ECHR;
- 4. Observes that the ECHR system has been supplemented by a series of additional protocols concerning the protection of rights which are not covered by the ECHR and recommends that the Commission be mandated also to negotiate accession to all the protocols concerning rights corresponding to the Charter of Fundamental Rights, regardless of whether they have been ratified by the Member States of the Union;
- 5. Stresses that, as the accession of EU to the ECHR is an accession of a non-State Party to a legal instrument created for States, it should be completed without altering the features of the ECHR and modifications to its judicial system should be kept to a minimum; considers it important, in the interests of those in both the Union and third countries who are seeking justice, to give preference to accession arrangements that will have the least impact on the workload of the European Court of Human Rights;
- 6. Emphasises that, in tandem with the necessary political commitment, it is of the utmost importance that adequate answers and solutions be found to the main technical questions in order to enable the EU's accession to the ECHR to be used for the benefit of citizens; points out that unresolved and unclear details may create confusion and endanger the very purpose of the accession; stresses, however, that technical impediments should not be allowed to delay the process;
- 7. Stresses that accession to the ECHR does not make the Union a member of the Council of Europe but that a degree of participation by the Union in the ECHR bodies is necessary in order to ensure proper integration of the Union into the ECHR system and that, therefore, the Union should have certain rights in this domain, particularly:
  - the right to submit a list of three candidates for the post of judge, one of whom is elected by the Parliamentary Assembly of the Council of Europe on behalf of the Union and participates in the work of the Court on a footing of equality with the other judges, pursuant to Article 27(2) of the ECHR; the European Parliament being involved either in drawing up the list of candidates in line with a procedure similar to that provided for in Article 255 of the Treaty on the Functioning of the European Union for candidates for the position of judge at the Court of Justice of the European Union,
  - the right to attend via the European Commission, with voting rights on behalf of the EU, meetings of the Committee of Ministers when it performs its task of monitoring the execution of judgments given by the European Court of Human Rights or when it decides on the desirability of seeking an opinion from the Court and the right to be represented on the Steering Committee for Human Rights (a subsidiary body of the Committee of Ministers),

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— the right of the European Parliament to appoint/send a certain number of representatives to the Parliamentary Assembly of the Council of Europe when the latter elects judges to the European Court of Human Rights;

8. Considers that the Member States should undertake, at the time of accession to the ECHR, with respect to one another and in their mutual relations with the Union, not to bring interstate applications concerning an alleged failure of compliance pursuant to Article 33 of the ECHR when the act or omission in dispute falls within the scope of Union law, as this would be contrary to Article 344 of the Treaty on the Functioning of the European Union;

9. Considers that the principal added value of the accession of the EU to the ECHR lies in recourse for individuals against acts by means of which the law of the Union is implemented by its institutions or the Member States and that consequently any application by a natural or legal person concerning an act or failure to act by an institution or body of the Union should be directed solely against the latter and that similarly any application concerning a measure by means of which a Member State implements the law of the Union should be directed solely against the Member State, without prejudice to the principle that, where there might be any doubt about the way in which responsibility is shared, an application may be brought simultaneously against the Union and the Member State;

10. Considers that for the purposes of complying with the requirement set out in Article 35 ECHR for domestic remedies to have been exhausted, the applicant shall have exhausted the judicial remedies of the State concerned including a reference for a preliminary ruling to the Court in Luxembourg; the latter procedure shall be regarded as having been complied with where following a request to that end by the applicant the national court does not consider it appropriate for a reference for a preliminary ruling to be made;

11. Notes that, following the EU's accession to the ECHR, it might occur that both the European Court of Human Rights and the Court of Justice of the European Union have jurisdiction in certain cases, and points out that simultaneous referrals to the two Courts will not be admissible;

12. Considers it appropriate that, in the interests of the proper administration of justice and without prejudice to Article 36(2) of the ECHR, in any case brought against a Member State before the European Court of Human Rights which may raise an issue concerning the law of the Union, the Union may be permitted to intervene as a co-defendant, and that in any case brought against the Union subject to the same conditions any Member State may be permitted to intervene as a co-defendant; this possibility must be defined in the provisions of the accession treaty in a manner which is both clear and sufficiently broad;

13. Considers that the adoption of the institution of co-defendant does not impede other indirect options provided by the ECHR (Article 36, 1), such as the right of the Union to intervene as a third party in any application by an EU citizen;

14. Considers that, as the European Court of Human Rights has acknowledged the extra-territorial applicability of the ECHR, the Union must aim to respect this obligation fully in its external relations and activities;

15. Considers that it would be unwise to formalise relations between the Court of Justice of the European Union and the European Court of Human Rights by establishing a preliminary ruling procedure before the latter or by creating a body or panel which would take decisions when one of the two courts intended to adopt an interpretation of the ECHR which differed from that adopted by the other; recalls in this context Declaration No 2 concerning Article 6(2) of the Treaty on European Union, which notes the existence of a regular dialogue between the Court of Justice of the European Union and the European Court of Human Rights, which should be reinforced when the Union accedes to the ECHR;

16. Is clearly aware of the fact that the European Court of Human Rights may find a violation in a case that has already been decided by the Court of Justice of the European Union and stresses that this would in no way cast a doubt on the credibility of the Court of Justice of the European Union as an ultimate umpire in the EU judicial system;

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17. Stresses that, following the accession, the ECHR will constitute the minimum standard of protection for human rights and fundamental freedoms in Europe and will be crucial, in particular, in cases where the protection granted by the EU is inferior to that provided under the ECHR; points out that the ECHR reinforces protection of the rights recognised by the Charter of Fundamental Rights that come within its scope and that the Charter also recognises other rights and principles, which are not contained in the ECHR, but in the additional protocols and in instruments related to the ECHR;

18. Recalls that promotion of respect of human rights, a core value of the EU as enshrined in its founding treaty, constitutes common ground for its relations with third countries; takes the view, therefore, that accession will further enhance the confidence of citizens in the European Union and the EU's credibility in talks on human rights with non-member States; stresses, furthermore, that the uniform and full application of the Charter of Fundamental Rights at EU level is equally essential to ensure the Union's credibility in this dialogue;

19. Notes that the ECHR has an important function in connection with the interpretation of the Charter of Fundamental Rights, as rights guaranteed by the Charter which correspond to rights recognised by the ECHR must be interpreted in accordance with the Convention and as, by virtue of Article 6(3) of the Treaty on European Union, the ECHR constitutes a source of inspiration for the Court of Justice of the European Union in the formulation of general principles of Union law; notes likewise that, pursuant to Article 53 of the ECHR, the Convention cannot be interpreted as limiting or adversely affecting the rights recognised by the Charter of Fundamental Rights, so that the latter retains its full legal force;

20. Emphasises the significance of the ECHR and the case law of the European Court of Human Rights in providing a legal framework and guiding principles for current and future EU action in the domain of civil liberties, justice and home affairs, especially in the light of the new forms of integration and harmonisation in civil liberties, justice and home affairs initiated by the entry into force of the Treaty of Lisbon and the adoption of the Stockholm Programme;

21. Stresses that the accession will, first and foremost, contribute to a more coherent human rights system within the EU; takes the view that the accession will strengthen the EU's credibility in the eyes of its own citizens in the field of human rights protection, ensuring full and effective respect for fundamental rights whenever EU law is in play;

22. Underlines that, after the accession, the competence of the European Court of Human Rights when judging matters coming under the ECHR may not be contested on the basis of the internal structure of EU law; underlines also that the competence of the European Court of Human Rights must not be limited to European citizens or to the geographical area of the European Union (for example in the case of missions or delegations);

23. Notes that EU accession to the ECHR will provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the European Court of Human Rights in relation to an act, or a failure to act, by an EU institution or a Member State implementing EU law and falling within the remit of the ECHR; stresses, however, that this does not alter the present system of jurisdiction of the Court of Justice of the European Union nor that of the European Court of Human Rights, and that the requirement that all domestic judicial remedies should have been exhausted will remain the condition for the admissibility of any application; calls for applications and complaints to be dealt with in a reasonable period of time; encourages the Commission to provide some guidance, in consultation with the Court of Justice of the European Union and the European Court of Human Rights, on what constitutes the appropriate domestic remedy within the Union and on preliminary rulings under EU law; stresses, in this context, that it will be necessary to ensure that Member State courts refer cases to the Court of Justice of the European Union when there is arguably a fundamental rights issue at hand;

24. Stresses that, at the same time, the accession will require enhanced cooperation between national courts, the Court of Justice of the European Union and the European Court of Human Rights in protecting fundamental rights; points out that cooperation between the two European courts will further the development of a coherent case-law system in the field of human rights;

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25. Welcomes, further, the fact that Article 1 of the ECHR would not only guarantee protection to EU citizens and other individuals within Union territory, but also outside Union territory to any individuals who come under its jurisdiction;
26. Is aware that accession as such will not resolve the extremely serious problems facing the ECHR system, namely on the one hand the excessive workload due to an exponential increase in the number of individual requests and on the other hand the reform of the structure and functioning of the Court to cope with it; notes that the European Court of Human Rights recognises that it operates in a complex legal and political environment, and notes that the entry into force of Protocol No 14 on 1 June 2010 will certainly help to reduce the number of uncompleted procedures but will not eliminate them; stresses, in the context of the reform of the European Court of Human Rights, the importance of the Interlaken Declaration, with particular reference to paragraph 4 thereof, which rightly calls for a uniform and rigorous application of the criteria concerning admissibility and the Court's jurisdiction;
27. Considers it essential to maintain the independence of the European Court of Human Rights in terms of personnel and budgetary policy;
28. Draws attention to the fact that, in view of the constitutional importance of accession by the Union to the ECHR, the Treaty on the Functioning of the European Union lays down stringent conditions for this, the Council being required to adopt the decision concluding the agreement unanimously after approval has been given by the European Parliament, and the agreement entering into force only after its approval by the Member States in accordance with their respective constitutional rules;
29. Encourages the national parliaments of the EU Member States to clearly express their will and readiness to facilitate the accession process by involving their national courts and ministries of justice;
30. Notes that accession by the Union to the ECHR signifies the recognition by the EU of the entire system of protection of human rights, as developed and codified in numerous documents and bodies of the Council of Europe; in this sense, accession by the Union to the ECHR constitutes an essential first step which should subsequently be complemented by accession by the Union to, inter alia, the European Social Charter, signed in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996, which would be consistent with the progress already enshrined in the Charter of Fundamental Rights and in the social legislation of the Union;
31. Calls, further, for the Union to accede to Council of Europe bodies such as the Committee on the Prevention of Torture (CPT), the European Commission against Racism and Intolerance (ECRI) and the European Commission on the Efficiency of Justice (CEPEJ); stresses also the need for the Union to be involved in the work of the Commissioner for Human Rights, the European Committee of Social Rights (ECSR), the Governmental Social Committee and the European Committee on Migration, and asks to be duly informed of the conclusions and decisions of these bodies;
32. Takes the view that, for the benefit of citizens, democracy and human rights in Europe and the EU, and to guarantee respect for and the safeguarding of human rights, cooperation between the institutions of the European Union and the specialised bodies of the Council of Europe should be strengthened in order to help bring about greater consistency and greater complementarity in the sphere of human rights at pan-European level;
33. Suggests that, in order to raise awareness of the added value of the accession to citizens, the Council of Europe and the EU should develop guidelines with clear explanations of all the implications and effects of accession; maintains that the Commission and Member States should provide EU citizens with information ensuring that they are fully aware of what the additional mechanism means and how to use it adequately;
34. Stresses that it is important to have an informal body in order to coordinate information sharing between the European Parliament and the Parliamentary Assembly of the Council of Europe;

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35. Stresses that, as accession to the ECHR affects not only the EU institutions, but also the Union's citizens, the European Parliament must be consulted and involved throughout the negotiation process, and must be associated and immediately and fully informed at all stages of the negotiations, as provided for in Article 218(10) of the Treaty on European Union;

36. Welcomes the commitment shown by the current Spanish Presidency in treating the accession as a 'matter of urgency' and the positive and cooperative attitude of the Council of Europe in this respect; calls on the Belgian and Hungarian Presidencies to do their utmost to finalise the accession at the earliest suitable opportunity and in as simple and accessible a manner as possible, so that EU citizens may benefit as soon as possible from the Union's accession to the ECHR;

37. Insists, in view of the important role that the Lisbon Treaty confers on the European Parliament as regards conclusion of the accession agreement, that it be duly informed of the definition of the negotiating mandate for accession to the ECHR and that it be closely involved in the preliminary discussions and also in the conduct of negotiations on that text, in accordance with the provisions of Article 218 of the Treaty on the Functioning of the European Union;

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

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## First review Conference of the Rome Statute

P7\_TA(2010)0185

### European Parliament resolution of 19 May 2010 on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda

(2011/C 161 E/13)

*The European Parliament,*

- having regard to the decision of the Assembly of States Parties, adopted at its 8th plenary meeting, on 26 November 2009 <sup>(1)</sup>, to convene the Review Conference on the Rome Statute of the International Criminal Court in Kampala, Uganda, from 31 May to 11 June 2010,
- having regard to previous resolutions and reports on the Review Conference, and in particular Resolution ICC-ASP/7/Res.2 on the procedure for the nomination and election of the judges, the prosecutor and the deputy prosecutors of the ICC,
- having regard to its previous resolutions on the International Criminal Court, in particular those of 19 November 1998 <sup>(2)</sup>, 18 January 2001 <sup>(3)</sup>, 28 February 2002 <sup>(4)</sup>, 4 July 2002 on the draft American Service Members' Protection Act (ASPA) <sup>(5)</sup> and 26 September 2002 <sup>(6)</sup>, and its resolution of 22 May 2008 <sup>(7)</sup>,
- having regard to the Rome Statute of the International Criminal Court (ICC) and its entry into force on 1 July 2002,
- having regard to the declaration of 1 July 2002 on the International Criminal Court by the Council Presidency on behalf of the European Union,

<sup>(1)</sup> Resolution ICC-ASP/8/Res.6.

<sup>(2)</sup> OJ C 379, 7.12.1998, p. 265.

<sup>(3)</sup> OJ C 262, 18.9.2001, p. 262.

<sup>(4)</sup> Texts adopted, P5\_TA(2002)0082.

<sup>(5)</sup> Texts adopted, P5\_TA(2002)0367.

<sup>(6)</sup> Texts adopted, P5\_TA(2002)0449.

<sup>(7)</sup> Texts adopted, P6\_TA(2008)0238.



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- having regard to the importance accorded by both the ICC and the EU to the consolidation of the rule of law and respect for human rights and international humanitarian law, as well as the preservation of peace and the strengthening of international security, in accordance with the Charter of the United Nations and as provided for in Article 21(2)(b) of the Treaty on European Union,
  - having regard to the fact that the Council of the EU adopted Common Position 2003/444/CFSP on the International Criminal Court on 16 June 2003 <sup>(1)</sup>, stating that the serious crimes within the jurisdiction of the ICC are of concern to all Member States, which are determined to cooperate for the prevention of such crimes and to put an end to the impunity of the perpetrators thereof, and with the objective of supporting the effective functioning of the Court and advancing universal support for the Court by promoting the widest possible participation in the Statute,
  - having regard to the action plan to follow-up the Common Position <sup>(2)</sup> finalised by the EU on 4 February 2004 for the co-ordination of EU activities, the universality and integrity of the Rome Statute and the independence and effective functioning of the ICC,
  - having regard to the adoption by the EU of a set of 'Guiding Principles' <sup>(3)</sup> that fix minimum benchmarks to be respected by ICC States Parties if entering into bilateral non-surrender agreements,
  - having regard to the several decisions <sup>(4)</sup> adopted by the Council of the EU in the field of justice, freedom and security with a view to strengthening cooperation among Member States in the investigation and prosecution of genocide, crimes against humanity and war crimes at national level,
  - having regard to the Stockholm Programme inviting the EU institutions to support and promote Union and Member States' activity against impunity and to fight against crimes of genocide, crimes against humanity and war crimes, and 'in that context [to] promote cooperation between Member States [...] and the ICC',
  - having regard to the considerable progress made since the first ICC judges and prosecutor were elected and to the fact that the Court is currently conducting investigations in five countries (Kenya, DR Congo, Sudan/Darfur, Uganda and Central African Republic),
  - having regard to the fact that the ICC Review Conference is an opportune moment to reflect on the Court's progress and its work for the deterrence and resolution of armed conflicts, with particular reference to UN Security Council Resolution 1325 on Women, Peace and Security,
  - having regard to the Rome Statute Explanatory Memorandum defining the jurisdiction of the ICC, which recognises rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or 'any other form of sexual violence of comparable gravity' as crime against humanity,
  - having regard to the statements by the Council and Commission on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the EU is a staunch supporter of the ICC and promotes the universality, and defends the integrity, of the Rome Statute with a view to protecting and enhancing the independence, legitimacy and effectiveness of the international judicial process,

<sup>(1)</sup> OJ L 150, 18.6.2003, p. 67.

<sup>(2)</sup> Council document 5742/04.

<sup>(3)</sup> Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the ICC and the United States regarding the Conditions to Surrender of Persons to the Court.

<sup>(4)</sup> Decision 2002/494/JHA of 13 June 2002 (OJ L 167, 26.6.2002, p. 1) setting up a European network of contact points in respect of persons responsible for genocide, crime against humanity and war crimes; Framework Decision 2002/584/JHA of 13 June 2002 (OJ L 190, 18.7.2002, p. 1) on the European arrest warrant and the surrender procedures between Member States; Decision 2003/335/JHA of 8 May 2003 (OJ L 118, 14.5.2003, p. 12) concerning the investigation and prosecution of genocide, crimes against humanity and war crimes.

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- B. whereas achieving the widest possible ratification and implementation of the Rome Statute has also been an EU objective during enlargement negotiations and in the process of accession by new EU Member States, and whereas the ratification and implementation of the Rome Statute should be also an important objective for the EU in its relations with other partners, in particular the United States, China, Russia and Israel,
- C. whereas the EU systematically pursues the inclusion of an ICC clause in negotiating mandates and in agreements with third countries,
- D. whereas respect for, and the promotion and safeguarding of, the universality of human rights is part of the Union's ethical and legal *acquis* and one of the cornerstones of European unity and integrity <sup>(1)</sup>,
- E. whereas the role of the EU as a global player has increased in recent decades,
- F. whereas its Special Representatives promote EU policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law,
- G. whereas, in April 2006, the EU became the first regional organisation to sign an agreement with the ICC on cooperation and assistance <sup>(2)</sup>,
- H. whereas the EU has provided more than EUR 40 million over 10 years under the EIDHR financial instrument for projects aimed at supporting the ICC and international criminal justice,
- I. whereas the ACP-EU Joint Parliamentary Assembly has been active in ensuring that international criminal justice is included in the revised ACP-EU Partnership Agreement (Cotonou Agreement) and has adopted several resolutions aimed at mainstreaming the fight against impunity in international development cooperation and relevant political dialogue,
- J. whereas this Review Conference represents a key opportunity for the States Parties, as well as non-State Parties, civil society and other stakeholders, strongly to reaffirm their commitment to justice and accountability,
- K. whereas States Parties have seized the opportunity of the Review Conference to go beyond the proposed amendments to the Rome Statute and to take stock of the ICC more than 10 years after its founding and evaluate more broadly the state of international criminal justice, focusing on four major themes, namely: complementarity, cooperation, the impact of the Rome Statute system on victims and affected communities, and peace and justice,
- L. whereas, with 111 States Parties to the ICC, some regions, such as the Middle East, North Africa and Asia, are still under-represented,
- M. whereas cooperation among states, international organisations and the ICC is essential for the effectiveness and success of the international criminal justice system, in particular in terms of law-enforcement capacity,
- N. whereas, on 19 April 2010, for the first time since the creation of the ICC, a request was submitted to it for a finding of non-cooperation by a state,
- O. whereas the premise underlying the principle of complementarity, on which the Rome Statute is founded, is that it is for the state itself to investigate and, where appropriate, to prosecute persons suspected of having committed crimes under international law,

<sup>(1)</sup> Articles 2, 3(5) and 6 of the Treaty on European Union.

<sup>(2)</sup> OJ L 115, 28.4.2006, p. 50.

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- P. whereas in most conflict situations where justice has not been incorporated as part of the peacemaking process there has been a return to violence,
1. Reiterates its strong support for the ICC and its aims; stresses that the Rome Statute was ratified by all the EU Member States as an essential component of the democratic principles and values of the Union and calls, therefore, upon the Member States to comply fully with the Statute as part of the EU *acquis*;
  2. Highlights the importance of the choice of an African country, Uganda, to host this Review Conference, and expresses support for the Court's request to open a liaison office to the African Union in Addis Ababa, while recognising the universal dimension of the 'Rome Statute system';
  3. Underlines the importance of the principle of universality of the Rome Statute and calls on the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy actively to promote accession to and ratification of the Statute;
  4. Reiterates its position that no immunity agreement should allow impunity of any individual accused of war crimes, crimes against humanity or genocide; welcomes the announcement of the US administration that no new immunity agreements will be concluded and calls on the USA and its partners to abandon the existing ones;
  5. Urges the Member States to participate in the Review Conference at the highest possible level, including Heads of State and Government, and to publicly reaffirm their commitment to the ICC;
  6. Encourages the Member States to make pledges reaffirming their commitment to the ICC and highlighting practical steps that they plan to take in support of it, by promising *inter alia* to implement the Rome Statute, ratify and implement the Agreement on Privileges and Immunities of the Court (APIC), work with other states that have fewer capabilities in order to promote universal acceptance of the Court, and affirm their contribution to strengthening the system of complementarity and cooperation, notably with regard to impact on victims and affected communities, as well as other areas of the Rome Statute;
  7. Firmly supports the inclusion in Article 5.1 of the Rome Statute of the crime of aggression within the ICC's material jurisdiction, regarding which the Special Working Group of the Assembly of States Parties to the Rome Statute has agreed that, for the purpose of the Statute, 'crime of aggression' means 'the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations';
  8. Strongly affirms that any decision on the definition of a crime of aggression must be respectful of the Court's independence; recommends that states should adopt the proposal that does not require any jurisdictional filter to determine whether an act of aggression has been committed before the ICC prosecutor can proceed with an investigation; and that if the Review Conference decides that a jurisdictional filter must be established, they should require that the determination of whether an act of aggression has been committed be conducted by the relevant Chamber in the course of the legal proceedings already set out in the Rome Statute;
  9. Calls on the Member States to engage meaningfully in the stocktaking exercise by actively participating in the official panel discussions as well as the events organised by civil society (and other stakeholders) on the margins of the official conference;
  10. Urges the Member States also to take the opportunity of the Review Conference to reaffirm their commitment to the Court through specific pledges on the four stocktaking themes and to honour those commitments;
  11. Supports the ICC during this Review Conference in the process of stocktaking on every stage of the implementation and impact of the Rome Statute, bearing in mind the perspective of victims and affected communities;

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12. Is concerned about the impact of the Rome Statute system on victims, individuals and communities affected by the crimes under the ICC's jurisdiction; considers it essential to ensure that victims and affected communities have access to information about, and understand the work of, the Court, and that victims' rights and interests should be a primary concern for the Rome Statute community, bearing in mind that the ICC is a judicial institution that complements the primary role of states in providing protection and facilitating access to justice and effective reparations for victims, whether individually or collectively; considers that the Member States should:

- actively cooperate when a person is subject to an ICC arrest warrant, to facilitate the transfer of the person to the ICC for judgment;
- acknowledge the innovative tools at the disposal of the ICC for the exercise of victims' right to justice, including the possibility for victims of participating in ICC proceedings and applying for reparations, taking into account the complementary role of the Trust Fund for Victims in the delivery of reparations and other assistance, including witness protection; ensure that victims, as well as their lawyers, benefit from adequate legal assistance and protection;
- recognise the progress made by the Court to date in conducting outreach to affected communities and encourage it to develop that work further; and underscore the importance of ICC field operations in increasing the Court's impact among victims and affected communities;
- pay particular attention to those groups who have been historically marginalised, such as children, women and indigenous people, in order to ensure that international criminal justice does not become a tool for perpetuating harm and stereotyping that may have been suffered;
- announce a substantial financial contribution to the Trust Fund for Victims;
- engage with civil society during the Review Conference to ensure that their views are adequately represented, including by participating in events at the People's Space being organised by the Human Rights Network;

13. Reiterates its call to the Member States to ensure full cooperation between States Parties, signatory states and the Court, in accordance with Article 86 of the Rome Statute, in order to respect the object and purpose under which, according to its Preamble, 'the most serious crimes of concern to the international community as a whole must not go unpunished', by the following means:

- enacting national legislation on cooperation, in accordance with Part IX of the Rome Statute, if they have not yet done so;
- reaffirming their commitment to provide the Court with all necessary cooperation and assistance without reservation;
- considering concluding ad hoc agreements with the Court for the relocation of victims and witnesses and the enforcement of the Court's sentences;
- ensuring that cooperation becomes a standing item on the agenda of the Assembly of States Parties to the ICC, that the actual challenges and needs of the Court are discussed and that the progress made by states is measured;

14. Welcomes the revision and discussion of Article 124 ('transitional provision') of the Rome Statute, which allows states to choose not to have their nationals subject to the Court's jurisdiction over war crimes for a seven-year period after ratification, and calls for its prompt deletion from the Statute so that the law is applied equally to all suspects of alleged war crimes committed in the territories of, or by nationals of, States Parties to the Statute;

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15. Calls on the Member States to prioritise the inclusion as a war crime within the jurisdiction of the court of the use of certain weapons in the context of an armed conflict not of an international character, in accordance with the Belgian proposal for amendments to Article 8 of the Rome Statute, submitted to the 8th session of the Assembly of States Parties and extending criminalisation of the use of poison, poisoned weapons, asphyxiating, poisonous or other gases and all analogous liquids, materials or devices, as well as the use of bullets that expand or flatten in the body, to armed conflicts not of an international character;
16. Stresses the effectiveness of the principle of complementarity of the Court, which is the foundation of the comprehensive system of international criminal justice (the Rome Statute system) and under which the primary duty of States Parties to investigate and prosecute international crimes is clearly reinforced by the complementary (subsidiary) jurisdiction of the ICC;
17. Is deeply convinced that, during the discussions in Kampala, the Member States should:
- reaffirm their primary obligation to investigate and prosecute war crimes, genocide and crimes against humanity, and commit to enacting in their legislation definitions of war crimes, genocide and crimes against humanity, in conformity with the Rome Statute;
  - engage in 'positive complementarity' by, *inter alia*, emphasising the necessity of effective national proceedings, including in countries where there is a high need for justice, such as ICC situation countries and countries under preliminary analysis by the ICC;
  - stress the importance of initiating and implementing effective national proceedings and, in particular, address the issue of lack of political willingness on the part of states;
  - stress the vital importance of building the political will of states to fulfil their obligations under complementarity, and take steps to encourage states to stand on the side of justice and against impunity;
18. Urges all States Parties to the Rome Statute, especially the EU Member States, to enact or implement national legislation ensuring that they can cooperate fully with the ICC;
19. Urges all States Parties to the Rome Statute to enter into agreements with the Court on victim and witness relocation and enforcement of sentences;
20. Calls on the Union, the Member States and other international donors to support reform processes and national capacity-building efforts aimed at strengthening the independent judiciary, the law-enforcement sector and the penitentiary system in all developing countries directly affected by the commission of Rome Statute crimes, thus ensuring effective implementation of the principle of complementarity and also compliance by states with the decisions of the Court;
21. Call on the States Parties to adopt a resolution, based on the discussions in Kampala, highlighting the importance of delivering effective justice to victims, in the context of fair and impartial trials;
22. Calls on the EU Member States to renew their commitment to the ICC for the future;
23. Supports the proposal made by high-level representatives of States Parties to the Rome Statute of the ICC to adopt the 17th of July, which is the day of the adoption of the Rome Statute in 1998, as the Day of International Criminal Justice;
24. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission and the governments and parliaments of the Member States and the candidate countries.
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## Delivering a single market to consumers and citizens

P7\_TA(2010)0186

### European Parliament resolution of 20 May 2010 on delivering a single market to consumers and citizens (2010/2011(INI))

(2011/C 161 E/14)

*The European Parliament,*

- having regard to the Commission communication to the European Council on ‘Europe 2020, a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to Professor Mario Monti’s report to the Commission on revitalising the single market <sup>(1)</sup>,
- having regard to the Commission communication on ‘A citizen’s agenda – delivering results for Europe’ (COM(2006)0211),
- having regard to the Commission communication on ‘A single market for 21st century Europe’ (COM(2007)0724) and the accompanying Commission staff working document entitled ‘The single market: review of achievements’ (SEC(2007)1521), Parliament’s resolution of 4 September 2007 on the single market review <sup>(2)</sup> and the Commission staff working document entitled ‘The single market review: one year on’ (SEC(2008)3064),
- having regard to the Commission communication on ‘Opportunities, access and solidarity: towards a new social vision for the 21st century’ (COM(2007)0726) and to the Commission communication on ‘Services of general interest, including social services of general interest: a new European commitment’ (COM(2007)0725) and Parliament’s resolution of 27 September 2006 on the Commission white paper on services of general interest <sup>(3)</sup>,
- having regard to the Commission recommendation of 29 June 2009 on measures to improve the functioning of the single market <sup>(4)</sup> and the Commission recommendation of 12 July 2004 on the transposition into national law of directives affecting the internal market <sup>(5)</sup>,
- having regard to the Internal Market Scoreboard of July 2009 (SEC(2009)1007) and to Parliament’s resolutions of 9 March 2010 <sup>(6)</sup> and 23 September 2008 <sup>(7)</sup> on the Internal Market Scoreboard,
- having regard to the communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee entitled ‘EU Consumer Policy strategy 2007-2013 – Empowering consumers, enhancing their welfare, effectively protecting them’ (COM(2007)0099) and Parliament’s resolution of 20 May 2008 on the ‘EU consumer policy strategy 2007-2013’ <sup>(8)</sup>,
- having regard to the Commission communication of 28 January 2009 entitled ‘Monitoring consumer outcomes in the single market – Second edition of the Consumer Markets Scoreboard’ (COM(2009)0025) and to the accompanying Commission staff working document entitled ‘Second Consumer Markets Scoreboard’ (SEC(2009)0076),

<sup>(1)</sup> Expected in April 2010.

<sup>(2)</sup> OJ C 187 E, 24.7.2008, p. 80.

<sup>(3)</sup> OJ C 306 E, 15.12.2006, p. 277.

<sup>(4)</sup> OJ L 176, 7.7.2009, p. 17.

<sup>(5)</sup> OJ L 98, 16.4.2005, p. 47.

<sup>(6)</sup> Texts adopted, P7\_TA(2010)0051.

<sup>(7)</sup> OJ C 309 E, 4.12.2008, p. 46.

<sup>(8)</sup> OJ C 180 E, 17.7.2008, p. 26.

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- having regard to the Commission communication of 2 July 2009 on the enforcement of the consumer *acquis* (COM(2009)0330) and to the Commission report of 2 July 2009 on the application of Regulation (EC) No 2006/2004 of the European Parliament and the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the 'Regulation on consumer protection cooperation') (COM(2009)0336),
- having regard to its resolution of 9 March 2010 on consumer protection <sup>(1)</sup>,
- having regard to the Commission communication on 'Cross-border business-to-consumer e-commerce in the EU' (COM(2009)0557),
- having regard to the report of the European Economic and Social Committee, Section for the Single Market, Production and Consumption, on 'Obstacles to the European single market 2008' <sup>(2)</sup>,
- having regard to SOLVIT's 2008 annual report on the development and performance of the SOLVIT network (SEC(2009)0142), the Commission staff working paper of 8 May 2008 on an action plan on an integrated approach for providing single market assistance services to citizen and business (SEC(2008)1882) and Parliament's resolution of 9 March 2010 on SOLVIT <sup>(3)</sup>,
- having regard to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, which aims to create an overall framework of rules and principles in relation to accreditation and market surveillance,
- having regard to Article 26 of the Treaty on the Functioning of the European Union (TFEU), stipulating that 'the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties',
- having regard to Article 3(3) of the Treaty on European Union (TEU), which commits the Union to working for 'a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment',
- having regard to the Charter of Fundamental Rights of the European Union, as incorporated into the Treaties by Article 6 TEU,
- having regard to Article 9 TFEU, stipulating that 'in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health',
- having regard to Article 11 TFEU, stipulating that 'environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development',
- having regard to Article 12 TFEU, stipulating that 'consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities',
- having regard to Article 14 TFEU and Protocol 26 thereto on services of general (economic) interest,
- having regard to Rule 48 of its Rules of Procedure,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0046.

<sup>(2)</sup> [http://www.eesc.europa.eu/smo/news/Obstacles\\_December-2008.pdf](http://www.eesc.europa.eu/smo/news/Obstacles_December-2008.pdf).

<sup>(3)</sup> Texts adopted, P7\_TA(2010)0047.

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- having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0132/2010),
- A. whereas too many obstacles, resulting from a lack of information about rights and opportunities, fragmented regulation, a lack of legislative initiatives in a number of key areas, poor transposition, inadequate application and enforcement of rules, and a lack of administrative coordination and cooperation, stand in the way of citizens, consumers and SMEs wishing to move, shop, sell or trade across borders with the same sense of security and confidence they enjoy in their own Member States,
- B. whereas, at the same time, efforts to harmonise legislation in order to overcome these obstacles have sometimes led to over-regulation, from which the majority of SMEs, in particular the micro-entities that do not wish to operate on the European market but prefer to remain active locally, as well as local government bodies, have experienced adverse effects, so that better regulation is called for with a minimum of administrative burdens,
- C. whereas only a small percentage of workers, service providers and professionals take the step of moving to another Member State, inter alia because the red tape involved and the risk of losing social security rights make it too complicated and costly to do so,
- D. whereas few entrepreneurs and SMEs offer their goods and services outside their domestic markets, owing to language barriers, lack of certainty regarding investments, payments and liability, and to differences in the legal, administrative, social and cultural traditions of the different Member States,
- E. whereas the single market must not be seen in isolation from other horizontal policy areas, particularly health, social and consumer protection, labour law, the environment, sustainable development and external policies,
- F. whereas the EU 2020 Strategy should set realistic targets for achieving a green, knowledge-based, social market economy and sustainable growth by 2020, as well as to create jobs, including in the environmental sector; whereas the cornerstone of the EU 2020 Strategy should be the single European market, with the challenges of social justice and economic growth and a focus on benefits to citizens, consumer protection and SMEs,
- G. whereas, increasingly, single market and international trade issues are interdependent and affect each other,
- H. whereas many European citizens are not aware of the practical benefits they themselves derive from the single market, as too little information on the single market is available and it is not explained properly,

### **General considerations**

1. Considers that the Union is facing a particularly problematic time in the history of single European market integration; takes the view that the current and future challenges must be addressed with coherence, determination, commitment and strength, necessarily coupled with sensitivity and practicality, in a spirit of cooperation and solidarity; emphasises that this process will necessitate firm authority and considerable initiative on the part of the European Commission, and political commitment from the Council, the Member States and the European Parliament;
2. Emphasises that the single market is not only an economic structure, and single market legislation protects and preserves specific fundamental rights of citizens, such as security and privacy, and that for this reason a smoothly functioning single market is in the best interests of European citizens, consumers and SMEs, given the many economic and other challenges that the EU currently faces;
3. Stresses that, notwithstanding the economic, technological and legislative weaknesses in its structure, the single European market, along with the eurozone, best illustrates the true meaning of EU economic integration and unity, and is certainly the most visible achievement of European integration for EU citizens;



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4. Emphasises that the single market should open new horizons in the research and innovation sector, doing more to promote the development of goods and services, with an emphasis on knowledge and technology, which constitute a driving force for future economic development;

5. Welcomes and fully supports the Commission's intention to 'put back at the heart of the internal market those who live in it and use it daily' as well as its commitment to be a determined defender of the single market through full use of its enforcement powers and to come up with a social and environmental vision of the single market based on the Lisbon Treaty obligations;

***The single market integration process is not irreversible***

6. Emphasises that integration into the single market is not an irreversible process and that the continued existence of the single market should not be taken for granted;

7. Expresses its concern that the re-emergence of economic protectionism at national level would most probably result in fragmentation of the single market and therefore needs to be avoided; is concerned that the current economic and financial crisis could be used to justify reviving protectionist measures in various Member States, whereas the downturn calls for common safeguard mechanisms instead;

8. Considers that the crisis has substantially damaged the single market integration process and that antagonism towards, and distrust of, the single market have increased as a result of shortcomings and inequalities emanating from Member States' economic systems;

9. Recalls that policies to tackle the crisis should not detract from the single market integration process, but rather provide a window of opportunity for reforming, consolidating and improving the current structure of the single market, releasing the job creation potential of a green economy and regaining the trust and confidence of citizens, especially consumers and SMEs;

10. Stresses that the relaunch of the single market must not be wholly dictated by the recent financial downturn and that the revival must go beyond the fundamental lessons learned from the crisis;

11. Underlines that the relaunch of the single market should achieve concrete, measurable, achievable, relevant and timed targets, which must be achieved by proper and effective policy instruments based on the four freedoms of movement that are available to all EU citizens;

12. Highlights the fact that the single European market is in dire need of a new momentum, and that strong leadership from European institutions, especially the Commission, and political ownership by the Member States is required to restore credibility and confidence in the single market;

***Need for a holistic and common approach to the single market***

13. Takes the view that the old perception of the single market should be supplemented in order to make it more inclusive; stresses that all those involved in shaping and implementing the single market need to adopt a more holistic approach, fully integrating citizens' concerns;

14. Emphasises that a stronger, deeper and expanded single market is of vital importance for growth and job creation;

15. Stresses that the single market should be central in achieving the goal of a sustainable and highly competitive social market economy in the context of the EU 2020 Strategy's long-term vision;

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16. Believes that the single market is a very important prerequisite for the success of the EU 2020 strategy; proposes therefore that any strategy and policies to revitalise the single European market should be coordinated by the European institutions and based on a pragmatic, comprehensive and wide-ranging deal supported by all the Member States and focusing mainly on priorities for which the Member States will truly take ownership and which they will implement effectively at national, regional and local level;

17. Emphasises that the single market should provide benefits for consumers in terms of better quality, greater variety, reasonable prices, and safety of goods and services;

18. Calls for a new paradigm of political thinking, focusing on citizens, consumers and SMEs in the relaunch of the European single market; holds the view that this can be achieved by putting European citizen at the heart of European Union policy making;

19. Maintains that revitalisation of the single market requires effective implementation of more adequate checks and balances, and more dialogue, in order to guarantee that the needs of citizens and consumers are adequately taken into account; considers that an evidence-based and citizen-based approach will help the Union to win back popular confidence in the single European market and to find the right formula for the adoption of initiatives to give the Union the competitive edge it needs, without prejudice to the social dimension;

20. Reiterates that meaningful assessment of the social, consumer, environmental and economic impacts of the single market – which should feature in all single market proposals – is crucial to gaining public confidence and will also ensure the realistic integration of social, consumer-protection, environmental and economic goals;

21. Believes that the abolition of borders in the single market has further boosted the competitiveness of Europe in a globalised world;

22. Emphasises that the proper functioning of the internal market cannot be dissociated from the role Europe must play as a global economic actor; takes the view that the European Union must protect its social and environmental model by strictly enforcing its rules on imported products and services and firmly upholding the application of those rules, including in the context of multilateral bodies, and of World Trade Organisation dispute settlement procedures in particular;

23. Stresses that the internal market and the common currency have acted as a protective shield in Europe, reducing the negative impact of the financial crisis on businesses and citizens in Europe;

#### ***Challenges and opportunities to be considered by single market policy***

24. Takes the view that the major challenge facing the Union is to find a balance between an open economy, capable of stimulating economic growth and job creation and providing an integrated response to the major challenges of the future (such as competitiveness, research and development, industrial policy, demographic issues, the environment and new technologies), and an economic system which is equally up to the task of delivering consumer protection and the social and environmental safeguards that citizens need;

25. Emphasises that implementation of the single market rules remains uneven, since market networks are not sufficiently interlinked, which means that enterprises and citizens have to face the daily reality of continuing difficulties in their cross-border activities, which may involve 27 different legal systems for a single transaction;

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26. Highlights the importance of establishing a green single market for emerging low-carbon and environmental technologies, services and products by developing EU-wide standards for carbon emissions; points out that clear standards and labelling for energy-efficient products must become, progressively, mandatory throughout the Union; notes that existing methodologies and standards should be taken into account when developing new standards for carbon footprints; emphasises that such standards must not create overly burdensome requirements, particularly for SMEs;

27. Urges that, in the digital era, the Union must fully realise the potential and opportunities offered by the internet and e-commerce and the diffusion of ICT in SMEs and public administration for the further development of the single market, making it available to all EU citizens; emphasises that the development of new technologies must take into account the need to protect citizens, consumers and SMEs and those in the most vulnerable positions;

28. Stresses the importance of establishing new business models where right holders of copyright and related rights are properly remunerated without creating unnecessary limitations on access to creative content online for consumers;

29. Endorses initiatives taken by the Commission to prioritise research, knowledge and innovation in any future strategy; expects that sufficient funds will be allocated in successive Union budgets in order to address these crucial matters; recalls, in this context, the urgent need to resolve the outstanding issue of the Community patent; proposes that the Commission start to examine possible ways of finding concrete benchmarks in order to measure success in the areas of research, knowledge and innovation;

30. Endorses the Commission's efforts to promote the safety of manufactured goods via the entry into force of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products;

#### ***Citizens and consumers in the single market***

31. Is convinced that the European citizen's perception, understanding and knowledge of the single market are low, non-existent, confused or even negative, in part because of a lack of political commitment and information and a low level of public awareness; takes the view that decisive action must be taken to ensure that future European Union policy on the single market addresses the needs of citizens, especially consumers and SMEs, and provides them with tangible results;

32. Emphasises that, in order to secure the social and economic backing and cooperation of European citizens, the EU and its Member States must intensively promote the possibilities that result from European economic integration, and change popular perceptions of the single market by making people aware of and able to understand the benefits it offers them and the ways of effectively claiming their rights; believes, therefore, that it is important that sectors which have a direct impact on the daily lives of citizens and consumers' needs should be at the centre of the single market;

33. Considers that some of the most obvious problems encountered by consumers, especially in the services sector, which need to be acted upon as a priority in order to achieve quick results are: (1) access to safe products and quality services; (2) access to reliable, comparable and objective information, including price comparisons; (3) greater legal security and clarity in contractual relations; (4) greater payment security; (5) access to adequate, affordable and effective systems of redress, and (6) improved knowledge of, and greater confidence in, the system;

34. Maintains that citizens are not being given enough information on single market legislation and the availability and enforcement of their rights; highlights the need to organise the relevant websites, SOLVIT and contact points more effectively; believes that better coordination and communication of such initiatives is needed, since they have so far failed to reach their target audience; underlines the role of the Commission's 'Your Europe' portal in informing both citizens and businesses on aspects of living, working and business opportunities in the European Union; proposes that existing offers be strengthened rather than new points of contact being created;

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35. Believes that a responsible approach by the business world, with respect for the principle of corporate responsibility, the rules of competition and consumers' economic interests, will help inspire confidence in consumers, the least that is required if consumer protection is to be enhanced;

36. Maintains that economic integration initiatives will take off better if citizens are convinced that their social rights are being safeguarded and that internal market policies will have a positive impact on social policies;

37. Deplores the fact that only a small percentage of citizens, consumers and SMEs are aware of existing alternative redress mechanisms, or know how to register a complaint with the Commission; points out that existing problem-solving systems for citizens and businesses such as SOLVIT need to be strengthened in accordance with Parliament's report on SOLVIT of 2 March 2010 (2009/2138(INI)); calls on the Commission to initiate an accelerated Treaty infringement procedure if an unresolved SOLVIT complaint reveals a prima facie breach of Community law; finds it regrettable that, despite the Commission's recommendations, alternative conflict resolution mechanisms have not yet been correctly set up or are not yet running satisfactorily;

38. Stresses the major role consumer associations play in circulating information to consumers about their rights, supporting consumers in consumer disputes, and promoting consumer interests in the construction of the internal market;

#### ***Small and medium-sized enterprises in the single market***

39. Affirms that SMEs form an essential part of the backbone of the European economy and are the main drivers of job creation, of economic growth, of the shift towards a green economy and of social cohesion in Europe; contends that the active participation of SMEs in an enlarged EU is imperative in making the single market more innovative and competitive, and emphasises that greater efforts must be made to improve access for SMEs to the single market, to facilitate their development and to enable them to take full advantage of their entrepreneurial potential;

40. Considers that more of the obstacles which prevent SMEs from accessing public procurement markets should be removed in order to boost competitiveness in the single market, specifically by simplifying the requirements for SMEs in calls for tender by contracting authorities;

41. Encourages future joint initiatives by the Commission and the Member States to: (1) support small businesses operating across borders throughout the EU; (2) effect a tangible reduction in administrative, financial and regulatory burdens, particularly the administrative hurdles faced by SMEs, irrespective of whether they operate locally, nationally or at European level, in accordance with the principle of proportionality; in this regard calls on the Member States and the Commission strictly to implement and apply the Think Small First principle as outlined in the Small Business Act;

42. Asks the Commission to step up its efforts to help SMEs bridge the linguistic gap which often prevents them from doing business in Member States other than their own, by offering all information, and services, on the single market in all the official European Union languages;

43. Remains committed to reducing gold plating in new single market legislation, and asks the Member States, and in particular their parliaments, to remain committed to the fight against golden plating when transposing EU legislation, as these extra burdens are particularly taxing for SMEs;

44. Agrees that proper implementation of the Small Business Act - in particular regarding a strict application of the SME test by the Commission when proposing new legislative internal market measures and the introduction of a European private company statute will guarantee the practical integration of SMEs into a relevant and viable single European system;

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45. Supports strongly the regulation governing translation requirements for the future EU patent, which will finally make the EU patent a reality and reinforce Europe as a driving force of innovation and competition in the world; further supports the review of the Community Trade Mark system to achieve higher quality and better prospects for this system;

46. Points out that the greatest problem for SMEs in times of economic crisis is their access to finance; considers it regrettable that as a result of the withdrawal of large banks from rural and under populated or economically weak areas a major problem for SMEs has emerged as regards access to finance; welcomes the important role of savings banks and various cooperative movements in financing the regional economy, as well as their contribution to the social market economy in the form of their promotion of ethical and social projects;

47. Agrees that the notification procedure introduced by Directive 98/34/EC is a very efficient tool for improving national legislation, on the one hand, and for avoiding barriers in the single market, particularly for SMEs, on the other; believes that the Commission should reinforce the mechanism by starting a fast-track infringement procedure if a Member State does not comply with a detailed opinion issued by the Commission or does not react to a detailed opinion issued by a Member State,

48. Believes that different economic and social policies such as budget, tax, education and research policies must be coordinated at EU level;

#### ***Ownership and enforcement of single market legislation and better regulation***

49. Asserts that, under the principle of subsidiarity, a substantial part of the administrative and legal responsibility for the single market lies in the hands of the Member States and, where appropriate, of their regional and local authorities, which, together with other EU institutions, must therefore take real ownership of the single European market and its management;

50. Contends that the Internal Market Scoreboards and the Consumer Market Scoreboards reveal clearly that Member States are still failing to meet their objectives for transposing, applying and enforcing single market legislation correctly and that there is a delay of transposition of European laws, which undermines the level playing field that is essential for a properly functioning internal market, notably in the services sector;

51. Notes that a gradual fragmentation of rules and inconsistencies in the implementation of legislation in the EU are proving increasingly detrimental to the completion of the single market; notes that the EU has yet to adopt a set of internally coherent policies designed to remove direct and indirect obstacles to the proper functioning of the internal market;

52. Welcomes the Commission initiative for 'better regulation' which reinforces the effectiveness of rules and their proper application by the Member States; urges the Commission to maintain its momentum here, as rapid implementation of this strategy would significantly contribute to the successful re-launch of the single market;

53. Takes note of the new concept of 'smart regulation', as introduced in the Commission's communication on EU2020;

#### ***Deliverables***

##### *Stronger institutional role in establishing and implementing single market rules*

54. Proposes that, with a view to the improved transposition, application and enforcement of single market legislation, the Commission forge a partnership among all the stakeholders involved in shaping, implementing and enforcing such legislation, using new mechanisms such as the proposed annual single market forum;

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55. Invites the Commission to ensure proper implementation and transposition through more systematic, independent monitoring in order to speed up and expedite infringement proceedings; contends that delays in the settlement of infringement proceedings will have an adverse effect on citizens' interests in the single market;

56. Asks the Commission to develop new ways, other than formal infringement procedures, to improve the transposition and enforcement of single market rules; in this context, asks it to consider innovative mechanisms, such as the mutual evaluation procedure envisaged in the Services Directive, to encourage peer review and Member State ownership, and to improve informal problem-solving mechanisms such as SOLVIT and EU-PILOT, which would be of significant benefit to citizens who face frustrations in the single market on a daily basis;

57. Calls on the Commission to pay greater attention to the systematic evaluation and simplification of existing single market legislation, cutting red tape wherever feasible, which will benefit citizens and enterprises alike;

58. Urges the Commission to ensure proper coordination and to work in collaboration with Parliament and the Member States, as well as major trading partners and business and consumer associations, in surveillance of the goods market and in cross-border enforcement of consumer protection law, and to inform European consumers and citizens more effectively;

59. Recommends that the Commission conduct an independent exercise to identify the top 20 single-market-related sources of dissatisfaction and frustration which citizens encounter every day, in particular on the labour market, in relation to e-commerce, cross-border medical care, vehicle purchase and hire, portability of pensions, mutual recognition of professional qualifications, child custody, adoption and maintenance and allowances;

60. Calls on the Commission to push for the creation of a better mechanism for reviewing how single market rules apply in practice at all levels in the various Member States, and how citizens and businesses are empowered to exercise their single market rights;

61. Asks the Commission to give more assistance to Member States and, where appropriate, to their regional and local authorities so as to facilitate proper compliance with EU standards; stresses that the EU institutions as a whole must tighten the rules and encourage Member States to improve the transposition of laws in a correct and timely manner, in order to ensure that the same rules apply throughout the Union;

62. Calls for the strengthening of Parliament's role in the areas of application, enforcement and monitoring of single market legislation; considers that the enhanced role for the EP and the national parliaments under the Lisbon Treaty must entail better synergism between the two parliamentary levels;

63. Calls on the Member States to ensure better coordination and exchange of best practices in the single market, particularly through the internal market information system and training of single market and consumer protection specialists at national, regional and local level;

64. Insists that the Commission ensure: independent scrutiny of regulatory proposals for their quality; the adoption of ex-ante and ex-post mechanisms for verifying the effectiveness of legislation; the use of benchmarking against international best practice; the use of conformity assessments to gauge social environmental and economic impact at both EU and national level;

*Measures needed to inform and empower citizens and SMEs more effectively in the single market*

65. Calls on the Commission and the Member States to develop a targeted communication strategy focusing on the day-to-day problems that citizens encounter when settling and taking up employment in another Member State, especially when undertaking cross-border transactions moving, shopping or selling across borders, and the social, health, consumer-protection and environmental-protection standards on which they can rely; considers that this communication strategy should expressly include problem-solving methods such as SOLVIT;

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66. Calls on the Commission and the Member States to step up their efforts to ensure that the product standards used within the single market become the main global standard, thus ensuring a level playing field for European companies, and in particular SMEs, wishing to operate beyond the single market;

67. Urges the Commission to focus on prioritising 'consumer-friendly' legislation relating to the single market, which makes a difference to the daily lives of European citizens, when planning its yearly activities; believes that this prioritisation must be followed by adequate information campaigns so as to bolster citizens' perceptions of the single market;

68. Reiterates that it is important to run alongside the emblematic 'publicity campaign' style activities of the EU institutions or the Member States decentralised public relations measures that better associate local stakeholders and the national, regional and local media (placing special stress on the local media), who are more focused on the daily problems experienced by consumers in the single market (examples of bank charges in another Member State, study on the possibilities of changing operator, comparisons of telephony costs, etc.);

69. Asks the Commission to launch a regular series of studies exploring the relationship between the single market and the average European citizen, focusing in particular on the costs and benefits arising from this relationship, as well as the day-to-day challenges that they face;

70. Calls on the Member States, with the support of the Commission, to improve the capacity of problem-solving mechanisms, in particular SOLVIT, by allocating additional financial and human resources and reviewing their mandate so as to ensure that such mechanisms can effectively address the wide range of problems encountered by citizens and businesses; calls on the Commission to complete the single market assistance services (SMAS) project as a matter of priority, so that citizens and businesses have easy access to the information and guidance they need, while finding solutions to the problems they encounter;

71. Urges the Commission, and the Member States, to keep up and increase, through information campaigns and tougher checks, their efforts to raise citizens' confidence in the CE mark, a fundamental tool for ensuring consumer rights and quality standards in the single market;

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

#### *Strategic reports and proposals*

73. Suggests to the Commission that the single market strategy should comprise four main stages: the first to include an evaluation or health check of the current situation to assess the degree of distortion and strain that the various stakeholders in the single market have suffered, notably as a result of the crisis; the second to see the launch of a consolidation process, tying up loose ends; the third to entail development and improvement of the single market; and the fourth to concentrate on the longer-term vision of the market (EU 2020 Strategy);

74. Believes that both financial services and access to finance must be a part of the EU 2020 strategy.

75. Suggests that in the first stage of the abovementioned health check, the Commission should conduct a financial audit of the EU budget and allocate as a priority more funds to investment in education, innovation and research; calls on the Member States to set the same priorities in their budget spending;

76. Believes that in order to establish an effective single market, the Commission must produce a clear set of political priorities through the adoption of a 'Single Market Act', which should cover both legislative and non-legislative initiatives, aimed at creating a highly competitive social market and green economy;

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77. Encourages the Commission to present the 'Act' by May 2011– well ahead of the 20th anniversary of the 1992 Single Market Programme – putting citizens, consumers and SMEs at the heart of the single market; emphasises that it should be looked upon as a blueprint for future action if we are to achieve a knowledge-based, highly competitive, social and environmentally friendly, green market economy which also ensures a credible level playing field;

78. Calls on the Commission to incorporate in the 'Single Market Act' specific measures aimed at, but not limited to:

- putting the consumer interests referred to in Article 12 TFEU and social policy based on Article 9 TFEU at the heart of the single market;
- making the single market fit for the future by improving consumer and SME access to e-commerce and digital markets;
- supporting the creation of a sustainable single market based on Article 11 TFEU through the development of an inclusive, low-carbon, green, knowledge-based economy, including measures to further any innovation in cleaner technologies;
- ensuring the protection of services of general economic interest on the basis of Article 14 TFEU and Protocol 26;
- creating a strategy for better communication of the social benefits of the single market;

79. Calls on the Commission, in preparing the 'Single Market Act', to take into account the various EU institutions' consultations and reports (EU 2020, Monti, Gonzales and IMCO reports, etc.), and to launch an additional wide-ranging public consultation, with a view to bringing forward a coordinated policy proposal for a more coherent and viable single market;

80. Recommends that an analysis be carried out to identify ways and means of integrating consumer interest into the relevant EU policies, thus enabling consumer protection to feature automatically in the drafting of the relevant EU legislation;

81. Reiterates the importance of the Services directive in completing the single market, and the huge potential it has for delivering benefits to consumers and SMEs; emphasises that the successful implementation of this legislation requires sustained political commitment and support from all actors at European, national and local level; calls on the Commission, after the implementation phase, to undertake an evaluation of the Services Directive to determine whether it has achieved its main goals; calls for a clear involvement of the European Parliament in this work and insists on the need to preserve the balance between the need to improve the single market in services while ensuring a high level of social protection;

82. Considers that proper implementation of single market legislation (e.g. the Professional Qualifications Directive, Service Directive and Market Surveillance Regulation) should remain a top priority for the new Commission;

83. Notes that redress mechanisms applicable across the Union have yielded limited results and therefore urges the Commission to bring forward a legislative proposal to ensure implementation of an affordable, expedient and accessible Europe-wide collective redress system by May 2011;

84. Invites the Commission to consider adopting a 'Citizens' Charter' encompassing the various facets of the right to live and work anywhere in the EU; holds that this right must be readily available to all EU citizens; underlines that certain labour restrictions for workers from the new Member States still exist within the single market; calls on Member States, taking into account all the positive and negative effects of opening up of national markets, to consider removing the existing restrictions;



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85. Calls on the Commission to submit to Parliament and the Council during the current parliamentary term a proposal for a regulation on a European Statute for Mutual Societies and Associations;
86. Calls on the Commission to take the requisite steps to propose, as soon as possible, a feasibility study and consultation process designed to lead to the introduction of a European Mutual Society Statute;
87. Calls on the Commission to focus more closely on market monitoring, especially in the areas of financial services, insurance, telephony, banking services and utilities, and believes that the effective monitoring of markets will strengthen fair competition and increase their efficiency, thus benefiting both the economy and consumers;
88. Takes the view that the quality of consumer protection in the financial services sector requires considerable improvement, especially in respect to the monitoring and supervising aspects;
89. Maintains that continued sustainable development of the internal market depends on: (1) the Commission's continued commitment to all market initiatives required to stimulate and improve significantly our standing and competitive edge in the global market; (2) adoption of an overall framework to ensure that the single market really delivers for all stakeholders; and, crucially, (3) the single market also reaching citizens;

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

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## **University Business Dialogue: a new partnership for the modernisation of Europe's universities**

P7\_TA(2010)0187

### **European Parliament resolution of 20 May 2010 on university-business dialogue: a new partnership for the modernisation of Europe's universities (2009/2099(INI))**

(2011/C 161 E/15)

*The European Parliament,*

- having regard to the Commission communication of 2 April 2009 entitled 'A new partnership for the modernisation of universities: the EU Forum for University Business Dialogue' (COM(2009)0158),
- having regard to the Commission communication of 10 May 2006 entitled 'Delivering on the modernisation agenda for universities: education, research and innovation' (COM(2006)0208),
- having regard to the Presidency conclusions issued following the Lisbon European Council of 23 and 24 March 2000,
- having regard to the Presidency conclusions issued following the European Council of 13 and 14 March 2008, notably the part on 'investing in people and modernising labour markets',
- having regard to the Presidency conclusions issued following the European Council of 19 and 20 March 2009, notably the part on 'making full use of the renewed Lisbon Strategy for Growth and Jobs',

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- having regard to the Council resolution of 15 November 2007 on the new skills for new jobs <sup>(1)</sup>,
  - having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') <sup>(2)</sup>,
  - having regard to its resolution of 16 January 2008 entitled 'Adult learning: it is never too late to learn' <sup>(3)</sup>,
  - having regard to its resolution of 23 September 2008 on the Bologna Process and student mobility <sup>(4)</sup>,
  - having regard to the opinion of the Committee of the Regions of 4 December 2009 on university-business dialogue <sup>(5)</sup> and to the opinion of the European Economic and Social Committee of 17 December 2009 <sup>(6)</sup>,
  - having regard to the study published by the European Parliament entitled 'Further Developing the University-Business Dialogue',
  - having regard to Articles 165 and 166 of the Treaty on the Functioning of the European Union,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education and the opinion of the Committee on Industry, Research and Energy (A7-0108/2010),
- A. whereas the European Council of 19 and 20 March 2009 called on the Member States to encourage partnerships between business, research, education and training,
- B. whereas the communiqué of the Conference of European Ministers Responsible for Higher Education of 28-29 April 2009 calls for public policies that 'fully recognise the value of various missions of higher education, ranging from teaching and research to community service and engagement in social cohesion and cultural development',
- C. whereas, in view of their threefold function (education, research and innovation), universities have a vital part to play in the future of the Union and the education of its citizens, and whereas the role of higher education is to provide a learning environment that promotes autonomy, creativity and optimum use of knowledge,
- D. whereas responsibility for setting education policies remains a matter for the Member States, which are responsible for the organisation, content and reform of their education systems,
- E. whereas the differences in the economic and social levels of the inhabitants of the various parts of Europe call for a levelling of educational opportunities for all European Union citizens and support for talented economically disadvantaged youth,
- F. whereas the continuing economic crisis, which is resulting in the loss of jobs, makes it important to have extremely effective cooperation between higher education institutions and businesses,

<sup>(1)</sup> OJ C 290, 4.12.2007, p. 1.

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

<sup>(3)</sup> Texts adopted, P6\_TA(2008)0013.

<sup>(4)</sup> Texts adopted, P6\_TA(2008)0423.

<sup>(5)</sup> CdR 157/2009 fin.

<sup>(6)</sup> SOC/347.

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- G. whereas it is urgent to implement, coordinate and promote a coherent approach among all those countries having signed the Bologna Process, especially in the field of student mobility and full recognition of diplomas, and to do so necessitates a proper assessment of the said process that identifies the difficulties and obstacles,
- H. whereas the European Commission has an important role to play in facilitating exchanges of information and good practices among the EU Member States and the EU's neighbouring countries,
- I. whereas the diverse range of higher education institutions, business circles and types of cooperation makes it hard to agree on an ideal cooperation model that would match the profile, priorities and requirements of every institution in Europe; whereas the autonomy of universities and their ability to choose the most suitable business partnership models for their purposes should be maintained in all circumstances,
- J. whereas education is a task of society as a whole for which the State must not shirk its financial responsibility,
- K. whereas higher education remains a public responsibility and therefore public financing to universities is needed in order to preserve equal financing to all fields of study, e.g. humanities; whereas it is important to support universities financially (for example through public-private partnerships), while at the same time guaranteeing their autonomy and quality assurance,
- L. whereas education and training, which should lead to acquisition of the fundamentals of general and civic culture, are excellent means of helping underdeveloped regions close up and, in addition to job creation and the promotion of competitiveness, are essential for cultural and intellectual plurality and civic life,
- M. whereas university-business cooperation is supported by many EU programmes, but such action is not always coordinated among institutions,
1. Welcomes the above-mentioned Commission communication entitled 'A new partnership for the modernisation of Europe's universities: the EU Forum for University Business Dialogue', and the areas on which it proposes to focus future cooperation;
  2. Welcomes the Commission's communication, taking stock of the first three years of operation of the EU University-Business Forum and setting out the challenges for the future, such as supporting innovation, promoting research, creating entrepreneurship, enhancing knowledge transfer and attracting young researchers to the European labour market;
  3. Recognises that the challenges identified in the communication are not new, and that they have not been addressed successfully to date; believes, however, that continuous dialogue and collaboration at local, regional, national and European level, including exchanges of best practice in relation to programmes and instruments, are vital in establishing closer links and partnerships between the university and business communities, thus overcoming possible cultural, institutional and operational barriers between them, as well as helping to create a knowledge-based society, develop applied research and improve graduates' labour market prospects;
  4. Recognises the fact that there are wide differences among European universities, with regard to their size, resources, disciplines, organisation, nationality and type; believes, however, that each of them could benefit in its own way from national and cross-border collaboration with the business community, provided that there is a clear awareness of the actual context in which their research and education capacities are developed; takes the view that a major contribution is also being made at regional level to boost collaboration between universities and the business community;

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5. Welcomes the communiqué of the Conference of European Ministers Responsible for Higher Education of 28-29 April 2009, which stresses their commitment to 'the goals of the European Higher Education Area, which is an area where higher education is a public responsibility, and where all higher education institutions are responsive to the wider needs of society through the diversity of their missions';
6. Endorses the view that dialogue and cooperation between business and higher education institutions should remain one of the priorities for the near future, along with dialogue and cooperation with all other sectors of society, so that all stakeholders can benefit from the cultural, scientific and technical knowledge produced and disseminated by higher education institutions; stresses that the intellectual and financial independence of higher education institutions vis-à-vis business must be maintained and no relations of dependency on business must arise on the part of higher education; underlines that universities should in all circumstances maintain the autonomy to decide over their curricula and governance structures;
7. Calls for awareness and concrete action by Member States where legal and financial framework still fail to reward or even inhibit the efforts of universities to cooperate with the business sector;
8. Emphasises that university-business dialogue should not be targeted only at the mathematics, science and technology (MST) education but should cover all fields of study, e.g. humanities;
9. Considers it necessary to strengthen the interdisciplinary and transdisciplinary nature of education and research programmes as well as cooperation among universities, and that ICT are an essential tool in this respect;
10. Calls for improvements in the performance of European universities through the implementation of the principle of the 'research-education-innovation' knowledge triangle, bearing in mind the need for better business-university links, as exemplified by the Knowledge and Innovation Communities (KICs) of the European Institute of Innovation and Technology (EIT), and at the same, encourages universities to take into account the social and economical environment within their main area of influence in their research and innovation programme;
11. Emphasises that improved dialogue and collaboration between universities and business will offer increased opportunities to gain mutual benefits that not only stimulate economic growth, but are also useful in a wider social sense in that they contribute to an ever-improving knowledge-based society;
12. Emphasises that the benefits of improved dialogue and collaboration between universities and business in this context would be equally relevant in terms of enhancing dialogue and collaboration between universities and national, European and international institutions and civil society organisations, as well as improving the interaction between universities and society at large;
13. Calls on national, regional and local authorities to continue, in association with the private sector, to explore and fund processes that enhance the interaction between universities and business, and to remove the administrative obstacles that impede them; points out that the Structural Fund regulation offers the possibility of funding support measures for SMEs along the lines of the system of knowledge vouchers currently in use in a number of Member States;
14. Suggests that a special focus should be placed at securing SMEs (Small and Medium-sized Enterprises) access to university education and research both by increasing public funding and by simplifying bureaucracy;
15. Underlines the need to dignify and give an incentive to investigation and research, not only in scientific and technologic areas but also in social and human areas where valuable knowledge for state-of-the-art business is provided;
16. Supports the role of small and medium-sized research projects ahead of networks of excellence based on large integrated projects;

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17. Calls on businesses and universities to act together in order to balance the unequal gender distribution present in some university departments;

### *Lifelong learning*

18. Recalls the importance of the definition of lifelong learning and the many concepts it covers, ranging from general education to non-formal and informal learning useful for economic, social, cultural and civic life and vocational education and training;

19. Stresses that since lifelong learning is a continuous contact not only with education and training but also with culture, it is of crucial importance for the EU to encourage, for the national states to support and for the public universities to preserve and promote the inclusion of the humanities in their educational curricula;

20. Recalls that one of the key messages is to raise the level of investment in Europe's human resources in order to give priority to the EU's most important asset – its people, who can adapt to the constantly changing circumstances of the labour market;

21. Points out the need to match lifelong learning opportunities as closely as possible to the needs of individuals, of vulnerable social groups and of the labour market, and emphasises that the constantly changing nature of those needs makes continuing education an inevitable necessity and, in this connection, lays particular stress on the social and financial challenges involved; recalls that there is no longer any such thing as a 'job for life' and that training and retraining are essential; reiterates that conditions suitable for promoting a positive attitude to learning need to be created from childhood;

22. Emphasises that lifelong learning, information and training, as well as providing particularly important skills for the labour market, are also a precondition for man's intellectual development and personal growth;

23. Emphasises the importance of creating and promoting modern techniques for lifelong learning through the internet, so that education can become more direct and less time-consuming, especially for workers in businesses;

24. Bearing in mind the demographic transformation of Europe (into an ageing society) and also the changing conditions of the labour market due to the economic, social and employment crisis, calls on universities to widen access to learning and to modernise curricula addressing the new challenges in order to upgrade the skills of the European workforce;

25. Bearing in mind also that education is one of the most important and effective means of social inclusion and of combating poverty and inequalities, urges universities to widen access to learning and international exchange programmes also for people with disabilities;

26. Reiterates the importance of transmitting and exchanging the knowledge, skills and experience gained by adults, as a mean of guiding younger generations into the labour market (for example through mentoring schemes);

27. Suggests the further use of new educational methods, focused on experimental learning, distance learning, e-learning, and mixed forms of learning;

28. Emphasises that a stronger learning culture must be established, promoted and reinforced, and that continuing training and retraining at all stages of life are critical to increase Europe's competitiveness and foster growth and jobs in Europe;

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29. Stresses the need to provide more scope for stimulating continuous adaptation to the changing labour market – which is a priority for the European Union, especially in the current recession – by fostering lifelong learning, particularly through the development of distance learning courses specially adapted to the new technologies and courses for the over-45s, who are more vulnerable and at greater risk of social exclusion;

30. Encourages businesses to give their employees more incentives for training, for example through continuing seminars and through financing post-graduate qualifications;

31. Suggests a new approach of guidance through life, whereby universities, students and the whole range of economic and social sectors would benefit from following up young graduates more closely in order to assess the economic and social usefulness of education programmes;

32. Recalls the necessity to further increase the attractiveness and availability of virtual learning;

### ***Mobility, partnerships and curricula***

33. Reiterates that mobility is a cornerstone of the European higher education area, in which European universities are invited to undertake innovative, far-reaching and methodical curricular reform; affirms that this should be a political priority in the context of redefining the major goals of the Bologna Process beyond 2010;

34. Emphasises that mobility between countries and between universities and business is a key to achieving closer cooperation between the two worlds;

35. Asks the Commission to propose a legal framework designed to support and facilitate mobility between universities and business, and among students and university lecturers, and to emphasise the need to recognise and certify this form of learning and teaching;

36. Encourages not only the extension and expansion of individual mobility schemes such as Erasmus for Young Entrepreneurs and Erasmus for Apprentices, but also the organisation of postgraduate European Masters of Excellence programmes, in cooperation with different universities and with the active participation of businesses, coupled with grants for students and incentives for researchers; believes that such initiatives could also serve the goals of mobility, language learning and the acquisition of multicultural and entrepreneurial experience;

37. Stresses the need for higher education institutions to provide more extra-curricular opportunities to learn other languages, bearing in mind that the acquisition of new languages is vital in order to promote and encourage mobility and exchanges of students, researchers, teachers and business employees;

38. Encourages universities to explore new methods of cooperation between public institutions and the private sector, especially through joint public and private innovation funds in order to improve mobility in all areas;

39. Stresses the importance of students acquiring skills in the new technologies, to improve their chances of finding employment;

40. Having regard to good educational practices in other countries, suggests that countries from outside the European Union be invited to participate in the EU Forum in order to share and debate their experiences and concerns, bearing in mind that such debates should be based on defined targets, terminology and concepts and focus on specific fields of activity;

41. Stresses the need for proper preparation and training of teachers of subjects in the field of entrepreneurship; supports the idea of integrating a culture of entrepreneurship into curricula (beginning early with primary curricula);

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42. Encourages the business world to participate actively in the design of educational material on the functioning of entrepreneurial commerce to be made available at all levels of education, while leaving educational institutions to decide autonomously on the use of such material, and to present on a regular basis the employment opportunities they can offer to students;
43. Encourages the business world to help adapt the university curriculum, by initiating and financing specific courses, with the aim of familiarising students with the challenges of entrepreneurship;
44. Calls for the study and promotion of the integration of university lecturers in businesses and of entrepreneurs in universities;
45. Stresses the importance of the new technologies, which make mobility and cooperation between businesses, students, teachers and researchers more immediate;
46. Recalls that commercial entrepreneurship in its various forms should be envisaged as one of the possible professions for young graduates and that it is essential for higher education institutions to provide students with detailed knowledge of all forms of entrepreneurship, including the social and charitable economy, encouraging them, for instance, to establish their own spin-off firms;
47. Stresses that dialogue and collaboration between universities and business should be based on reciprocity, trust, mutual respect and transparency, encouraging more entrepreneurial universities and more knowledge-driven companies; reiterates that this can be achieved, for example, through the introduction of a system of knowledge vouchers such as that currently in use in a number of Member States, enabling SMEs in particular to improve their research capacity without compromising the independence, autonomy and public character of universities;
48. Acknowledges that education and research need to adopt a more multidisciplinary approach to knowledge, and believes, therefore, that both universities and business could benefit from jointly developing multi- and interdisciplinary and entrepreneurial skills and flexibly adapting fields of study, specialties and specialisations to the needs of the economy, including those of small and medium-sized enterprises; highlights successful initiatives such as internships for students and staff, the use of entrepreneurs as visiting professors, dual courses and joint staff;
49. Stresses that, in order to foster a spirit of enterprise among students, all those involved (academic staff, students and business people) should be properly informed about the tools and mechanisms they can use to develop more efficient, effective and mutually beneficial cooperation; believes it is essential, on the one hand, to enhance training for university academic staff in this sector through initiatives such as lifelong learning and, on the other hand, for universities to open their doors to businesses and employers so that they can make recommendations regarding teaching content and the training, knowledge and skills students should possess;
50. Recommends that university careers offices be fully safeguarded institutionally, further developed and more closely linked to the labour market;
51. Stresses the importance of widespread provision of work placements in companies as part of the curriculum, especially for students in higher education, and of remunerating such placements financially or through the European Credit Transfer System;
52. Calls on the Commission to launch a European Industrial PhD scheme comparable to existing Industrial PhD schemes in Europe as part of the Marie Curie activities within the Framework Programme in order to promote targeted and affordable research for European companies as well as inputs from the business sector into European universities;
53. Suggests that business associations cooperate with universities to establish curricula that enable students to adapt quickly to the business world;

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54. Stresses the importance of the business world sponsoring universities and encourages companies to grant scholarships allowing students to gain knowledge and skills which have substantial value on the labour market;

55. Stresses the essential value of passing on to society the knowledge and results gained from collaboration between universities and the business world;

56. Calls on businesses to step up their support of young talented people by means of scholarships;

### **Research**

57. Emphasises the need for enterprises to increase their absorption capacity to use and transform the scientific knowledge generated by universities by fostering internal research, lifelong learning and continuing education and engaging in an active policy of communicating their needs to the academic community and recruiting doctoral and post-doctoral graduates and researchers;

58. Highlights the need for specialised staff at research institutions who are able to identify and manage knowledge resources with business potential;

59. Attaches great importance to knowledge transfer in an open environment; acknowledges that there are different instruments for achieving this, such as publications and seminars, technology transfer offices, regional cooperation, support for start-ups and spin-offs, collaborative research and researcher mobility; believes, however, that the social and human dimension of interaction is extremely important; strongly supports, therefore, initiatives to foster face-to-face interaction between universities and business, in particular small and medium-sized enterprises;

60. Welcomes the launch of a single European network of business and innovation centres, incorporating the services currently provided by Euro Info Centres (EICs) and Innovation Relay Centres (IRCs);

61. Sees greater researcher mobility – in both the short and long term, across nations and between academia and business, with due regard to the non-discrimination principle – as imperative in enhancing knowledge transfer; calls on the Member States and the Commission, in this connection, to review thoroughly the existing legal and financial framework and to eliminate unnecessary barriers to mobility, paying special attention to the recognition of academic qualifications and the reduction of bureaucracy; calls on universities to introduce more flexible and dual career paths for staff;

62. Encourages the Commission to create incentives for the development of a competitive EU market for intellectual property rights (IPR), which would allow universities, public research organisations and SMEs to find partners and investors for their IPR, skills and knowledge; points out that the management of IPR could be more professional at most universities;

63. Emphasises the need to speed up efforts to promote a Single European Patent ensuring low-cost, efficient, effective and high-quality legal protection for innovative products and services, especially for SMEs, and a harmonised European patent litigation system;

64. Points out that the joint participation of universities and business in public-private partnerships, such as European Technology Platforms, Joint Technology Initiatives and Knowledge and Innovation Communities, could enhance the exploitation of knowledge and help the EU to address the major challenges it faces; points, in this connection, to the existing Responsible Partnering Guidelines;

65. While acknowledging that each collaboration requires a tailored approach and that there are different types of cooperation mechanism, believes that lessons can be learned from successful structures, examples, showcases and role models, and that the dissemination of, and access to, examples of good practice and success stories should be enhanced; especially emphasises the need to take account of good practices implemented by innovative enterprises, as well as knowledge gained as part of the Sixth Framework Programme for Research in relation to collaborative doctoral education;



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66. Believes that, if closer links are to be sought between the business and research communities and universities, the Member States and the Commission must facilitate the joint involvement of foundations, hospitals and public and private universities in the education process and the promotion of research;

#### **Good practices**

67. Notes and welcomes examples of good practices found within and outside the EU that demonstrate the value of this kind of cooperation for all involved, bearing in mind that such examples are needed in order to help develop the right conditions for dialogue and increase the chances of success;

68. Welcomes the Commission's initiative of establishing an inventory of existing best practices, and calls on it to make this inventory available to all interested parties, by effective dissemination of all original practices;

69. Invites the Commission to promote a new form of structured partnership between businesses, universities and other educational and training sectors, in particular secondary schools and vocational training agencies, in order, inter alia, to bring teaching staff up to date; such partnerships can also provide for the presence of sectoral bodies;

70. Proposes that a website be set up for the purpose of sharing and disseminating experience and for communication focusing on sharing good practice and providing visitors with inspiration and concrete tools and mechanisms for designing and implementing cooperation projects, and points out the importance of using new technologies to foster closer cooperation between the university and business communities;

71. Hopes, on the basis of existing good practice in various Member States, for the promotion of a European day devoted to young inventors, i.e. to innovations, inventions or patents conceived by young Europeans;

72. Encourages the Commission to continue promoting dialogue at national, local and regional level with a focus on best practices, and to ensure that such dialogue involves all interested parties (for example the social partners) and all types of enterprise (SMEs, social and charitable enterprises, etc., as well as representatives of third countries (NGOs, etc.), with a view to highlighting the economic and social added-value of collaboration between the two worlds of university and business;

73. Calls on the Commission – in order to ensure consistency among EU actions and avoid duplication of activities – to have an inter-DG task force assess and develop synergies between such dialogue and other initiatives, bearing in mind that discussions should cover both policy priorities and funding opportunities;

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74. 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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**Implementation of the synergies of research and innovation earmarked funds in Regulation (EC) No 1080/2006 concerning the European Fund of Regional Development and the Seventh Framework Programme for Research and Development**

P7\_TA(2010)0189

**European Parliament resolution of 20 May 2010 on the implementation of the synergies of research and innovation earmarked Funds in Regulation (EC) No 1080/2006 concerning the European Fund of Regional Development and the Seventh Framework Programme for Research and Development in cities and regions as well as in the Member States and the Union (2009/2243(INI))**

(2011/C 161 E/16)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union, and in particular Titles XVII, XVIII and XIX thereof,
  
- having regard to Council Regulation (EC) No 1083/ 2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund <sup>(1)</sup>,
  
- having regard to Council Decision 2006/702/EC of 6 October 2006 on Community strategic guidelines on cohesion <sup>(2)</sup>,
  
- having regard to Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) <sup>(3)</sup>,
  
- having regard to Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007-2013) <sup>(4)</sup>,
  
- having regard to its resolution of 10 May 2007 on the contribution of the future regional policy to the innovative capacity of the European Union <sup>(5)</sup>,
  
- having regard to its resolution of 24 May 2007 on putting knowledge into practice: a broad-based innovation strategy for Europe <sup>(6)</sup>,
  
- having regard to its resolution of 24 March 2009 on the Green Paper on Territorial Cohesion and the state of the debate on the future reform of cohesion policy <sup>(7)</sup>,

<sup>(1)</sup> OJ L 210, 31.7.2006, p. 25.

<sup>(2)</sup> OJ L 291, 21.10.2006, p. 11.

<sup>(3)</sup> OJ L 412, 30.12.2006, p. 1.

<sup>(4)</sup> OJ L 310, 9.11.2006, p. 15.

<sup>(5)</sup> Texts adopted, P6\_TA(2007)0184.

<sup>(6)</sup> Texts adopted, P6\_TA(2007)0212.

<sup>(7)</sup> Texts adopted, P6\_TA(2009)0163.

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- having regard to its resolution of 24 March 2009 on best practices in the field of regional policy and obstacles to the use of the Structural Funds <sup>(1)</sup>,
- having regard to its resolution of 24 March 2009 on the implementation of the Structural Funds Regulation 2007-2013: the results of the negotiations on the national cohesion strategies and the operational programmes <sup>(2)</sup>,
- having regard to the study published by the European Parliament entitled 'Synergies between the EU 7th Research Framework Programme, the Competitiveness and Innovation Framework Programme and the Structural Funds',
- having regard to the study published by the European Parliament entitled 'Moving towards a territorialisation of European R&D and Innovation policies',
- having regard to the study published by the European Parliament entitled 'Structural Funds' support for innovation – implementation challenges for 2007 - 2013 and beyond',
- having regard to the Commission's Communication of 16 August 2007 entitled 'Competitive European regions through research and innovation – a contribution to more growth and more and better jobs' (COM(2007)0474),
- having regard to the Commission's Communication of 11 December 2007 on Member States and Regions delivering the Lisbon strategy for growth and jobs through EU cohesion policy, 2007-2013 (COM(2007)0798),
- having regard to the Commission's Communication of 14 May 2008 on the results of the negotiations concerning cohesion policy strategies and programmes for the programming period 2007-2013 (COM(2008)0301),
- having regard to the 20th annual report of the Commission of 21 December 2009 on implementation of the structural funds (2008) (COM(2009)0617),
- having regard to the Commission's Staff Working Document of 14 November 2007 on regions delivering innovation through cohesion policy (SEC(2007)1547),
- having regard to the Commission's Working Document of 24 November 2009 on consultation on the future 'EU2020' strategy (COM(2009)0647),
- having regard to the Commission's fifth progress report of 19 June 2008 on economic and social cohesion – Growing regions, growing Europe (COM(2008)0371) (Fifth Progress Report),
- having regard to the Commission's sixth progress report of 25 June 2009 on economic and social cohesion – Creative and innovative regions (COM(2009)0295) (Sixth Progress Report),
- having regard to the note of the Scientific and Technical Research Committee (Crest) of 4 December 2006 on the report entitled 'Lessons for R&D policies on the basis of the national reform programmes and the 2006 Progress Reports' (CREST1211/06),
- having regard to the Commission's guide entitled 'Competitive European regions through research and innovation - Practical Guide to EU funding Opportunities for Research and Innovation',
- having regard to the report of the European Strategy Forum on Research Infrastructures, entitled 'European Roadmap for Research Infrastructures Report 2006',

<sup>(1)</sup> Texts adopted, P6\_TA(2009)0156.

<sup>(2)</sup> Texts adopted, P6\_TA(2009)0165.

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- having regard to the independent report, prepared at the request of the Commission, entitled ‘An Agenda for a Reformed Cohesion Policy’ (Fabrizio Barca report) (2009),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Industry, Research and Energy (A7-0138/2010),
- A. whereas the renewed Lisbon strategy gives high priority to research and innovation so as to respond to challenges such as climate change and increasing global competition; whereas in the post-crisis era stimulating growth and jobs through research and innovation has become ever more important, constituting a core target of the proposed EU 2020 Strategy,
- B. whereas the implementation of research and innovation is a need shared by all strata of society and its purpose must be to improve people’s social and economic conditions,
- C. whereas European support for research and innovation is primarily provided through research, innovation and cohesion policy, the main instruments of these being the Structural Funds, the Seventh Framework Programme for Research (FP7) and the Competitiveness and Innovation Framework Programme (CIP),
- D. whereas cohesion policy is an essential pillar in the process of European integration and one of the most successful EU policies, facilitating convergence between increasingly diverse regions and stimulating growth and employment,
- E. whereas innovation is most effectively addressed at regional level with the proximity of actors, such as universities, public research organisations or industry, promoting partnerships in knowledge transfer, and the exchange of good practices between regions,
- F. whereas the second Community Strategic Guideline on cohesion for the period 2007-2013 refers to improving knowledge and innovation for growth, and consequently 25 % of the total allocation has been budgeted,
- G. whereas the complexity of today’s challenges calls for an integrated mix of these policies; whereas the knowledge society requires, more than just an aggregation of the activities of the different sectors, a synergy between agents and instruments, which is vital so that they reinforce each other and support the sustainable implementation of research and innovation projects, delivering a better valorisation of research outcomes in the form of concrete product ideas in the regions,
- H. whereas, while some elements of the architecture of these instruments, such as the same time frame and alignment with the Lisbon agenda, allow for synergies, there are still differences, such as different legal bases, thematic versus territorial focus, and shared versus centralised management,

#### ***Cohesion Policy delivering research and innovation objectives***

1. Appreciates that, in 2007-2013, in conformity with the second Community Strategic Guideline on cohesion, all Member States have devoted a significant amount of their total financial allocations to R&D, innovation and development of a knowledge-based economy, resulting in 246 National or Regional Operational Programmes with around EUR 86 billion allocated to research and innovation, of which EUR 50 billion have already been allocated for core R&D and innovation; notes that cohesion policy has become a major source of European support for this field, rivalling the budget of both FP7 (EUR 50.5 billion) and CIP (EUR 3.6 billion); points to the effectiveness and the possibility of determining quantified targets in terms of the amounts allocated to research and development spending;

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2. Welcomes the fact that new financing methods exist and underlines the potential of the JEREMIE initiative and the Risk Sharing Finance Facility of the Commission and the European Investment Bank Group in boosting financing opportunities for innovative enterprises; recommends that regional actors exploit these new opportunities complementarily to Structural Funds financing; stresses in this context the need to effectively coordinate public and private investments;
3. Awaits the Commission's Strategic Report as referred to in Article 30(2) of the General Regulation; considers that the Report will give a comprehensive overview of the performance of Member States in delivering the objectives for the period 2007 - 2009 and will be a basis for discussion on the future prospects of cohesion policy;
4. Reiterates the need for an integrated multi-level governance approach to specific policies in the EU; stresses that a functional multi-level governance system is a precondition for setting and implementing earmarking objectives efficiently; notes that the responsibility for the implementation of Structural Funds lies with national and regional authorities, while CIP and FP7 are centrally managed by the Commission; is aware of the administrative diversity existing at Member State level and believes it is important to identify the decision-making level which is most effective for citizens;
5. Considers it important to coordinate Community policies that play a role in achieving economic, social and territorial cohesion; believes it is necessary to undertake a closer analysis of their impact on the territory and on cohesion with a view to foster effective synergies and to identify and promote the most suitable means at European level of supporting local and regional investment in innovation; recalls the need to take account of the different social and economic circumstances of the three types of regions (convergence, transition and competitiveness), and the variations in creative and innovative capacity and entrepreneurial spirit; stresses in this context that investment in R&D, as also in innovation, education and resource-efficient technologies, will benefit traditional sectors and rural areas as much as it will high-skill service economies, and will therefore reinforce economic, social and territorial cohesion;
6. Highlights the great potential of cities in pursuing research and innovation; believes that smarter urban policy, based on technological advancements and addressing the fact that 80 % of Europe's population lives in towns, which is also where the greatest social disparities are, would contribute to sustainable economic growth; therefore calls for incorporating the urban dimension in future cohesion policy;

#### ***Synergies between Structural Funds, FP7 and CIP***

7. Acknowledges that, through the earmarking provisions for 2007-2013, cohesion policy is better geared to create synergies with research and innovation policies, and that at the same time the territorial dimension has become increasingly important in FP7 and CIP; calls for consideration to be given to a performance based earmarking mechanism with a stronger thematic focus allowing for appropriate policy responses to the new challenges;
8. Notes that spending on R&D&I under the framework programme is allocated on the basis of the excellence criteria, involving a more competitive mode of access for participants, that require high technical capacity and strong knowledge of administrative and financial procedures; stresses that this situation generates a high concentration in economic clusters and top EU regions, thus limiting positive synergies in the group of regions and Member States which are going in the right direction but have not yet attained the goal; points out that the increase of regional disparities in terms of research and innovation potential and the guaranteeing of actual policy coherence represent challenges that need to be addressed by both cohesion and research and innovation policy, irrespective of the fact that the implementing bodies exist at different levels (supranational, national, sub-national) and are governed by a different rationale (cohesion vs. excellence);
9. Insists that effective innovation depends on the closeness of the synergies obtained and regrets that existing opportunities for such synergies in funding are still not well known; calls on the regions, as main agents for information and capacity for analysis, and Member States to step up efforts to improve communication; highlights that effective synergies necessitate a complex set of relations between the agents which produce, distribute, promote and implement different forms of knowledge; stresses as well

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that the different national, regional and local bodies managing FP7, CIP and Structural Funds have to be aware of the possibilities offered by each of these instruments and asks for better coordination between these actors and policies;

10. Underlines that interventions targeting research and innovation should capitalise on regional assets and capacities and form part of a regional innovation strategy based on smart innovation; considers that such strategies require an enhanced role of regions and cities in the EU and national priority setting and implementation; calls therefore for consideration of the possibility of re-establishing innovative actions within the Structural Funds with a view to promote regional innovation strategies;

11. Notes the existing possibilities of combined funding; stresses, however, that mixed financing is not allowed between Structural Funds and the framework programmes; stresses that the instruments can be combined to cover either complementary but separate activities, as in the case of research infrastructure, or consecutive parts of related projects, such as the development and follow-up of a new research idea, as well as projects within the same network or cluster;

12. Believes that the fact that mixed financing is not allowed between Structural Funds and Framework Programmes prevents regions from using both instruments at the same time and that effective 'bottom-up' strategic processes at both regional and national level could help eliminate gaps or overlaps of funding from SF, FP7 and CIP;

13. Underlines that synergy is especially efficient in capacity building; refers in this context to the project financing management in the European Strategy Forum on Research Infrastructures (ESFRI) and the need to coordinate EU research funding priorities on regional and national level;

14. Stresses that synergy goes beyond complementary project funding; considers that capacity building, networking and knowledge transfer is an important form of synergy and notes that all instruments offer opportunities for such exchanges;

15. Notes that actual synergies from the point of view of the direct beneficiary of funding depend on the beneficiary's organisational and strategic capacity to combine support from different EU instruments; calls on the regional actors to create regional strategies that can facilitate the combination of funding;

16. Recommends that Member States and the Commission allocate sufficient resources from the SF for research and innovation, in particular sustainable innovations, and strengthen research capacities; stresses the need to promote and apply successful models in the knowledge triangle and to ensure the sustainable development of regional research and strategic frameworks for innovation in collaboration with enterprises, research centres, universities and public authorities; highlights the potential of knowledge-intensive regional innovative clusters in mobilising regional competitiveness and welcomes the inclusion of cluster development in both CIP and FP7 (Regions of Knowledge action in FP7); highlights the new Knowledge and Innovation Communities (KICs) established within the framework of the European Institute of Innovation and Technology (EIT), linking up leading European knowledge-intensive regional clusters; notes that knowledge exchange in regional clusters can also be facilitated by Structural Funds; emphasises that such clusters represent a major opportunity for disadvantaged regions in particular;

17. Calls on regional and local authorities to make better use of the SF to build up research, knowledge and innovation capacity in their regions, for instance by setting up research infrastructure, enabling them to take part in EU research and innovation activities; encourages regions to establish SF R&D priorities that are complementary with those of FP7 and calls for long-term planning at regional level in order to achieve synergies that derive from thematic complementarities between the financial instruments;

18. Highlights the importance of analysing, sharing and integrating best practices concerning synergies between the policy instruments; in this context, welcomes the efforts made by the Commission to improve inter-departmental cooperation and calls on it to step up regional-level analysis of research and innovation potential and needs, in particular as regards the collection of available qualitative data, as well as analysis of the interrelations with other instruments in the evaluation studies on either of the three financing instruments, in order to be able to provide joint guidance;

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19. Notes with satisfaction the Practical Guide to EU Funding Opportunities for Research and Innovation; recommends that in future such guidance notes be provided immediately after the legislative frameworks come into effect; awaits the Commission Staff Working Document containing examples of synergies in practice; calls on the Commission to act as a facilitator, promoting the exchange of good practices, and to evaluate the possibility of providing additional expert support on Community funding opportunities through ex-ante guidance notes and a 'user's manual' for the practical management and administration of research and innovation projects with a view to achieving the intended results;
20. Calls on the Commission to simplify the bureaucracy for the FP7 and CIP in order to strengthen the effects of synergies with the Structural Funds;
21. Calls on the Commission to carry out a study on how applying for support under the various programmes can be made easier using computer programs with standardised manuals;
22. Encourages the Commission to continue its activities aimed at fostering synergy, and to keep the European Parliament informed on their evolution, particularly on the situation of vertical cooperation between the EU and national and regional entities;
23. Supports stronger collaboration between national FP7 contact points, managers of R&D programmes and innovation agencies, allowing different aspects or phases of research and innovation projects to be funded from different sources;

#### ***Recommendations with a view to the next programming period***

24. Welcomes the emphasis in the draft EU 2020 strategy on the interdependence between policies, the importance of policy integration and the need for better synergies and stronger partnership in the design and delivery of public policies; calls for consideration to be given to the need expressed by cities and regions for a more comprehensive framework in the three policy areas including a technical liaison structure within the Commission to monitor and coordinate synergies for innovation and research and development programmes, and to be associated to the design and implementation of EU funding instruments and state aid regulations; calls as well for territorial cohesion to play a special role in this regard;
25. Believes that future R&D&I programmes should complement national efforts, orienting and dynamising them with a view to revitalising the guiding role and multiplier effect of knowledge, innovation, development and national investment in R&D&I;
26. Stresses that in order to consolidate knowledge and innovation as motors of future economic growth, it is necessary to improve the quality of education, build on the results of research, promote innovation and the transfer of knowledge Union-wide, exploit ITCs to the maximum, ensure that innovative ideas are reflected in new products and services that generate growth and quality jobs and contribute to meeting the challenges of social change in Europe and the world, encourage entrepreneurship, prioritise user needs and market opportunities, and guarantee funding of an accessible and adequate nature on the basis of a key role for the Structural Funds;
27. Supports the three flagship initiatives of the EU 2020 Strategy for achieving intelligent growth, namely 'Innovation Union', 'Youth on the move' and 'A digital agenda for Europe', in whose implementation the Structural Funds will have a key role to play;
28. Considers that a strong and well-financed EU regional policy which benefits all EU regions is a precondition for delivering the objectives of the EU 2020 Strategy, in order to secure intelligent, sustainable and integrative growth with high levels of employment and productivity, as well as for achieving social, economic and territorial cohesion; stresses in this context the importance placed by the EU 2020 Strategy on research and innovation;
29. Stresses the need to review and consolidate the role of the EU instruments that support innovation, namely the Structural Funds, the EAFRD, the Framework Programme for Research and Development, the CIP and the SET plan, with a view to rationalising administrative procedures, facilitating access to funding, especially for SMEs, and introducing innovative incentive mechanisms based on achieving objectives linked to intelligent, sustainable and integrative growth, as well as to promoting closer cooperation with the EIB;

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30. Considers that the Structural Funds are the appropriate instrument for supporting local and regional authorities in their endeavours to promote creativity and innovation; underlines the need for greater flexibility to ensure the swift use of this funding for purposes of promoting innovative business initiatives; underlines in this context the added value of cohesion policy, particularly to small and medium-sized enterprises on a wide scale, by offering easily accessible support and providing improved access to research and the transfer of technology and innovation, oriented towards practical application;

31. Recommends that the entirety of the funding not spent in a given region under N+2 and N+3 be assigned again to regionally based projects and Community initiatives;

32. Recalls that territorial cohesion has a horizontal, multi-sectoral character and therefore Union policies have to contribute to its achievement; reiterates that this concept is not limited to the effects of regional policy but also focuses on coordination with other Union policies that are targeted at sustainable development and offer tangible results at regional level, in order to develop and fully use the specific forms of regional potential and increase their impact on the ground, boosting regions' competitiveness and attractiveness and achieving territorial cohesion; is of the opinion that 'concentration, cooperation, connection' are the key coordinates of territorial cohesion in order to reach a better balanced territorial development in the EU;

33. Highlights the need for place-based policies and considers that cities and regions should pursue smart and sustainable specialisation by defining a few innovation priorities based on the EU objectives and on their needs, as identified in their Regional Innovation Strategies, and concentrate earmarked EU resources on these identified priorities; is of the opinion that the capacity of regional decision makers and entrepreneurs to attract and turn knowledge to sustainable competitive advantage is crucial for a region's economic performance with an added value also for surrounding regions, including parts of neighbouring Member States;

34. Points out that research and innovation, in particular as regards the development of low or zero carbon emissions and energy savings, are of critical importance for addressing global challenges, such as climate change and security of energy supplies, and also for improving competitiveness at regional and local level;

35. Supports the proposal of the Committee of the Regions for the creation of a 'virtual creativity network' that would be open to all (businesses, local and regional authorities, central public authorities, the private sector and citizens) and would provide advice, assistance and access to venture capital and technical services; stresses that a virtual network offers the additional advantage of giving the inhabitants of islands, outlying regions, rural areas, mountain areas and sparsely populated areas easier access to expert advice, education and information, business support and financial guidance;

36. Points out that transnational cooperation is the essence of FP7 and CIP, and that territorial cooperation (via transnational, interregional and cross-border programmes) is mainstreamed in the Structural Funds; calls on the Commission to reinforce the European territorial cooperation objective in the future, through its further mainstreaming; invites the Commission to evaluate the possibilities of enhancing territorial cooperation in the field of innovation in each cohesion policy objective; points out that better knowledge of the results of FP7 and CIP at regional level would facilitate practical coordination between the EU Regional policy and these programmes; urges the Commission to pay particular attention to such coordination; encourages Member States to take further measures for effective transnational cooperation by developing coherent regional and national strategies for achieving synergies; calls the Commission and Member States also to facilitate development and accessibility of data on this issue;

37. Stresses that under the Seventh Framework Programme support is granted to transnational cooperation in its different forms both within and outside the EU, in a number of thematic areas corresponding to the main fields of knowledge and technology, within which it is necessary to support and consolidate high-quality research in order to tackle the social, economic, environmental and industrial challenges facing Europe;



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38. Calls on the Commission to analyse the impact of simplification measures already taken on the management of the Structural Funds with a view to preparing the future legislative framework;
39. Acknowledges that both shared and centralised management require specific rules and that the top-down approach of FP7 and CIP and the bottom-up approach of Structural Funds each have their own merits; underlines, however, the need to harmonise the rules, procedures and practices (eligibility rules, standard unit costs, lump sums, etc.) governing different instruments and to ensure better coordination (of schedules of calls for proposals, themes and types of calls, etc.); calls on the Commission to explore possibilities to that end, without prejudice to competences of Member States and regions under shared management, while encouraging an administrative culture that promotes a pluridisciplinary approach via common cross-sectoral strategies in a range of subject areas, and via continuous dialogue between different policy communities in order to strengthen policy coherence; calls on the Commission to simplify the administration of the funds concerned and asks for the specific strengths of both support pillars to be promoted at the same time as making use of synergies and simultaneously increasing their impact;
40. Calls on the Commission to ensure that the upcoming Research and Innovation Plan will be drafted with a view to strengthening the synergies between the Structural Funds and the Framework Programmes for Research and Innovation (FP7, CIP);
41. Reiterates its call on the Commission to develop specific evaluation criteria for the assessment of innovative projects, and to consider proposing future regulatory incentives for implementing innovation measures;
42. Sees a clear need for more expertise at regional level regarding applications for funding, administrative and financial procedures, fund management and financial engineering; calls on the Commission to look into the feasibility of providing further specialist support and ensuring closer cooperation between the Enterprise Europe Network and the structural fund managing authorities and a closer link between the Lead Market Initiative, technology platforms and regional technological roadmaps;
43. Insists on the importance of taking account of equal opportunities when assessing the suitability of projects and determining access to funding from the Structural Funds and other Community instruments;
44. Stresses the importance of better assistance in the implementation of policies and programmes that enhance synergy within the research and development infrastructures - innovation - job creation chain;
45. Believes that large research infrastructures cofinanced by Structural Funds should be subject to a higher evaluation by an international peer review board, which will have a positive effect on the efficient spending of earmarked Structural Funds;
46. Is convinced that commitment by the political leadership is both a necessary precondition for research and innovation policy coherence and a tool to enhance it; with that in mind, calls for the establishment of a strategic policy framework for research and innovation adjusted in the light of progress, new information and changing circumstances and consistent with national goals and priorities for economic and social development;
47. Reiterates that the informal mechanisms governing territorial cohesion and spatial planning in the Council should be replaced by more formal structures; takes the view that this development accompanied by the creation and reinforcement of integrated and cross-theme structures will result in a better coordination of policies;

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48. Instructs its President to forward this resolution to the Council and the Commission.
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## Long-term sustainability of public finances for a recovering economy

P7\_TA(2010)0190

### European Parliament resolution of 20 May 2010 on the long-term sustainability of public finances for a recovering economy (2010/2038(INI))

(2011/C 161 E/17)

The European Parliament,

- having regard to the Commission staff working document of 12 August 2009 entitled ‘Public Finances in EMU – 2009’ (SEC(2009)1120),
  - having regard to the Commission communication of 14 October 2009 entitled ‘Long-term sustainability of public finances for a recovering economy’ (COM(2009)0545),
  - having regard to the Commission’s recommendation of 28 January 2009 for a Council recommendation on the 2009 update of the broad guidelines for the economic policies of the Member States and the Community and on the implementation of Member States’ employment policies (COM(2009)0034),
  - having regard to its resolution of 18 November 2008 entitled ‘EMU@10: The first 10 years of Economic and Monetary Union and future challenges’ <sup>(1)</sup>,
  - having regard to its resolution of 11 March 2009 on a European Economic Recovery Plan <sup>(2)</sup>,
  - having regard to its resolution of 13 January 2009 on public finances in the EMU 2007-2008 <sup>(3)</sup>,
  - having regard to its resolution of 9 July 2008 on the ECB annual report for 2007 <sup>(4)</sup>,
  - having regard to the recommendations issued at the Pittsburgh Summit, calling for efforts to support growth to be sustained until recovery is assured,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Budgets (A7-0147/2010),
- A. whereas the Commission communication voices concerns about the long-term sustainability of public finances in the context of high deficit and debt levels, especially in the light of population ageing, and whereas the effect of ageing on the sustainability gap is calculated in most Member States to be five to 20 times higher than the effects of the current economic crisis,
- B. whereas the Stability and Growth Pact (SGP), despite its revision in 2005, was not enough to prevent the current crisis,
- C. whereas there is an urgent need to look in greater depth at the phenomenon of the falling birth rate in the European Union and its causes and implications, with a view to reversing this worrying trend,

<sup>(1)</sup> OJ C 16 E, 22.1.2010, p. 8.

<sup>(2)</sup> Texts adopted, P6\_TA(2009)0123.

<sup>(3)</sup> Texts adopted, P6\_TA(2009)0013.

<sup>(4)</sup> Texts adopted, P6\_TA(2008)0357.

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- D. whereas fiscal policy is not sustainable if it implies an excessive accumulation of government debt over time,
- E. whereas, given the projections underpinning the communication and the fact that the ageing population will have serious impacts on the long-term sustainability of European countries' public finances, a policy horizon through 2060 is an appropriate one,
- F. whereas the debt and deficit increases suffered by the Member States during the crisis and projected demographic developments will make fiscal sustainability an acute challenge,
- G. whereas long-term demographic changes, in particular an ageing population, across the EU Member States have implications for the funding of national pension schemes,
- H. whereas some Member States have not taken enough steps to reduce their administrative expenditure, bring their healthcare spending under control and reform their health and retirement systems, and whereas all the Member States should adopt the best practice in this area,
- I. whereas all the Member States saw their deficits and debt ratios increase in 2009 as a result of the fall in tax revenue caused by the crisis and the implementation of special recovery measures,
- J. whereas, in response to the first signs of a recovery, the European Council recommended in September 2009 that fiscal policies should be 'reoriented towards the long-term sustainability of public finances', and pointed out that 'exit strategies need to be designed in a coordinated manner as soon as the recovery takes hold, taking into account the specific situation of individual countries',
- K. whereas in recent times it has been possible to see a positive correlation between sound public finances and the resilience of a country's economy,
- L. whereas increasing government debt places a severe burden on future generations,
- M. whereas government debt in some Member States has increased in a way that undermines stability and results in high government expenditure on interest payments at the expense of the increasingly important spending on health and pension systems,
- N. whereas increased public borrowing distorts financial markets by pushing interest rates higher, with negative consequences for households as well as for investments in new jobs,
- O. whereas a lack of effective statistical governance or independent statistical institutions in Member States is undermining the integrity and sustainability of public finances,
- P. whereas other parts of the world which until recently were competing by producing low-quality goods are now entering the high-quality segments; whereas these competitors use advanced technology, whilst still paying moderate hourly wages and not having to grapple with adverse demographic trends, and against a background of individuals totalling a high number of working hours in their lifetimes; whereas in Europe full employment was last reached before the oil crisis of 1973, whereas full employment nevertheless remains an objective towards which the EU has to strive, in conformity with the spirit of the Treaties, without turning its back on its high level of social protection and human development,
- Q. whereas there are various means to reduce the sustainability gap, such as increasing general productivity, and, most importantly increasing the productivity of the welfare services, raising the retirement age, increasing the birth rate or increasing the numbers of immigrants,
- R. whereas population trends are shaped by changes in the fertility rate, which are to a large degree dependent on maternity incentives and benefits and migration flows,

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- S. whereas the current debt and deficit levels threaten the very existence of the welfare state,
- T. whereas a failure to implement structural reforms and consolidate public finances will have an adverse effect on expenditure on health care, pensions and employment,
- U. whereas many Member States are in breach of the SGP, and whereas proper compliance with it would have mitigated the negative effects of the crisis,
- V. whereas the sustainability of public finances is not only crucial for Europe in general, but, also for the budget of the European Union specifically,
- W. whereas, although the budget of the European Union is currently limited to approximately 1 % of total European GNI, the general principles and underlying assumptions of 'sustainability' should also apply to it,
1. Expresses its deep concern about the long-term sustainability of public finances in the aftermath of the financial and economic crises; recalls that the efforts made in the framework of the SGP prior to the crises were to a very high degree geared towards meeting the growing demographic challenge; acknowledges that much of this effort has been wiped out by the need dramatically to increase government expenditure in order to prevent the worldwide meltdown of the financial system and to alleviate the social consequences of this meltdown;
  2. Deplores the fact that, even before the crises started, a number of Member States' performance in consolidating their public finances were not impressive despite the fact that economic conditions were favourable; points out that this was a breach of the preventive arm of the SGP, especially after its redrafting in 2005, and one which seriously diminished Member States' capacity to act in a counter-cyclical way as the crises unfolded, leading to more uncertainty, higher unemployment and increased social problems;
  3. Is aware that the current levels of public expenditure cannot be maintained indefinitely; welcomes the European Council's decision to refrain from deciding on a follow-up package of help measures until the present one's results have been thoroughly analysed and the need for further action has been clearly demonstrated;
  4. Acknowledges that the operations designed to prevent a meltdown of the financial sector were successful, although vigilance is still vital; expects the financial burden in relation to the rescue of the banking sector to decrease; lauds the central banks' coordinated approach to achieving this goal; puts its full weight behind the reform of the system of prudential supervision and the redrawing of the framework of the financial architecture;
  5. Emphasises that the SGP must aim for balance or surplus over time, requiring surplus in economic good times and pension schemes transparently financed in the framework of public budgets or by funded private schemes;
  6. Points out that the long-term sustainability of public finances is essential for stability and growth, and for maintaining appropriate levels of public expenditure; stresses that high debt and deficit levels are a threat to sustainability and will have adverse effects on public health care, pensions and employment;
  7. Expresses its deep concern at the high deficit and debt levels in the Member States; warns against using the crisis as a pretext not to consolidate public finances, not to decrease public spending and not to implement structural reforms, all of which are essential for a return to growth and employment;

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8. Points out that the consolidation of public finances and the reduction of deficit and debt levels are essential to maintaining a modern welfare state and a system of redistribution which caters for society as a whole, but especially supports the less privileged parts of it;
9. Stresses that, if public debt and interest rates continue to increase, the costs in the form of interest rate payments will no longer be bearable by present and future generations without endangering welfare state models;
10. Is deeply concerned that many Member States are in breach of the SGP; deplores the fact that Member States failed to consolidate their public finances in economically favourable times before the crisis; agrees with the Commission statement that debt sustainability should be given a very prominent and explicit role in surveillance procedures; urges the Commission rigorously to ensure compliance with the SGP;
11. Warns against an abrupt ending of support to the real economy, in order to avoid a double dip; draws attention to the undesirable effects of either prematurely withdrawing support measures or waiting too long before taking corrective measures on the sustainability of public finances; points out that these measures were explicitly meant to be timely, targeted and temporary; welcomes the Commission's work on the exit strategy from the present contingency measures; supports the Commission's approach based on exit strategies that are differentiated between countries in time and scope; understands that the withdrawals from the measures will start in 2011 for the first batch of countries; encourages the Member States to do their utmost to implement the exit strategies as soon and as resolutely as possible;
12. Calls on the Commission to draw up a Green Paper on the birth rate in the European Union in order to identify the causes and implications of the falling birth rate, as well as solutions and alternatives regarding this problem;
13. Considers that the fiscal exit strategy should be launched before the monetary exit strategy in order to allow the latter to be correctly implemented, thus ensuring that the ECB, which successfully avoided a slip into deflation, can equally well ensure that inflation does not ruin the recovery; understands that the ECB has hinted that, in the absence of timely fiscal reining-in, its monetary tightening would regrettably have to be stronger than anticipated;
14. Emphasises that a decrease in financial stimulus must be combined with efforts to make the internal market more dynamic, competitive and attractive to investment;
15. Emphasises that a gradual and controlled exit from the deficits is of crucial importance in order to keep interest rates down and the debt burden limited, thereby safeguarding the ability to maintain welfare spending and standards of living for households;
16. Points out that low interest rates are conducive to investment and the recovery; is aware of the effects of a government's intense borrowing activities on interest levels; deeply deplores the fact that this has led to increased interest-rate spreads within the EU; warns Member States to take into account the effects of their budgetary decisions on market interest rates; is of the opinion that sound public finances are a prerequisite for secure jobs; points out that by driving up the cost of borrowing, governments also increase the burden on their own budgets;
17. Points out that the anti-cyclical effects of the SGP can only work if the Member States effectively achieve a budgetary surplus in good times; calls, in this connection, for the better implementation of the preventive arm of the SGP as well; calls for a shift from the 'spend first, repay later' attitude to a 'save for a possible future emergency' principle; recalls that the SGP requires the Member States to achieve a budget that is balanced or in surplus over the medium term, meaning that a deficit of 3 % is not an aim, but the absolute limit allowed for, even under the revised Pact;

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18. Calls for structural reforms to be carried out in parallel to the unwinding of the aid packages in order to prevent future crises, increase the competitiveness of European businesses, achieve more growth and boost employment;
19. Emphasises, in the context of the need to achieve sound public finances, that in 2011 at the latest all Member States should start to reduce their sustainability gap;
20. Acknowledges that fiscal stimulus and unfettered automatic stabilisers have proved to be successful and suggests that the Commission ask the Member States to strive towards a balanced budget by allocating primary budget surpluses to debt repayment once the economy is on the way to sustained recovery;
21. Points to the special importance of measures to promote employment and long-term investments aimed at increasing the potential for economic growth and bolstering the competitiveness of the European economy;
22. Emphasises that, in view of the current demographic challenges the EU is facing, anti-crisis measures should not have long-term effects on public finances, the cost of which would have to be met by present and future generations;
23. Supports the idea that greater coordination of economic policies within the European Union is a must and brings additional synergies;
24. Acknowledges that the SGP is not a sufficient tool for harmonising the fiscal and economic policies of the Member States;
25. Supports, therefore, a review of the mechanisms needed to bring the national economies within the EU back on a convergence track;
26. Suggests that the Commission should draw up an appropriate mechanism for cooperation with the IMF in special cases where Member States receive balance-of-payments support from the latter;
27. Points out that high inflation is not an answer to the need for fiscal adjustment, because it would impose substantial economic costs and pose a threat to sustainable and inclusive growth;
28. Agrees with the Commission that 'successful fiscal expansion to counter recession and longer-term fiscal sustainability are not incompatible', but warns against the risks of excessive and artificial expansion based on higher public expenditure, which are liable to undermine the policy;
29. Takes the view that managing public finances on the basis of a series of specific short-term decisions will establish the long-term sustainability of public finances, and that it is within the scope of this series of short-term decisions, through the provision of a structure for the short term, that the issue of the sustainability of public debt must be addressed;
30. Takes the view that budgetary policy must, predominantly by means of reallocation, convert available savings into growth-boosting investment, such as investment in research and development, modernising the industrial base, developing a greener, smarter, innovative and more competitive EU economy and in rising to the challenge of education;
31. Emphasises that a substantial proportion of public-sector and welfare spending can be productive expenditure if it is directed towards projects that have a beneficial impact on the accumulation of physical and human capital and on the promotion of innovation; underlines the need to control the increase in the debt burden in order to ensure that rising interest-rate costs do not squeeze out crucial welfare spending; stresses that ever more scarce resources make it essential to improve the quality of public-sector spending;

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32. Emphasises that the role of social protection systems as 'social safety nets' has proven particularly effective in times of crisis; underlines that stable public finances are a precondition for ensuring that this is also the case in the future;
33. Points out that the long-term sustainability of statutory pension schemes depends not only on population trends, but also on the productivity of the active population (which affects the potential growth rate), the effective retirement age and the proportion of GDP allocated to the financing of such schemes; stresses, further, that consolidating public finances and reducing of debt and deficit levels are important factors for sustainability;
34. Notes that changing demographics, especially an ageing population, mean that state pension schemes in many Member States have to be reformed from time to time, especially as regards the contributive base, so as to keep them financially sustainable;
35. Points out that the debt burden increases when real interest rates are higher than the GDP growth rate, and that markets assess risks as more serious when the debt burden increases;
36. Takes the view that interest rates for government borrowing reflect how markets value the debt sustainability of a Member State;
37. Points out that rising deficits make borrowing more expensive, partly due to the fact that markets assess risks as more serious when the debt burden is increasing faster than economic growth and the ability to pay back loans;
38. Stresses that the current financial crisis has emphasised in the clearest possible way the direct link between financial market stability and the sustainability of public finances; emphasises, in that context, the need for strengthened and integrated supervisory legislation on financial markets that include strong mechanisms for consumer and investor protection;
39. Asks the Commission to carry out studies to assess the quality of the Member States' debts;
40. Notes that if Member State public finances are to be credible, effective and genuinely independent statistical governance and proper Commission oversight are required;
41. Suggests, in particular, that the Commission assess the effects of the fiscal spending deployed by the Member States in order to kick-start their economies, in terms of its impact on production, on government accounts and in stimulating and protecting employment, both in the short and long term;
42. Notes that the SGP still forms the backbone of discipline required to achieve the long-term sustainability of public finances and that the Member States should run surpluses on their public finances in 'good times' and deficits only in 'bad times';
43. Stresses that recent speculative attacks against several European economies had as their primary target the euro itself and European economic convergence; in that sense, is convinced that European problems need European solutions, which should offer internal means of avoiding any risk of defaults by combining national fiscal discipline with last-resort mechanisms of financial support;
44. Calls for the structural deficit to be one of the indicators used in determining the long-term sustainability of public finances;
45. Regards a renewed growth and jobs strategy as a key contributor to sustainable public finances in the European Union; believes that the European Union needs to modernise its economy and particularly its industrial base; calls for a reallocation of funding in the EU and the Member States' budgets towards greater investment in research and innovation; points out that the new Europe 2020 strategy needs binding instruments to succeed;

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46. Highlights the need for the sustainability of public finances in EU Member States to be constantly monitored in order to assess the extent of long-term challenges; also highlights the need for the regular publication of information on open public-sector liabilities and the liabilities of social systems, e.g. pension schemes;
47. Calls on the Commission to consider the reduction of long-term sustainability gaps in public finances as an essential part of the EU 2020 strategy;
48. Calls on the Member States, after plugging their sustainability gaps, to reduce their public debt-to-GDP ratio to a maximum of 60 %;
49. Points out that the interest rate spreads on the capital markets are the main indicators of the solvency of individual Member States;
50. Is extremely worried about the disparities in the quality of statistics that can be observed in the EU in general and in the eurozone in particular;
51. Points out that the long-term sustainability of public finances is also fundamentally linked to the EU budget and its financing;
52. Highlights the very positive role of the EU budget, albeit much limited by the MFF, in mitigating the effects of the crisis through the financing of the European Recovery Plan and the redeployment of funds towards priority areas in that regard; deplores, however, the lack of adequate coordination between Member States' economic and fiscal policies to combat the economic and financial crisis as well as to ensure the long-term sustainability of public finances;

***The social and employment dimension of the crisis exit strategy***

53. Notes that the increase in unemployment and government debt and the reduction in growth caused by the economic crisis are at odds with the sustainable public finance objective; notes the need for the Member States to consolidate their accounts and improve the liquidity of public finance in order to lower the cost of debt, but also the need for this to be done in a balanced way and within a reasonable time frame, taking into account the particular circumstances in the Member States; stresses, however, that indiscriminate cuts in public investment, research, education and development will have a negative impact on prospects for growth, employment and social inclusion, and considers, therefore, that long-term investment in these areas must continue to be promoted, and where necessary expanded;
54. Emphasises that the current recovery is still fragile and that unemployment is continuing to rise in most Member States, with young people especially hard hit; firmly believes that no end can be announced to the economic crisis until unemployment falls substantially and sustainably and highlights the fact that the European welfare states have demonstrated their value in providing stability and contributing to the recovery;
55. Regards it as essential to assess properly the social and employment-related effects of the crisis and to formulate at EU level a recovery strategy based on support for employment, training, investments that lead to high economic activity, the boosting of business competitiveness and productivity, especially for SMEs, and the revitalisation of industry, whilst ensuring its transition towards a competitive sustainable economy; believes that these objectives should be at the heart of the Europe 2020 strategy;
56. Takes the view that the economic recovery strategy should under no circumstances give rise to fresh structural imbalances and major income disparities, which are holding back productivity and competitiveness in the economy, but should rather introduce the reforms needed to tackle such imbalances; considers that the financial and fiscal measures taken by the Member States should protect salaries, pensions, unemployment benefits and households' purchasing power without jeopardising the long-term sustainability of public finances or Member States' capacity to provide essential public services in the future;



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57. Notes that the population ageing forecast in the coming decades poses an unprecedented challenge for the EU countries; takes the view, therefore, that the anti-crisis measures should not, in principle, have long-term consequences for public finances and overburden future generations with the repayment of current debts;

58. Stresses the importance of linking economic recovery with targeted policies to address structural unemployment, in particular unemployment among young people, older people, disabled people and women, with a view to increasing quality employment, thereby enhancing the productivity of both labour and investment; in this respect, considers policies to improve the quality of human capital, such as education, or healthcare policies aimed at developing a more productive and longer-working workforce and policies aimed at lengthening the duration of professional activity, to be important; calls on the Member States and the Commission to strengthen their employment and labour-market policies and measures, placing them at the heart of the Europe 2020 strategy;

#### ***The impact of demographic change and the employment strategy***

59. Considers that the sustainability of public finances depends largely on the ability to raise employment levels to meet demographic and budget-related challenges, with particular reference to the sustainability of pension schemes; takes the view that the existing European human capital can be supported in the medium term by appropriate migration policies leading to the integration of migrants into the labour market and the award of citizenship;

60. Stresses that increased levels of employment are essential if the EU is to cope with an ageing population, and emphasises that high labour market participation is a precondition for economic growth, social integration and a sustainable and competitive social market economy;

61. Takes the view that the Europe 2020 strategy should take the form of a 'pact on economic, employment and social policy' aimed at sustaining the competitiveness of the European economy and focused on labour market integration for all, i.e. one that best protects citizens from social exclusion; stresses that all policies should be mutually reinforcing so as to achieve positive synergies; takes the view that the strategy should be based on guidelines, and where possible indicators and benchmarks that are measurable and comparable both nationally and at EU level;

#### ***The sustainability of social protection systems***

62. Considers that a public-finance policy coordinated at EU level and geared to sustainable growth, quality employment and the adoption of the reforms needed to ensure the viability of social-welfare systems is one of the necessary responses to the consequences of the financial, economic and social crisis and the challenges posed by demographic changes and globalisation;

63. Points out that the long-term equilibrium of statutory pension schemes depends not only on population developments, but also on the productivity of those in work, which influences the potential growth rate, as well as on the proportion of GDP reserved for financing those schemes;

64. Stresses the importance of the imminent Green Paper on pension reform, and considers that the development of sustainable, secure, well-diversified pension systems with different sources of financing which are linked to labour-market performance or the financial markets and could take the form of company schemes, and which involve public, supplementary employer-based and individual schemes, is vital and should be encouraged contractually and fiscally; recognises, therefore, the importance of pension literacy among EU citizens;

65. Emphasises that, in the long term, implicit pension liabilities make up one of the largest parts of the total public debt, and that the Member States should regularly publish information on their implicit pension liabilities, following the commonly agreed methodology;

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66. Takes the view that the need for both sustainable public finances and adequate social welfare and inclusion schemes means that the quality and efficiency of administration and of public expenditure needs to be raised, and that Member States should be encouraged to consider measures which ensure that the tax burden is shared more equally by means of a gradual, incisive reduction of the tax burden on employment and on SMEs; takes the view that this could help to reduce poverty, guarantee social cohesion and boost economic growth and productivity, which are key factors in the competitiveness and sustainability of the European economic and social model;

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

## **Contribution of the Cohesion policy to the achievement of Lisbon and the EU2020 objectives**

P7\_TA(2010)0191

**European Parliament resolution of 20 May 2010 on the contribution of the Cohesion policy to the achievement of Lisbon and the EU2020 objectives (2009/2235(INI))**

(2011/C 161 E/18)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union, and in particular Articles 174 to 178 thereof,
- having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund <sup>(1)</sup>,
- having regard to Council Decision 2006/702/EC of 6 October 2006 on Community strategic guidelines on cohesion <sup>(2)</sup>,
- having regard to its resolution of 24 March 2009 on ‘The implementation of the Structural Funds Regulation 2007-2013: the results of the negotiations on the national cohesion strategies and the operational programmes’ <sup>(3)</sup>,
- having regard to the Commission’s Communication of 16 August 2007 on ‘Competitive European Regions through research and innovation - A contribution to more growth and more and better jobs’ (COM(2007)0474),
- having regard to the Commission Staff Working document of 14 November 2007 on ‘Regions delivering innovation through the cohesion policy’ (SEC(2007)1547),
- having regard to the Commission communication ‘Working together for growth and jobs A new start for the Lisbon Strategy’ (COM(2005)0024),

<sup>(1)</sup> OJ L 210, 31.7.2006, p. 25.

<sup>(2)</sup> OJ L 291, 21.10.2006, p. 11.

<sup>(3)</sup> Texts adopted, P6\_TA(2009)0165.

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- having regard to the Commission staff working document ‘Lisbon Strategy evaluation document’ (SEC(2010)0114),
  - having regard to the Commission’s Communication of 11 December 2007 on ‘Member States and Regions delivering the Lisbon strategy for growth and jobs through EU cohesion policy, 2007-2013’ (COM(2007)0798),
  - having regard to the Commission’s Communication of 14 May 2008 on ‘The results of the negotiations concerning cohesion policy strategies and programmes for the programming period 2007-2013’ (COM(2008)0301),
  - having regard to the Commission’s Communication of 21 December 2009 on the 20th annual report on implementation of the Structural Funds (2008) (COM(2009)0617),
  - having regard to the ex post evaluations of the 2000-2006 programming period,
  - having regard to the Commission’s Working Document of 24 November 2009 on consultation on the future EU2020 strategy (COM(2009)0647),
  - having regard to the conclusions of the Informal European Council of 11 February 2010,
  - having regard to the public consultation launched by the Commission on EU 2020 and its outcome (SEC2010)0116),
  - having regard to the Commission proposal of 3 March 2010 ‘Europe 2020. A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
  - having regard to the Commission Strategic Report of 31 March 2010 promoting an EU debate on cohesion,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development (A7-0129/2010),
- A. whereas, bearing in mind that the ultimate aim of cohesion policy is to reduce the gap between the levels of development of the various regions and the extent to which the least-favoured regions and islands (including rural areas) are lagging behind, since 2007 the Structural Funds regulations include obligatory earmarking to the Lisbon objectives for the EU15 and a similar non-obligatory earmarking mechanism has been voluntarily applied by the EU12, targeting cohesion policy resources at the attractiveness of Member States and regions, growth and jobs,
- B. whereas - particularly during the current recession - the cohesion policy is one of the main instruments to foster growth, competitiveness and jobs in the EU due, among other things, to its stable amount of funding for long-term development programmes and policies, the decentralised management system applied and the inclusion of Community sustainable development priorities among its fundamental objectives,
- C. whereas two-thirds of public sector investment across the EU comes from the regional and local levels, regional and local authorities often concentrate substantial policy competences and are key actors in delivering both the current Lisbon Strategy and the future EU2020 Strategy,

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- D. whereas cohesion policy and the EU2020 Strategy should be integrated because cohesion policy is included in the Lisbon Treaty in order to foster growth, competitiveness and employment, which are the key objectives of the Strategy,
- E. whereas the proposed EU2020 strategy, similar to the Lisbon Strategy, does not sufficiently reflect the different development levels of regions and Member States and therefore does not put enough stress on economic cohesion in the enlarged EU,

### ***Cohesion policy and Lisbon Strategy***

1. Observes that in the programme allocations for 2007-2013 approx. EUR 228 billion over the 7-year period has been earmarked to the Lisbon priorities; highlights that the overall allocations, also in the EU12, went beyond the percentages suggested;
2. Notes that the allocations vary significantly across Member States and among Objectives; stresses that there is no one-size-fits-all policy for all areas and that such an attempt would lead to a lack of ownership and identification with any strategy for growth and result in its poor implementation;
3. Recalls that already in the 2000-2006 period, despite the absence of an earmarking mechanism, the link between cohesion policy programmes and the Lisbon Strategy was strong with EUR 10.2 billion invested in research and innovation;
4. Takes the view that the original Lisbon Strategy, based solely on the open method of coordination, was structurally unable to obtain its stated goals and that it was only when it was linked to the Cohesion policy that true results were reached; stresses that this error should be avoided in the proposed EU2020 strategy;
5. Regrets that due to the delayed start-up of the programmes and the subsequent lack of data on expenditure, the correspondence between programme allocations and actual expenditure cannot be verified at this stage, nor is it possible to assess the soundness of the Lisbon investments, particularly as regards programming in less advanced countries; welcomes the publication of the Commission's strategic report and asks that a high level inter-institutional debate is carried out on this basis to analyse the contribution of the cohesion policy to the Lisbon objectives and to assess the future interrelations;
6. Criticises the lack of an overall assessment of the impact of cohesion expenditure on regional development; calls upon the Commission to assess the territorial impact of earmarking Structural Funds to the Lisbon Strategy and to evaluate whether this system is actually contributing to balanced and coherent regional development;
7. Recognises that an effective evaluation must be based on indicators allowing data comparison and aggregation among regions; urges the Commission to come up with a proposal for evaluation indicators before 2012 in order to provide the means to measure the impact produced, also as regards quantity and quality, and to make the necessary adjustments for the next programming period;
8. Regrets that, while the main objectives of the Lisbon Agenda initially included economic growth, employment and social cohesion, the re-launch of the Strategy in 2005 presented a less ambitious programme;
9. Considers weak multi-level governance one of the main limits of the Lisbon Strategy, with the insufficient involvement of regional and local authorities and civil society in the design, implementation, communication and evaluation of the strategy; recommends their stronger integration in the future at all stages;

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10. Highlights that when the partnership principle has been applied in the Lisbon Strategy, it has increased the sense of ownership of the objectives by the local and regional authorities, as well as by the economic and social stakeholders, and ensured higher sustainability of the interventions; calls on the Commission to monitor the implementation of the partnership principle in the Member States more effectively;

11. Notes that Europe's regions and cities play a fundamental part in implementing the Lisbon Strategy, being key players in the field of innovation, research and education policy; points out that they implement more than one third of all public investment in the EU and are increasingly focusing Structural Fund spending on growth- and job-related objectives;

12. Points out that the regional and local level in particular has a crucial role to play as the vehicle to reach the countless economic and social actors living and producing in Europe, especially SMEs, and to foster education and vocational training, research, innovation and development;

13. Regrets the weak synergies that existed between National Strategic Reference Frameworks and the National Reform Programmes under the strategy; recommends a stronger and regular dialogue at all levels, including the Community level, between administrations responsible for the cohesion policy and the Lisbon/EU2020 Strategies and the relevant partners from the monitoring committee;

14. Appreciates the results produced so far through the financial engineering instruments and the cooperation with the EIB in fostering innovation and research through renewable forms of funding and stresses the need to strengthen the links between EU financing instruments and EIB financing instruments; recognises their leverage potential for investments and asks for their strengthening especially as regards JEREMIE and JESSICA to ensure better support to business and SMEs; recommends that the rules governing these instruments be simplified to allow their greater use by beneficiaries;

#### ***Cohesion policy and EU2020***

15. Welcomes the debate on the EU2020 strategy; stresses the long-term nature of this strategy that aims to create framework conditions for stable growth and jobs creation in Europe and a transition to a sustainable economy, and agrees with the identified priorities; stresses that there is a need to subsequently develop a multilevel governance approach to the territorial cohesion so much needed in Europe;

16. Regrets that this strategy has been proposed before the completion of the review of the current Lisbon Strategy; strongly recommends the Commission to prepare a forthright evaluation of the shortcomings in the Lisbon strategy implementation; stresses that the recommendations of this parliamentary report should be included in the final version of the new strategy;

17. Calls for the need to ensure an efficient and extensive infrastructure by modernising transport systems, introducing non-polluting transport arrangements, improving access to drinking water and drainage and waste management systems, introducing more effective environmental management, and ensuring the sustainable use of natural resources and renewable energies, with a view to economic development and improved cohesion;

18. Urges the EU to adopt specific provisions and take appropriate action to meet the special needs of regions characterised by natural or demographic handicaps of a serious and permanent nature, such as coastal regions, islands, mountain regions, cross-border and outermost regions, in the light of the legal basis for territorial cohesion that the new Lisbon Treaty provides;

19. Appreciates that the social dimension is taken into account in the proposal, but stresses that the economic pillar has the central role in terms of job creation and therefore it is vital to complete the free, open and functional Internal Market enabling businesses to react with flexibility to macro-economic trends; stresses that the recent crisis has demonstrated that no strategy for growth can neglect the objectives of social protection, access to services, the fight against poverty and social exclusion and the creation of quality jobs;

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20. Welcomes the call for more sustainable, smart jobs, but acknowledges that a new economic model might lead to an uneven distribution of costs and benefits among individual Member States and regions, and thus in order to prevent this happening, calls on the Union to take responsibility and identify key areas of action where, according to the principle of subsidiarity, European level intervention is the most appropriate to achieve the best results for all;
21. Stresses that research and innovation are key instruments for the development of the EU and can make it more competitive in the face of global challenges; is of the opinion that there must be regular investment in these fields as well as a regular assessment of the progress made on the basis of the results achieved; calls in this regard for a better coordination of the Structural Funds and the Framework Programme to maximise the benefits of the funding for research and innovation in the future and for the development of regional innovative clusters within and between Member States;
22. Is convinced that education and training are the fundamental preconditions for the development of the EU and can make it more competitive in the face of global challenges; believes that investment has to be regularly ensured in this domain and that progress on achievements must be regularly assessed;
23. Acknowledges that the established structure of objectives in the structural policies has proven a success during its first years; calls for the sake of planning reliability for the perpetuation of this structure as well as for the perpetuation of the principle of shared management; acknowledges that an adjustment of the objective contents might be necessary for an adaptation to the 2020 goals;
24. Notes that infrastructural deficiencies, particularly in rural regions, still vary considerably across Europe, blocking its growth potential and the smooth functioning of the Internal Market; stresses the importance of cross-border cooperation in this respect and believes that a true level playing field in transport, energy, telecommunications and IT infrastructure needs to be created, should be included in the strategy and continue to be a vital part of the cohesion policy;
25. Recognises that the EU Budget must play a central role in achieving the EU 2020 targets; considers that cohesion policy due to its strategic focus, strong and binding conditionality, tailor-made interventions, and monitoring and technical assistance, is an efficient and effective mechanism for EU2020 strategy delivery;
26. Notes that, particularly with regard to access to broadband, major deficits exist in rural areas, which must be overcome, in accordance with the objective stated in the Digital Agenda, in order to support the sustainable economic development of these regions;
27. Welcomes the recognition of the role of the Structural Funds in the delivery of the EU2020 goals; stresses, however, that the cohesion policy is not just the source of stable financial allocations but is also a powerful instrument for the economic development of all of Europe's regions. Its main goals - overcoming the disparities between regions and introducing real economic, social and territorial cohesion in Europe - and principles - an integrated approach, multi-level governance and real partnership - are key complementary elements for the success of the strategy and should be coordinated with it;
28. Emphasises that a strong and well-financed cohesion policy, embracing all European regions, must be a key element of the EU2020 Strategy; believes that this policy, with its horizontal approach, is a precondition for the successful delivery of the EU2020 goals, as well as for achieving social, economic and territorial cohesion in the EU; rejects all attempts to renationalise the cohesion policy and asks for the regional dimension to be fully supported in the review of the EU budget;
29. Stresses that the timely definition of delivery mechanisms is of pivotal importance for the success of the EU 2020 Strategy;
30. Stresses that the cohesion policy is not subordinated to the EU2020 Strategy; highlights that whilst the cohesion policy's priorities should be aligned with the EU2020 objectives, sufficient flexibility should be allowed to accommodate regional specificities and support the weaker and neediest regions to overcome their socio-economic difficulties, natural handicaps and reduce disparities;

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31. Asks for an improved governance system in the EU2020 Strategy compared to the Lisbon Strategy; recommends its design and implementation, while using Cohesion and structural funds, according to the multi-level governance principle so as to ensure the greater involvement of local and regional authorities and civil society stakeholders; stresses that this involvement could include the adoption of multi-level governance agreements;
32. Considers that the EU2020 strategy must be an integral part in the achievement of the goal of territorial cohesion, included as a new objective in the Lisbon Treaty; believes that local initiatives for cross-border cooperation offer a potential for territorial cohesion which has as yet not been sufficiently exploited; invites the Commission to set out the role of the macro-regions strategies in greater detail in its proposals for the future territorial cooperation arrangements;
33. Points out that a stronger territorial dimension of the strategy, considering the specificities and different development levels of the European regions, with the direct involvement of regional and local authorities and partners as referred to in the Regulation on the Structural Funds in the planning and implementation of the relevant programmes, will lead to a greater sense of ownership of its goals at all levels and ensure a better awareness of objectives and outputs on the ground; believes, in addition, that the regions need to be continuously supported by developing innovative financial instruments so that their role in achieving the objectives of the Lisbon Strategy can be maintained;
34. Stresses the importance of ground-level knowledge, both locally and regionally, for the objectives of the EU2020 Strategy; to this end, considers it essential to ensure the provision of joint statistics, as well as reading capacity in respect of the indicators, at both local and regional level;
35. Points out the key role of cities in achieving the EU2020 goals; urges that their experience and contribution be taken into account in implementing the EU2020 priorities, especially as regards climate change, social integration, demographic change and investments in sustainable economic development, energy, transport, water management, health care, public safety etc; agrees with the Council's draft conclusions that regions are to be involved in the future growth and jobs strategy; since any strategy in this field is to be executed in cooperation with regions and cities, suggests that the Commission and Council take into account the advice of the Committee of the Regions on the EU 2020 Strategy;
36. Expects the Commission to present concrete proposals for creating synergies between the cohesion policy and existing sectoral policies according to an integrated approach; recommends rationalisation of the objectives, instruments and administrative procedures of the programmes and alignment of the programme duration of these policies;
37. Believes, however, that the Union should continue to use, as its main financing mechanisms, the Cohesion Fund and structural funds, which have well-established and operational delivery methods; considers it unnecessary to create new separate thematic funds to address the EU2020 goals and instead deems that they should be included in cohesion and rural development policies;
38. Recommends the adoption of a simplified approach to the use of the Structural Funds in the future regulatory framework; highlights that the harmonisation of rules and procedures as well as taking into account best practice models, may lead to simplified delivery systems and encourage participation by potential beneficiaries in EU co-funded programmes;
39. Recommends that the Commission undertake an annual review of the priorities of the EU-2020 Strategy, on the basis of the results obtained in implementing it and taking account of any alterations in the conditions as initially envisaged and the identification of new priorities as closely bound up with changes of a permanent nature at local, regional and global level;
40. Calls on the Commission to present to the Parliament as soon as possible a structured working programme for the implementation of the Strategy and, in the future, clear implementation assessments; moreover calls for a clear working document setting out the relationship between the Strategy and the Cohesion policy;

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41. Considers that the Committee of the Regions, through its Lisbon Monitoring Platform, should continue monitoring progress on the ground of the future EU2020 strategy and that Member States should be asked to report yearly, in a structured manner, on the progress made;

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

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## Union for the Mediterranean

P7\_TA(2010)0192

### European Parliament resolution of 20 May 2010 on the Union for the Mediterranean (2009/2215(INI))

(2011/C 161 E/19)

*The European Parliament,*

- having regard to the Barcelona Declaration adopted at the Euro-Mediterranean Conference of Ministers of Foreign Affairs, held in Barcelona on 27 and 28 November 1995, establishing a Euro-Mediterranean partnership,
- having regard to the Commission Communication to the European Parliament and the Council entitled 'Barcelona Process: Union for the Mediterranean' (COM(2008)0319),
- having regard to the approval of the 'Barcelona Process: Union for the Mediterranean' by the Brussels European Council of 13 and 14 March 2008,
- having regard to the Declaration of the Paris Summit for the Mediterranean, held in Paris on 13 July 2008,
- having regard to the final statement issued at the meeting of Ministers of Foreign Affairs of the Union for the Mediterranean, held in Marseille on 3 and 4 November 2008,
- having regard to the statements issued by the Bureau of the Euro-Mediterranean Parliamentary Assembly (EMPA) at its meetings in Paris (12 July 2008), Cairo (22 November 2009) and Rabat (22 January 2010),
- having regard to the conclusions of the inaugural meeting of the Euro-Mediterranean Regional and Local Assembly (ARLEM), held in Barcelona on 21 January 2010,
- having regard to the final declaration of the Euro-Mediterranean Summit of Economic and Social Councils and Similar Institutions, held in Alexandria on 19 October 2009,
- having regard to its previous resolutions on the European Union's Mediterranean policy, in particular those of 15 March 2007 <sup>(1)</sup> and 5 June 2008 <sup>(2)</sup>, and its resolution of 19 February 2009 entitled 'The Barcelona Process: Union for the Mediterranean' <sup>(3)</sup>,

<sup>(1)</sup> OJ C 301 E, 13.12.2007, p. 210.

<sup>(2)</sup> OJ C 285 E, 26.11.2009, p. 39.

<sup>(3)</sup> OJ C 76 E, 25.3.2010, p. 76.



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- having regard to the conclusions of the Second Euro-Mediterranean Ministerial Conference on Strengthening the Role of Women in Society, held in Marrakesh on 11 and 12 November 2009,
  - having regard to its resolution of 15 November 2007 on strengthening the European Neighbourhood Policy <sup>(1)</sup>,
  - having regard to the recommendations adopted by the committees of the EMPA at its sixth plenary session, held in Amman on 13 and 14 March 2010,
  - having regard to the recommendation of the EMPA adopted on 13 October 2008 in Jordan and forwarded to the First Meeting of the Ministers for Foreign Affairs of the Barcelona Process: Union for the Mediterranean, held in Marseille,
  - having regard to the statute of the secretariat of the Union for the Mediterranean adopted on 3 March 2010,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on International Trade and the Committee on Industry, Research and Energy (A7-0133/2010),
- A. whereas the Mediterranean basin is an area of key importance for the EU and, in a multipolar and interdependent world, large regional integrations will be better positioned to play a leading role and to cope with social, cultural, economic, environmental demographic, political and security-related challenges,
- B. whereas the European Union must adopt a strategic view that takes into account all these challenges in its relations with its southern neighbours, giving priority to the social, economic and democratic development of the region,
- C. whereas, in accordance with Article 8 of the Treaty on European Union, the Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation,
- D. whereas the Union for the Mediterranean (UfM) is a means of further strengthening the regional and multilateral dimension of Euro-Mediterranean relations, revitalising prospects for the establishment of an area of peace, security and prosperity for 800 million people, and offers the ideal framework for addressing the social and economic challenges, promoting regional integration and guaranteeing the co-development of the partner states,
- E. whereas the neighbourhood policy, by placing the emphasis on the deepening of differentiated bilateral relations, is unable, in itself, to contribute to a shared process of integration and significant reform in the region; having regard to the opportunity offered by the establishment of the UfM to strengthen complementarity between bilateral policies on the one hand and regional policies on the other, in order to achieve more effectively the goals of Euro-Mediterranean cooperation, based on the mutual recognition of common values such as democracy, rule of law, good governance and respect for human rights; whereas Member States should be urged to commit themselves to implementing the European Neighbourhood Policy (ENO) in a coherent and credible manner in accordance with Article 8 of the Treaty on European Union,

<sup>(1)</sup> OJ C 282 E, 6.11.2008, p. 443.

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- F. having regard to the need to build on the achievements of the Barcelona Process, the goals and achievements of which must be reinforced by the UfM in accordance with the Paris Declaration of 13 July 2008, and to refrain from duplicating or overlapping existing political instruments or institutional levels in order to ensure that the numerous instruments for Euro-Mediterranean cooperation are effective and consistent,
- G. whereas, for the last 15 years or so, Mediterranean countries have been rapidly developing new trading and economic relations (for example with Russia, China, Brazil and the Gulf states) and their societies have been undergoing substantial changes (in terms of consumption patterns, mobility, demographic transitions and so on) with implications for internal – in particular territorial – balances,
- H. whereas limited cultural exchanges cannot, by themselves, bring the peoples of the Mediterranean closer together; whereas Europe is gradually losing its cultural significance among its Mediterranean partners,
- I. having regard to the significant growing disparities between European Union Member States and Mediterranean third countries and the worrying structural problems of a socio-economic and institutional nature, which call for strong common responses in the shared interest of all the states participating in the UfM; whereas the potential for economic growth of the Mediterranean third countries encourages this view; having regard to the need for an improved South-South regional integration,
- J. whereas the regional context in which the UfM is taking shape continues to be characterised by conflicts and political tensions, which have undermined and slowed down its establishment since the Paris Summit of July 2008; whereas the Middle East Peace Process has come to a standstill,
- K. whereas the effects of the economic and financial crisis have come on top of 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 these countries and the EU to bring down unemployment rates in the region and to offer its people, particularly women, young people and the rural population, hope for the future,
- L. whereas the resumption of the peace process in the Middle East and the concrete prospects of a lasting comprehensive solution are of the utmost importance for the development of the Euro-Mediterranean relations and the functioning and the implementation of the projects of the UfM,
- M. whereas the UfM's two major innovations, namely its institutional set-up (co-presidency, joint permanent committee and secretariat) and operational focus (integration projects), must function effectively and transparently so that they improve the standard of living of citizens, who are the main beneficiaries of this project,
- N. whereas the UfM's secretariat needs to become the structure's linchpin, whereas its effectiveness will depend on the ability of its staff to work independently and whereas the presence of a senior Israeli official and a senior Palestinian official cooperating within an international organisation at regional level is unprecedented and gives grounds for hope,
- O. whereas Mediterranean regions are directly affected by transnational issues such as sustainable development, security of energy supply, migration flows, cultural exchange and tourism and also have to face transnational difficulties such as water management and access to water, pollution and the development of transport networks; whereas, therefore, local and regional authorities play a key role in facilitating the development of sustainable spatial planning policies that are appropriate to local characteristics and the implementation of practical and inclusive projects,
- P. having regard to the major issue of agriculture in Mediterranean countries, by dint of its socio-economic influence, its effects on the environment and its implications in terms of territorial balance,

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- Q. whereas 60 % of the world population with little water is concentrated in the southern part of the Mediterranean region and in the Middle East and whereas, by 2025, 63 million people could, according to UNDP reports on the Arab world and the Blue Plan, be affected by water shortages,
- R. recalls the decision taken by the Ministerial Conference for the UfM of 4 November 2008 in Marseilles to reduce the digital divide between the two shores of the Mediterranean which resulted in the BB-MED (broadband for the Mediterranean) proposal,
- S. whereas, since the Paris Summit, the projects announced by the UfM have so far been suffering from general underfunding, which risks delaying their implementation,
- T. having regard to the importance of migration flows and the various challenges they create on both sides of the Mediterranean in human, social, cultural and economic terms,
- U. having regard to the crucial importance of the capital flows represented by the funds migrants send to people of countries on the southern shore of the Mediterranean,
- V. having regard to the recent entry into force of the Lisbon Treaty and the institutional changes it has produced, on the one hand, and the ongoing debate about the operation and financing of the UfM, on the other, which make it essential for the European Parliament to monitor developments connected with the UfM as closely as possible in order to help ensure the outright success of the Barcelona Summit,
1. Calls on the heads of state and government within the UfM, who will meet in Barcelona on 7 June 2010, to do their utmost – after two difficult years – to make this meeting a success, with a view to setting up the UfM's institutions, implementing major projects and making progress on all the components of Euro-Mediterranean cooperation;
  2. Remains concerned by the absence of a clear definition of the EU's Mediterranean policy or of a long-term strategic vision for the development and stabilisation of the region, despite the creation of the UfM; calls for the Euro-Mediterranean integration process to become a political priority for the EU once more;
  3. Calls on the governments of the UfM member countries to deeply revise and step up political dialogue; emphasises that mutual respect and understanding are essential elements of that dialogue and reaffirms that the promotion of and respect for democracy, the rule of law and human rights, be they civil, political, economic, social, cultural or collective rights, must be clearly enshrined in the objectives of this new initiative, in particular through the strengthening of existing mechanisms; underlines, in this regard, the importance of respecting the freedoms of expression, thought and religion, in addition to the need to ensure the protection of minorities, including religious minorities; stresses that women's rights, gender equality and the fight against discrimination based on sexual orientation require particular attention; reiterates its support for democratic political organisations and civil society on the southern shores of the Mediterranean and pays tribute to the valuable work done by women's organisations;
  4. Takes the view that political tensions and regional conflicts in the Mediterranean basin must not hinder tangible progress towards multilateral cooperation in specific sectors, and that it is through the implementation of major integration projects and open political dialogue that the UfM will help to develop a climate of trust conducive to pursuing common justice and security goals in a spirit of solidarity and peace; stresses, however, that the UfM will not be fully successful unless the various regional conflicts are settled, in accordance with international law, making the Mediterranean a single shore of peace;
  5. Stresses the urgency of achieving a fair and lasting solution to the conflict in the Middle East and calls for the firm commitment in this regard of the EU and of all UfM member countries; reiterates its call for the immediate resumption of meaningful negotiations in the context of the peace process, with a view to

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achieving a two-State solution – an independent, democratic and viable Palestinian State and the State of Israel, living side by side in peace and security and with internationally recognised borders; encourages the important contribution that the UfM can make to the improvement of relations between Israel and the Palestinian National Authority, also thanks to the cooperation between the Israeli and Palestinian representatives within it;

6. Regrets that the decolonisation process of Western Sahara is not yet finished;

7. Welcomes the appointment of the Secretary General and the adoption of the statute of the secretariat and recommends that, in preparation for the Barcelona Summit, the UfM's institutional and operational structure be completed by taking the following steps:

- providing the secretariat with the necessary resources, both financial and statutory, to operate effectively and independently; stressing the urgency of making the secretariat fully operational and the need for its staff to be selected on the basis of merit, with due attention to the principles of geographical distribution and gender equality;
- clarifying the criteria for approving, funding and implementing major projects and specifically setting the priorities for the next 3 years;
- ensuring joint representation of EU participants (Member States, the Council and the Commission) in accordance with the Lisbon Treaty, while at the same time fostering active participation by all Mediterranean third countries;
- ensuring the democratic legitimacy of the UfM by confirming the EMPA as an integral part of the institutional structure;
- stepping up coordination with EU projects and programmes approved by the specialised ministerial conferences, with a particular focus on possible synergies;
- allowing 'variable-geometry' cooperation arrangements open to countries and multilateral institutions wishing to work together on projects of common interest;
- ensuring smooth cooperation between the secretariat and the Commission, and clearly defining their respective remits; calling on the Commission to play an active role in the UfM and asking for greater clarity regarding its participation in this new institutional structure;
- developing communications to ensure the visibility of the UfM's activities; informing citizens on the UfM's major projects and progress, in particular via a comprehensive website;
- ensuring the UfM's democratic legitimacy in such a way that decisions are taken in a transparent manner, and that the European Parliament, the EMPA and the national parliaments are involved in the decision-making process; emphasises that, as its parliamentary wing, the EMPA must be recognised as an integral part of the UfM;
- ensuring dialogue with all the stakeholders (local authorities and Civil Society Organisations) and making sure they are involved in the decision-making process concerning the major projects;

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8. Recalls that the Paris Summit identified six main horizontal strategic sectors (civil protection, maritime and land highways, de-pollution of the Mediterranean, the Mediterranean solar energy plan, the Mediterranean Business Development Initiative and the Euro-Mediterranean University), in most of which projects have already been undertaken as part of the EuroMed partnership; underlines, therefore, the importance of carrying out a highly detailed assessment of the regional programmes and of the resources already used within the framework of the EuroMed partnership and hopes that the selection of projects funded under the UfM will be based on the added value criterion at both regional and local level; calls for the swift implementation of these priority projects;

9. Considers it essential to guarantee, increase and mobilise project funding through a combination of public and private funds; in this context:

- calls on the UfM's members to allocate project funding commensurate with the issues at stake, and expects an historic commitment from participants at the Barcelona Summit;
- emphasises that, in the period leading up to the end of the 2007-2013 financial perspective, any financial contributions made by the Union should not affect existing or planned Euro-Mediterranean regional projects; underlines the need to increase substantially the funds allocated to the southern dimension of the European Neighbourhood Policy and EU contributions to UfM projects in the EU's forthcoming financial perspective for 2014-2020, while taking into account the effects of the economic and financial crisis;
- welcomes the steps taken by financial institutions at national, European (EIB-FEMIP, EBRD) and international (World Bank) level which are already active in the region, emphasises the need to identify synergies in connection with major projects, and proposes that a Euro-Mediterranean investment and development bank be set up to consolidate the North-South parity basis on which the UfM operates;
- emphasises the role of the European Investment Bank (EIB), which is coordinating three of the six priority projects (de-pollution of the Mediterranean, the Solar Plan and the maritime and land highways);
- underlines the need to pave the way for greater cooperation and better financial and economic integration between the UfM member countries, particularly between the countries on the southern shore;
- welcomes the recent launch of investment funds for the financing of UfM projects, including the InfraMed fund for infrastructure projects, and calls on the various stakeholders to encourage the development of similar initiatives and to promote cooperation between investors, in particular long-term investors;
- is keen to see the establishment of investment funds intended to finance sustainable development projects by local and regional authorities;

10. Encourages efforts to improve the economic and legal environment in third countries, making it a priority to set up viable and credible sub-regional financial institutions able to attract foreign investment; also calls for:

- the drafting of a common investment protection charter for Mediterranean third countries in order to harmonise and enhance such protection and encourage investment;
- the establishment of an insurance and financial guarantee system for investors, based on the Multilateral Investment Guarantee Agency (MIGA) and tailored to the Euro-Mediterranean context;
- reforms designed to reduce red tape and in particular to improve and simplify the performance of contracts;

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— the promotion of gradual and real harmonisation of labour laws, respecting the rights of workers in UfM member countries;

— the improvement of access to credit for SMEs and of the provision of credit options and microcredit;

11. Hopes for an improvement in the economic and legal environment in the region, an essential guarantee for future investment; insists on the objective of favouring the development of human resources and employment in line with the Millennium Development Goals for fighting poverty; underlines that the preservation and the development of strong public services is another important precondition to guarantee sustainable development in the region;

12. Believes that increased South-South bilateral and multilateral economic cooperation would result in tangible benefits for the citizens, as well as improve the political climate in the region;

13. Stresses the vital need to develop South-South trade, which accounts for just 6 % of world trade, and thus to take action to extend the Agadir Agreement; draws attention to the interest these countries have in stepping up their relations and their trade so that they form a united, strong economic area which is attractive to investors and capable of defending the region's interests and boosting its development; emphasises that the UfM must make it easier to respond to requests for technical and financial assistance with a view to promoting South-South economic integration; considers that extension and simplification of the pan-Euro-Mediterranean system of cumulation of origin might help in this regard;

14. Highlights the importance of the current negotiations on the Europe-Mediterranean Free Trade Area and encourages the UfM member countries to work on harmonising their positions in the context of WTO negotiations;

15. Calls on the Commission to take account in trade negotiations of the results of existing impact assessments and to assess the effects of the liberalisation process, in the light of climate change and the economic and social crisis, and to enable this to be applied gradually and asymmetrically, as necessary, while protecting comparable production sectors on both shores of the Mediterranean, which are more likely to face competition as a result of greater liberalisation; calls on the UfM to select projects mainly according to social and economic and environmental mitigation needs;

16. Hopes that the association agreements will be reviewed in the light of the new requirements deriving from the financial, economic and social crisis and the food and energy crises; points out that one of the main objectives of creating a Euro-Mediterranean free trade area must remain that of boosting trade in the service of development and poverty reduction, and hopes that the Road Map adopted at the ministerial summit of 9 December 2009 will help to achieve this objective;

17. Views it as regrettable that socio-economic, commercial and energy aspects, such as direct foreign investment, employment, energy efficiency, the informal economy and poverty reduction, were overlooked in the Paris declaration, and calls for this to be remedied at the Barcelona Summit;

18. Points out that migration policies are one of the priorities of the Euro-Mediterranean partnership and calls on the member countries and institutions of the UfM to pay special attention to the coordinated management of migratory flows; stresses that the construction of the UfM is inseparable from a harnessing of human resources and strengthening of exchanges between the peoples of the Mediterranean, and encourages, in addition to the regulation of flows and combating of illegal immigration, the gradual facilitation of freedom of movement between the two shores, the strengthening of integration arrangements for migrants, the drafting of active policies to promote employment and the improvement of conditions for exercising of the right of asylum; considers that the Euromed Ministerial Conference on Migration, held in Albufeira on 18 and 19 November 2007, should be continued;

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19. Invites UfM member countries to simplify transfers of funds from migrants to people in their home countries, in particular by endeavouring to reduce the costs incurred;
20. Recalls the importance of what is known as the fourth chapter of Euro-Mediterranean cooperation (on migration, social integration, justice and security) and highlights the need for the UfM to drive forward cooperation on this chapter;
21. Emphasises the strategic importance of issues such as agriculture, rural development, adaptation to climate change and rational water and energy use in Mediterranean countries and calls for cooperation in the farming sector to be made a political priority; encourages the UfM member countries to work towards aligning as far as possible their positions in the context of WTO negotiations and to move towards a greater convergence of Euro-Mediterranean agricultural policies, particularly in relation to compliance with appropriate social standards, food, phytosanitary and environmental safety, and product quality; takes the view that these policies should include the requirements of sustainable development (including the conservation of natural resources), enabling regional markets to emerge eventually, whilst taking into consideration the specific competitive situation of Mediterranean farmers and the need to retain a strong agricultural sector;
22. Underlines the need to establish a regional agricultural policy in line with the Euro-Mediterranean Road Map for Agriculture, to preserve local food production and food security, and to promote production, distribution and diversification of typical Mediterranean products and the development of small and middle farming adapted to sustainable development; in the light of growing food insecurity in many Mediterranean partner countries, calls on the Commission to accept partner requests regarding extended safeguards and quick procedures to implement them in times of food crises;
23. Reaffirms its support for the environmental dimension of the UfM and stresses the importance of the Euro-Mediterranean initiative for the de-pollution of the Mediterranean; welcomes, in this regard, the launch of the second phase of the Mediterranean Hot-Spot Investment Programme - Project Preparation and Implementation Facility (MeHSIP PPIF); considers that progress in the specific area of prevention of sea pollution is a matter of urgency and that particular attention should be paid to the Mediterranean, given that it is an enclosed sea; points out that all UfM projects should be planned and carried out in cooperation with existing programmes with regard, in particular, to the UNEP Mediterranean Action Plan for the Barcelona Convention;
24. Calls on the partner states, as part of the UfM's major land and sea transport projects, to improve infrastructure in order to aid the movement of people and goods in the Mediterranean and to encourage a sustainable transport policy, taking into consideration the requirements of sustainable development, greenhouse gas reductions, energy efficiency and intermodality; emphasises that such efforts must be carried out in connection with environmental, industrial, public health and land planning policy; stresses the need to develop maritime highway projects in order to encourage modal shifts and create safe, clean and sustainable commercial shipping routes;
25. Takes the view that enhancing port and land transport infrastructure may help to promote economic growth and trade between Euro-Mediterranean countries;
26. Stresses the need to strengthen cooperation in the field of energy and calls for the immediate promotion of development plans to encourage the diversification of energy supply sources and routes, thus making a decisive contribution to energy security in the Mediterranean region;
27. Recalls the high potential of sources of renewable energy – in particular wind and solar energy – in the Euro-Mediterranean region; supports the swift, coordinated implementation of the Mediterranean Solar Plan, the main aim of which is to establish, by 2020, 20 GW of new renewable energy production capacity in the Mediterranean, and industrial initiatives such as DESERTEC, in addition to the adoption of a Euro-Mediterranean energy efficiency strategy; hopes that the projects will, as a matter of priority, meet the needs of supplier countries and stresses the effects that the strengthening – particularly on the southern shore – of the network infrastructure, the gradual establishment of an interdependent regional market and the creation of a new industrial sector, such as that of solar components manufacturing, will have on the economic development of partner countries;

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28. Calls for further promotion of, and support for, the 'Solar for Peace' initiative within the framework of the Euro-Mediterranean Energy Market Integration Project (MED-EMIP);
29. Recommends that the countries participating in the Euro-Mediterranean process join the 'smart cities' initiative envisaged under the Strategic Energy Technology (SET) Plan;
30. Supports the promotion of trans-Euro-Mediterranean interconnections in the electricity, gas and oil sectors in order to improve energy supply security; emphasises the importance of completing the Mediterranean electricity loop and supports the development of a southern gas corridor; encourages the use of reverse flows where it is justified in terms of security, cost-effectiveness and viability;
31. Stresses that the 20-20-20 climate objectives will affect gas demand significantly, therefore the creation of an LNG action plan for the UfM member countries would improve diversity and security of supply, especially for countries relying on sole suppliers;
32. Stresses the importance of progress in LNG technology and investments in LNG vessel transportation capacity and LNG re-gasification terminals; points out that, alongside infrastructure development, maritime security is also a necessity;
33. Emphasises the urgency of developing stronger cooperation in the field of civil protection in the Mediterranean region to combat natural disasters, particularly earthquakes, floods and forest fires; encourages the creation of a Euro-Mediterranean forest fires institute;
34. Stresses the importance of developing, within the UfM framework, new projects focusing on education, school and university exchanges and research as ways of bringing the peoples on both sides of the Mediterranean closer together and fostering development; considers that priority should be given, with the active involvement of civil society, to the creation of a genuine Euro-Mediterranean higher education, science and research area and, in this regard:
  - welcomes the creation of the Euro-Mediterranean University (EMUNI) and calls on partner institutions to deepen their commitment to the development of its activities;
  - calls for increased funding to be devoted to academic exchange programmes such as 'Erasmus Mundus' and for better information to be provided on existing exchange programmes; more specifically, calls for inspiration to be drawn from the experience of the 'Averroës' European programme;
  - calls for a an ambitious Euro-Mediterranean junior Erasmus programme to be set up, as a way of stepping up school exchanges between UfM member countries;
  - calls for more structured cooperation in the field of higher education and research in order to encourage the mutual recognition of qualifications, the introduction of joint qualifications and common graduate schools, with a view, in particular, to increasing mobility for researchers, backed up by measures to combat the brain drain;
  - would like special attention to be paid to bringing training, research and innovation closer together, with emphasis placed on dialogue between universities and enterprises and on public-private partnerships in the field of research;



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35. Calls for new projects designed to promote cultural exchanges and mutual understanding between societies to be put on the UfM's agenda in the very near future, in particular through the adoption of a Euro-Mediterranean strategy for cultural affairs and the development of intercultural and interreligious dialogue; encourages the implementation of projects by the Permanent Conference of the Mediterranean Audiovisual Operators (COPEAM), in particular that of a Euro-Mediterranean TV channel, and the repetition of successful initiatives such as the Arab Week and EuroMedScola; welcomes the action of the Bibliotheca Alexandrina, the Arab World Institute and the Anna Lindh Foundation, in particular the latter's organisation of the Forum for intercultural dialogue in Barcelona in March 2010; calls on the countries and institutions that are members of the UfM to continue their commitment to the UN Alliance of Civilizations;

36. Welcomes the choice of Marseille-Provence as European Capital of Culture in 2013; the project has a strong Euro-Mediterranean dimension intended to bring together the peoples on both sides of the Mediterranean; emphasises that the purpose of this highly symbolic cultural project is to drive concrete, innovative action to improve the dialogue between the cultures of Europe and the Mediterranean;

37. Underlines the importance of establishing industrial policies to improve economies of scale, while supporting small and medium-sized enterprises (SMEs) and strengthening high-technology sectors; calls on the UfM member countries and institutions to play an active role in supporting SMEs, with particular emphasis on efficient financial services and technical and administrative assistance, thereby creating a strong entrepreneurial base, especially in sectors that contribute to economic growth in the Mediterranean countries;

38. Stresses that the purpose of the EMPA is to become the parliamentary assembly of the UfM, which will guarantee its democratic legitimacy, and supports the proposal of the 6th plenary session of the EMPA held in Amman on 13 and 14 March 2010 that the name of the EMPA should be changed to Parliamentary Assembly – Union for the Mediterranean (PA-UfM);

39. Recalls its remit within the EU's budgetary procedure, and emphasises the need for the EMPA to immediately take on more significant responsibilities by being involved in consultation and democratic supervision in respect of defining the areas of work, regularly monitoring the projects undertaken, and budget implementation; calls on the various relevant EMPA committees to carry out regular hearings of the Secretary General and the Deputy Secretaries General; takes the view, however, that this higher level of responsibility must go hand in hand with improvements in the operation and working methods of the EMPA, including granting the necessary human and financial resources and bringing the EMPA's work more into line with that of the other UfM institutions; welcomes the decisions taken to this end at the 6th plenary session of the EMPA held in Amman on 13 and 14 March 2010;

40. Welcomes the recent establishment of the Euro-Mediterranean Regional and Local Assembly (ARLEM) and calls for efforts to ensure proper coordination between the ARLEM's activities and those of the EMPA, in particular through joint meetings or reciprocal invitations for members of their respective bureaux to attend working meetings; emphasises the need for these assemblies that bring together elected representatives from both sides of the Mediterranean and promote the exchange of best democratic practice;

41. Calls for civil society, the social partners and the numerous professional and socio-professional networks developed as part of the Euro-Mediterranean partnership to be consulted regularly and involved in the UfM's activities and projects, and encourages:

- the general assembly of economic and social councils, and similar institutions, to consider establishing a Euro-Mediterranean economic and social council;
- the development of projects to facilitate business relations, investments and business partnerships between both sides of the Mediterranean, such as the Invest in Med Programme;
- the establishment of a network of Euro-Mediterranean Chambers of Commerce and Euro-Mediterranean industrialist and trade union associations;

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- the extension of the industrial cooperation group for implementing the Euro-Mediterranean Charter for Enterprise to include representatives of SMEs so that it can become the tool which will enable the removal of obstacles to growth and to the development of SMEs;

42. Welcomes the commitment, reaffirmed during the 2nd Euro-Mediterranean Ministerial Conference on Strengthening the Role of Women in Society (Marrakesh, 11-12 November 2009), to promote de jure and de facto equality between women and men, to combat violence against women and to respect the civil, political, economic, social and cultural rights of women as well as men; calls urgently for concrete steps to be taken in this direction and recommends the adoption of a UfM project on women's entrepreneurship and enhancement of their involvement in public life; recalls its consistent position that respect for traditions and customs must not be a pretext for the infringement of women's fundamental rights;

43. Calls on the Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Commission and the newly-established European External Action Service to take the necessary steps to ensure coherent EU participation in the UfM, and to involve Parliament in framing EU policy;

44. Welcomes the recent accession to the UfM of countries of the Western Balkans, which are applicants for accession to the EU;

45. Instructs its President to forward this resolution to the President of the Council of the European Union, the President of the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign and Security Policy, the governments and parliaments of the Member States, the co-presidency, the Secretary General of the UfM, and the governments and parliaments of the partner states.

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## The need for an EU strategy for the South Caucasus

P7\_TA(2010)0193

### European Parliament resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus (2009/2216(INI))

(2011/C 161 E/20)

*The European Parliament,*

- having regard to its previous resolutions on the South Caucasus, including its resolution of 15 November 2007 on strengthening the European Neighbourhood Policy (ENP) <sup>(1)</sup> and its resolutions of 17 January 2008 on a more effective EU policy for the South Caucasus <sup>(2)</sup> and on a Black Sea Regional Policy Approach <sup>(3)</sup>,
- having regard to its recent resolutions of 17 December 2009 on Azerbaijan: freedom of expression <sup>(4)</sup>, of 3 September 2008 on Georgia <sup>(5)</sup>; of 5 June 2008 on the Deterioration of the Situation in Georgia <sup>(6)</sup>; and of 13 March 2008 on Armenia <sup>(7)</sup>,
- having regard to the Communication from the Commission to the European Parliament and the Council of 3 December 2008 entitled 'Eastern Partnership' (COM(2008)0823),

<sup>(1)</sup> OJ C 282 E, 6.11.2008, p. 443.

<sup>(2)</sup> OJ C 41 E, 19.2.2009, p. 53.

<sup>(3)</sup> OJ C 41 E, 19.2.2009, p. 64.

<sup>(4)</sup> Texts adopted, P7\_TA(2009)0120.

<sup>(5)</sup> OJ C 295 E, 4.12.2009, p. 26.

<sup>(6)</sup> OJ C 285 E, 26.11.2009, p. 7.

<sup>(7)</sup> OJ C 66 E, 20.03.2009, p. 67.

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- having regard to the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009,
  - having regard to the ENP Action Plans adopted with Armenia, Azerbaijan and Georgia in November 2006 and to the European Neighbourhood and Partnership Instrument (ENPI), closely linked to the implementation of the ENP Action Plans,
  - having regard to the ENP Progress Reports on Armenia, Azerbaijan and Georgia adopted by the Commission on 23 April 2009,
  - having regard to the Country Strategy Papers 2007-2013 and the National Indicative Programmes 2007-2010 under the ENPI for Armenia, Azerbaijan and Georgia,
  - having regard to the Mid-Term Review of the ENPI Programming Documents for Armenia, Azerbaijan and Georgia,
  - having regard to the Partnership and Cooperation Agreements concluded with Armenia, Azerbaijan and Georgia in 1996,
  - having regard to the relevant monitoring reports of the Parliamentary Assembly of the Council of Europe (PACE),
  - having regard to the report of the International Fact-Finding Commission on the Conflict in Georgia published on 30 September 2009 (the Tagliavini Report),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0123/2010),
- A. whereas at the Foreign Affairs Council held on 8 December 2009 the EU reaffirmed its intention to promote stability, cooperation, prosperity and good governance throughout the South Caucasus, including through technical assistance programmes,
- B. whereas, as a result of the August 2008 war in Georgia, of the EU's successful intervention to achieve a ceasefire agreement and of the great need for further engagement in order to secure its full implementation, the EU became a significant security actor in the region, through the deployment of the EU Monitoring Mission, the launch of a major post-war assistance programme and the start of a fact-finding mission on the causes and course of the war,
- C. whereas 2009 has seen intensification of the negotiations for the settlement of the Nagorno-Karabakh conflict mediated by the Organization for Security and Cooperation in Europe (OSCE) Minsk Group,
- D. whereas persons forcefully displaced from the conflict zones in the South Caucasus are still denied the right to return to their homes; whereas the three countries have embarked on programmes for local integration of their refugees and internally displaced persons, however they still face numerous difficulties hindering their success; whereas refugees and internally displaced persons (IDPs) should not be used by the authorities concerned as political instruments in conflicts,
- E. whereas Armenia and Turkey's signing in October 2009 of protocols on the establishment and development of diplomatic relations and the opening of their shared border is a promising step, but ratification has not followed,

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- F. whereas the frozen conflicts are an impediment to the economic and social development and hinder the improvement of the standard of living of the South Caucasus region as well as the full development of the Eastern Partnership of the ENP; whereas a peaceful resolution of the conflicts is essential for stability in the EU Neighbourhood; whereas further efforts should be made so as to identify common areas of interests that can overcome divergences, facilitate dialogue and promote regional cooperation and development opportunities,
- G. whereas the EU respects the principles of sovereignty and territorial integrity in its relations with the South Caucasus states,
- H. whereas the Eastern Partnership creates new possibilities for deepening bilateral relations and also introduces multilateral cooperation,
- I. whereas the Eastern Partnership aims at accelerating reforms, legal approximation and economic integration, and bringing tangible support for the consolidation of statehood and territorial integrity of partner countries, is based on the principles of conditionality, differentiation and joint ownership and envisages the negotiation of new Association Agreements, which will require the assent of the European Parliament,
- J. whereas the EU Neighbourhood East (EURONEST) Parliamentary Assembly is to be officially constituted as a crucial multilateral mechanism of intensified interparliamentary dialogue between the European Parliament and the EU's six Eastern partners, including Armenia, Azerbaijan and Georgia, with the aim of bringing these countries closer to the EU,
- K. whereas the situation in the South Caucasus region calls for an increasingly proactive policy in the EU engagement in this region and whereas the launch of the Eastern Partnership and the entry into force of the Lisbon Treaty provide a good opportunity to devise an EU strategy towards the South Caucasus,

1. Reaffirms that the EU's main objective in the region is to encourage the development of Armenia, Azerbaijan and Georgia towards open, peaceful, stable and democratic countries, ready to establish good neighbourly relations and able to transform the South Caucasus into a region of sustainable peace, stability and prosperity, with a view to enhancing the integration of these countries in European policies; considers that the EU needs to play an increasingly active political role to achieve this objective, by developing a strategy that would combine its soft power with a firm approach, in agreement with the countries of the region and complemented by bilateral policies;

#### ***Security issues and peaceful resolution of conflicts***

2. Emphasises that retaining the status quo in the conflicts in the region is unacceptable and unsustainable, since it bears the constant risk of an escalation of tensions and a resumption of armed hostilities; considers that all sides should actively engage to achieve stability and peace; advocates the use of cross-border programmes and dialogue among civil societies as tools for conflict transformation and confidence-building across the division lines; underlines that the EU has an important role to play in contributing to the culture of dialogue in the region and in ensuring the implementation of relevant UN Security Council resolutions, including UN Security Council Resolution 1325 (2000);

3. Notes that conflict management and conflict resolution as well as basic dialogue necessitate inter alia recognition of the rights and legitimate interests of all relevant parties and communities, openness to review perceptions of past events and reach a common understanding of past events, willingness to overcome hatred and fear, preparedness to compromise over maximalist positions, abandon revanchist attitudes and readiness to discuss real concessions, in order to be able to consolidate stability and prosperity;

4. Points to the importance of conflict prevention, including through respect for the rights of all members of national minorities, religious tolerance and efforts to strengthen social and economic cohesion;

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5. Stresses the responsibility of external actors to use their power and influence in ways that are fully consistent with international law, including human rights law; believes that further and balanced cooperation between external actors in the region should be pursued to contribute to achieving peaceful settlement of conflicts; considers it unacceptable for any external actors to introduce conditions for the respect of the sovereignty and territorial integrity of the South Caucasus states;

*The Nagorno-Karabakh conflict*

6. Welcomes the dynamic pace of the negotiations on the Nagorno-Karabakh conflict illustrated by the six meetings between the presidents of Armenia and Azerbaijan held over the course of 2009 in the spirit of the Moscow Declaration; calls on the parties to intensify their peace talk efforts for the purpose of a settlement in the coming months, to show a more constructive attitude and to abandon preferences to perpetuate the status quo created by force and with no international legitimacy, creating in this way instability and prolonging the suffering of the war-affected populations; condemns the idea of a military solution and the heavy consequences of military force already used, and calls on both parties to avoid any further breaches of the 1994 ceasefire;

7. Fully supports the mediation efforts of the OSCE Minsk Group, the Basic Principles contained in the Madrid Document and the statement by the OSCE Minsk Group Co-Chair countries on 10 July 2009 on the margins of the G8 Summit in L'Aquila; calls on the international community to show courage and political will to assist in overcoming the remaining sticking points which hinder an agreement;

8. Is seriously concerned that hundreds of thousands of refugees and IDPs who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their rights, including the right to return, property rights and the right to personal security; calls on all parties to unambiguously and unconditionally recognise these rights, the need for their prompt realisation and for a prompt solution to this problem that respects the principles of international law; demands, in this regard, the withdrawal of Armenian forces from all occupied territories of Azerbaijan, accompanied by deployment of international forces to be organised with respect of the UN Charter in order to provide the necessary security guarantees in a period of transition, which will ensure the security of the population of Nagorno-Karabakh and allow the displaced persons to return to their homes and further conflicts caused by homelessness to be prevented; calls on the Armenian and Azerbaijani authorities and leaders of relevant communities to demonstrate their commitment to the creation of peaceful inter-ethnic relations through practical preparations for the return of displaced persons; considers that the situation of the IDPs and refugees should be dealt with according to international standards, including with regard to the recent PACE Recommendation 1877(2009), 'Europe's forgotten people: protecting the human rights of long-term displaced persons';

9. Stresses that real efforts are needed to pave the way for a lasting peace; asks all relevant authorities to avoid provocative policies and rhetoric, inflammatory statements and manipulation of history; calls on the leaders of Armenia and Azerbaijan to act responsibly, tone down speeches and prepare the ground, so that public opinion accepts and fully understands the benefits of a comprehensive settlement;

10. Believes the position according to which Nagorno-Karabakh includes all occupied Azerbaijani lands surrounding Nagorno-Karabakh should rapidly be abandoned; notes that an interim status for Nagorno-Karabakh could offer a solution until the final status is determined and that it could create a transitional framework for peaceful coexistence and cooperation of Armenian and Azerbaijani populations in the region;

11. Stresses that security for all is an indispensable element of any settlement; recognises the importance of adequate peacekeeping arrangements in line with international human rights standards that involve both military and civilian aspects; calls on the Council to explore the possibility of supporting the peace process with Common Security and Defence Policy (CSDP) missions, including sending a large monitoring mission on the ground that could facilitate the establishment of an international peacekeeping force, once a political solution is found;

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*The Armenia-Turkey rapprochement*

12. Welcomes the protocols on the establishment and development of diplomatic relations between Armenia and Turkey, including the opening of the common border; calls on both sides to seize this opportunity to mend their relations through ratification and implementation without preconditions and in a reasonable time frame; stresses that the Armenia-Turkey rapprochement and the OSCE Minsk Group negotiations are separate processes that should move forward along their own rationales; notes, however, that progress in one of the two processes could have wide-ranging, potentially very positive consequences in the region as a whole;

*The conflicts in Georgia*

13. Reiterates its unconditional support for the sovereignty, territorial integrity and inviolability of the internationally recognised borders of Georgia, and calls on Russia to respect them; encourages the Georgian authorities to make further efforts to achieve a settlement of Georgia's internal conflicts in Abkhazia and South Ossetia; welcomes the Tagliavini Report and supports its main observations and conclusions; expects that the extensive background information provided by the Report can be used for legal proceedings at the International Criminal Court and by individual citizens as regards infringements of the European Convention on Human Rights; supports the EU Monitoring Mission (EUMM) mandate and calls for its further extension; calls on Russia and the de facto authorities of the breakaway regions of Abkhazia and South Ossetia to stop blocking parts of its implementation;

14. Notes with satisfaction that the international community almost unanimously rejects the unilateral declaration of independence of South Ossetia and Abkhazia; deplores the recognition by the Russian Federation of the independence of Abkhazia and South Ossetia as contrary to the international law; calls on all parties to respect the Ceasefire Agreement of 2008 as well as to guarantee the safety and free access of EUMM personnel on the ground and calls on Russia to honour its commitment to withdraw its troops to the positions held before the outbreak of the August 2008 war; notes with concern the agreement of 17 February 2010 between the Russian Federation and the de facto authorities of Abkhazia to establish a Russian military base in Abkhazia without the consent of the Government of Georgia and notes that such an agreement is in contradiction with the Ceasefire Agreements of 12 August and 8 September 2008;

15. Stresses the importance of protecting the safety and rights of all people living within the breakaway regions, of promoting respect for ethnic Georgians' right of return under safe and dignified conditions, of stopping the process of forced passportisation, of achieving a reduction of the de facto closed borders, of obtaining possibilities for the EU and other international actors to assist people within the two regions; underlines the need for more clearly identified short- and medium-term objectives in this respect; encourages Georgia to continue implementing its IDP Action Plan and assisting the IDPs within its territory;

16. Stresses the need to address the Georgian-Abkhaz and Georgian-South Ossetian dimension of the conflicts and ensure that the rights and concerns of all populations involved are equally taken into account; stresses the fact that the isolation of Abkhazia and South Ossetia is counterproductive to conflict resolution and welcomes the State Strategy on engagement through cooperation adopted on 27 January 2010; encourages the Georgian authorities to consult all stakeholders regarding the preparation of an action plan on the implementation of this Strategy; emphasises the importance of confidence-building measures and people-to-people contacts across the conflict; furthermore, encourages the EU to promote projects of freedom of movement along with Administrative Border Lines between affected people;

17. Considers the great importance of the Geneva Talks as the only forum in which all sides to the conflict are represented and where three major international actors – the EU, the OSCE and the UN – work in close cooperation for the security and stability of the region; regrets that the potential of this forum has not yet yielded substantial results and that incidents continue to take place on the ceasefire line despite the welcome establishment of the Incident Prevention and Response Mechanism; calls on the parties to fully

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exploit the Mechanism and its potential for the enhancement of mutual confidence; calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to make every effort to give new and fresh impetus to these talks with a view to reaching a satisfactory stabilisation of the situation and fully implementing the August 2008 Ceasefire Agreement;

***Progress towards democratisation and respect for human rights and the rule of law***

18. Stresses that democratisation, good governance, political pluralism, the rule of law, human rights and fundamental freedoms are of paramount importance for determining the future relations of Armenia, Azerbaijan and Georgia with the EU; calls for renewed efforts by the countries to implement in full the ENP Action Plans and calls on the Commission to continue to assist them in such efforts; is concerned by the limited progress made by the countries in the South Caucasus region in this area, as shown in the Commission 2009 progress reports and reflected in Council of Europe recommendations; welcomes the initiation of the human rights dialogues between the EU and Georgia and Armenia and invites Azerbaijan and the EU to finalise discussions on an equivalent cooperation structure;

19. Highlights the importance of engaging further in democratic reforms and the essential role of political dialogue and cooperation as key to developing a national consensus; stresses the importance of strengthening more independent, transparent and stronger democratic institutions, including the independence of the judiciary, strengthening parliamentary control over the executive and ensuring democratic change of power, supporting and empowering civil society and developing people-to-people contacts in promoting democracy and the rule of law; notes the slow progress in democratisation, despite the commitments made;

20. Points to the still widespread corruption in the region and calls on the authorities to step up the measures to fight it, as it threatens the economic growth and social and political development of the countries concerned; greater attention should be paid to the fight against monopolies as well as recruitment in public services; welcomes the progress made by Georgia in the fight against corruption;

21. Takes note of the elections that took place recently in the countries of the region; underscores the importance of free and fair elections to be held in accordance with international commitments and standards and the need for these countries to make further efforts in adopting and implementing reforms to reach these standards, including with the view to strengthening post-election control mechanisms and ensuring proper investigation and accountability for any post-election violence; highlights the role for the EU in providing technical assistance and securing international and independent monitoring of elections; confirms the position that the EU does not recognise the constitutional and legal framework in which the elections in the breakaway territories take place and defends the political rights of displaced persons;

22. Considers freedom of expression to be a fundamental right and principle and the role of the media to be essential, and stresses the need for the media to be free and independent; is concerned by the restrictions on freedom of expression and the lack of media pluralism in the countries of the South Caucasus and calls on the authorities to ensure both; deplores the continuing harassment and intimidation of media professionals, attacks, torture and ill-treatment of journalists; considers that self-regulatory principles and mechanisms, an important element of freedom of speech, need to be enhanced and strengthened by competent professional bodies;

- is preoccupied about attacks on journalists in Armenia and in particular about the continued detention of opposition activist and journalist Nikol Pashinian, despite the welcomed amnesty of 18 June 2009;
- remains concerned about the deterioration of the media climate in Azerbaijan; while welcoming the Presidential pardon of 99 prisoners on 25 December 2009 and of 62 prisoners on 17 March 2010, deplores the detention and sentencing of the two youth activists and bloggers, Emin Milli and Adnan Hajizade; accordingly calls for their release;

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- calls on the Georgian authorities to clarify the situation regarding media ownership and the granting of media licences; notes the initiative of the Georgian Parliament to extend the Public Broadcaster Board to include more opposition and civil society representatives and expects results in this respect;

23. Takes the view that freedom of assembly must be guaranteed, as it is essential to the development of a free, democratic and vibrant society; notes with concern the difficulties, direct and indirect, which civil society faces in organising itself and is disturbed by the adoption of laws and practices that might indirectly limit freedom of assembly, including administrative harassment on fiscal matters; underlines the important role of civil society for the democratisation, peace and reconciliation processes in the region;

24. Calls on the countries in the region to participate actively in the work of the EURONEST Parliamentary Assembly and use fully its potential as a framework for multilateral and bilateral exchanges of views, as well as for legislative approximation to EU standards and parliamentary scrutiny on democratic reforms; in this regard notes that the intensified dialogue between the members of parliament of the countries in the region is crucial; hopes that this could create a framework for bilateral meetings between members of the parliaments of Armenia and Azerbaijan in order to start a parliamentary dialogue, in the presence of members of the European Parliament; also calls on interested EU Member States' national parliaments and on the European Parliament to strengthen parliamentary cooperation with the parliaments of the region in order to increase their role and policy-making capacities;

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

25. Holds the view that broader cooperation on a regional level and with the EU in sectors such as economy, transport, energy and environment is essential for the optimal development of the sectors themselves and for ensuring stability in the region, but that cooperation should also embrace the building of human capital in the whole region as a long-term investment; welcomes the fact that all three countries benefit from the EU's Generalised System of Preferences (GSP) and takes note that they all qualify for the GSP+ for sustainable development and good governance; notes that regional cooperation in the judicial and police fields and the establishment of integrated border management are essential for further promoting mobility in the region and towards the EU; deplores the fact that implementation of regional projects with the involvement of all three countries is still hindered by the persistence of unresolved conflicts;

26. Underscores the importance of building a favourable business climate and the development of the private sector; notes that the noteworthy economic growth of Azerbaijan is mainly based on oil and gas revenues; supports the reform process, which makes the economy more attractive to foreign investors; encourages the Azerbaijani authorities to accelerate the negotiations on accession to the World Trade Organization (WTO) and calls on the Commission to further support Azerbaijan in this process; welcomes the progress made in economic reforms in Armenia and Georgia; notes, however, that the economic development of Armenia and Georgia has been affected by the global economic crisis and welcomes the EU decision at the end of 2009 to provide macrofinancial assistance to the two countries;

27. Expresses its concern at the rapidly increasing military and defence spending in the South Caucasus and the build-up of military arsenals; points out that this relevant part of domestic budgets drains away a remarkable amount of financial resources from more urgent issues like poverty reduction, social security and economic development; calls, in this regard, on the Council and the Commission to prevent EU macrofinancial assistance from funding indirectly the military build-up in the region;

28. Notes the strategic geopolitical location of the South Caucasus and its increasing importance as an energy, transport and communications corridor connecting the Caspian region and Central Asia with Europe; considers it of the utmost importance therefore that EU cooperation with the South Caucasus be given high priority, not least in matters relating to energy; emphasizes the role of the three countries as essential for the transit of energy resources, as well as for the diversification of the EU's energy supply and



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routes; in light of this, recalls once again that the Union should take concrete steps to ensure the political stability of the region; welcomes the readiness of Azerbaijan and Georgia to further play an active role in the promotion of market-based energy supply and transit diversification in the region; strongly recommends to the countries involved and the Commission to include Armenia in relevant transport and energy projects in the region;

29. Recognises the significance of the region for the EU's energy cooperation and energy security, especially in the context of the development of the Southern Corridor (Nabucco and White Stream); stresses the importance of deepening the EU-Azerbaijani energy partnership and notes the great value of Azerbaijan's energy resources and the essential role these play in its economic development; underscores the importance of ensuring that the benefits deriving from the exploitation of natural resources are evenly distributed and invested in the development of the country as a whole, permitting it to brace itself against the negative repercussions of an eventual decline in oil production; notes the intensifying Azerbaijani - Russian partnership, particularly in the energy sector, and welcomes in this context the intention of Azerbaijan to diversify its economy; underlines the importance of transparency in the energy sector in this region as a key requisite for investors' confidence and commends Azerbaijan for its participation in the Extractive Industries Transparency Initiative;

30. Recognises the vital role of the development of new infrastructures and transport corridors, projects connecting the Caspian Sea and Black Sea regions through or from the South Caucasus, as also referred to in the communication on the 'Second Strategic Energy Review'; in this context, supports all the initiatives that will contribute to establishing a more robust producer-consumer and transit countries dialogue, with an exchange of expertise on energy regulatory systems and on security of supply legislations and an exchange of best practices, including transparency and solidarity mechanisms and the development of early warning mechanisms for energy disruptions; believes that this goes hand-in-hand with the convergence of regulatory frameworks, market integration and non-discriminatory regime to cross-border transmission infrastructures;

31. Underscores the importance of promoting energy efficiency measures, investing in renewable energy sources and ensuring that environmental concerns are catered for; recognises that generating diversity of supply is vital and can only be attained through enhanced cooperation with neighbouring states; takes the view that the Regional Environmental Centre for the Caucasus should be adequately funded and supported so that credible cross-border projects can also be run; considers the plans announced by Azerbaijan to make the development of alternative energy sources a government priority to be praiseworthy and encourages the pursuit of such objectives; welcomes the decision of Armenia to decommission the nuclear plant in Medzamor and encourages the Armenian authorities to seek viable alternative solutions for energy supplies, as requested by the EU; welcomes the efforts of the Georgian government to develop the hydropower sector and underlines the need for EU support in that regard;

32. Considers that promoting social cohesion and social dialogue through the involvement of all social actors, promoting gender equality and women's rights, investing in education and health, developing human capital and ensuring adequate standards of living are essential in order to build vibrant democratic societies; takes positive note of the adoption by the three countries of their respective programmes on poverty reduction and encourages their thorough implementation;

### ***Towards an EU strategy***

33. Welcomes the Eastern Partnership and takes note of the related initiatives that have been activated and the meetings that have been held; stresses that, in order to make it credible, it should be accompanied by concrete projects and adequate incentives; intends to develop further the parliamentary dimension of the Partnership;

34. Welcomes the possibility provided by the Eastern Partnership to deepen bilateral relations with the countries of the South Caucasus and the EU by establishing new contractual relations in the form of Association Agreements; highlights the importance of incorporating milestones and benchmarks to be

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included in the successor documents of the current Action Plans; recalls that the conditions for starting negotiations include a sufficient level of democracy, the rule of law and human rights, and calls on the Commission to provide technical assistance where necessary, in order to assist the countries in meeting the preconditions; welcomes, in particular, the Comprehensive Institution-Building Programme offered by the Eastern Partnership as an innovative tool, specifically intended to help the countries to meet these preconditions; reiterates the prerogative of the European Parliament to be immediately and fully informed at all stages of the process of the negotiation of Association Agreements, also since it will have to give its consent for the conclusion thereof; expects the implementation of Association Agreements by all South Caucasus countries to accelerate the process of economic integration and political cooperation with the EU;

35. Considers that the ENP Action Plans and the implementation thereof constitute an essential basis for evaluating respect for commitments and the progress of bilateral relationships with the EU and for considering the upgrading of contractual relations with the countries concerned; notes Armenia's and Georgia's commitment to the implementation of the ENP Action Plans and calls on Azerbaijan to accelerate its efforts in this regard; takes the view that the European Parliament should be involved in this process; notes that progress differs among the three countries in the implementation of the respective ENP Action Plans; believes that negotiations on the new Association Agreements should take into account these differences and the different objectives as well as the regional dimension and that the countries must be treated equally;

36. Takes the view that the regional dimension of the EU Strategy for the South Caucasus should be duly strengthened; welcomes, in this regard, the allocation of additional financial resources for the ENPI within the framework of the Eastern Partnership for regional development programmes and multilateral cooperation; calls on the Commission to define a set of regional and cross-border projects and programmes for the three South Caucasus countries in fields such as transport, environment, culture and civil society, in order to provide concrete incentives for enhancing cooperation and building confidence between the parties;

37. Recalls that all the South Caucasus countries are also part of the Black Sea Synergy initiative, which enhances mutual confidence between the partners by fostering regional cooperation in certain areas, including through cross-border programmes; underlines the importance for the EU of the Black Sea region and asks the Council and the Commission, and especially the VP/HR, to develop ideas and strategies for stronger cooperation between all the Black Sea countries and for increasing links with the European Union; with a view to this, recommends the establishment of an institutionalised structure taking the form of a Black Sea Union;

38. Reaffirms that the positions of Russia, Turkey and the USA play an important role in conflict resolution in the South Caucasus; points out that the development of the Eastern Partnership is not aimed at isolating Russia but, on the contrary, is aimed at bringing peace, stability and a sustainable economic progress to all the parties concerned, with benefits for the whole region and the neighbouring countries;

#### *Security issues and peaceful resolution of conflicts*

39. Believes that providing support to conflict resolution processes is crucial and that the EU is well placed to support confidence-building, reconstruction and rehabilitation and has the possibility to help involve the communities affected; in this regard, the creation of spaces for civic engagement not just between leaders but also between civic organisations is pivotal; furthermore, considers it essential to maintain a high level of international attention to all the conflicts in the region to ensure their swift resolution; recognises regional cooperation as a necessary condition for confidence-building and the reinforcement of security, in accordance with the ENP priorities; calls on all parties to fully engage in the multilateral cooperation track of the Eastern Partnership without linking it to the final solution of the conflicts;

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40. Stresses the dangerous potential for a spillover of frozen conflicts in the region; in this context, recommends the setting-up of a Conference on Security and Cooperation in the South Caucasus, embracing the countries concerned and the relevant regional and global actors, with a view to developing a Stability Pact for the South Caucasus;

41. Takes note of the current EU involvement in conflict resolution processes in the region and believes that the entry into force of the Lisbon Treaty justifies a more prominent role for the EU; fully supports the EU Special Representative (EUSR) for the South Caucasus, Peter Semneby; welcomes the work of the EUMM in Georgia and calls for increased EU action to persuade Russia and the relevant de facto authorities to stop blocking the EUMM from entering South Ossetia and Abkhazia; considers that the EU now has the opportunity to support the resolution of the Nagorno-Karabakh conflict and underlines the importance of the EU contribution in this regard; therefore finds it inevitable for the EU's role in the Minsk Group to be upgraded through the establishment of an EU mandate for the French Co-Chair of the Minsk Group; calls on the Commission to explore the possibility of providing humanitarian aid and assistance to the population in the Nagorno-Karabakh region as well as to the IDPs and refugees who fled the region; asks the Commission and EUSR Semneby to consider extending to Nagorno-Karabakh aid and information dissemination programmes as in Abkhazia and Ossetia;

42. Calls on the VP/HR to follow closely the developments in the region and to be actively involved in the conflict resolution processes; acknowledges the work of the Special Representative for the South Caucasus and expresses the hope that the High Representative will ensure its continuity and consistency; encourages the Council to consider the possible use of tools from the CSDP to step up its participation in the peace-building and conflict-management processes;

43. Calls on the Commission to explore the possibility of granting substantial financial and technical support to measures building confidence and promoting trust between and among the populations and to participate in rehabilitation and reconstruction in all conflict-affected regions, such as income-generating projects and projects targeting the socio-economic integration of IDPs and returnees and the rehabilitation of housing and aiming at dialogue and mediation, as well as to continue elaborating and supporting civil-society projects that aim to promote reconciliation and contacts between local populations and individuals;

*Democratisation, human rights and the rule of law*

44. Supports EU funding and assistance to the region to promote these principles and processes and considers that such EU assistance should take place within the framework of political conditionality, such as progress in political dialogue and reform and democratisation processes; warns against the possibility for governments to misuse conflicts to distract the interest of the international community from domestic issues;

45. Calls on the Commission and the Council to ensure that the commitments included in political conditionality packages are respected, such as the specific commitment by the Georgian Government to inject new momentum into democratic reforms included in the EU post-conflict assistance agreed between the Commission and Georgia in January 2009, and to report regularly to the European Parliament on progress;

46. Welcomes the work of the High Level EU Advisory Group to Armenia; welcomes the possibility of increased financial assistance within the framework of the Eastern Partnership, including assistance to prepare for the negotiation of new Association Agreements with the EU, and calls on the Commission to study the possibility of offering tailor-made assistance also to Azerbaijan and Georgia;

47. Takes the view that special attention should be given to the rights of minorities and vulnerable groups and encourages Armenia, Azerbaijan and Georgia to implement public education programmes in the area of human rights which promote the values of tolerance, pluralism and diversity, including the respect of the rights of sexual minorities and other marginalised and stigmatised groups;

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48. Expresses its concern regarding the refusal of Eutelsat to broadcast the Russian language service of the Georgian public broadcaster, as this refusal appears to be politically motivated; points out that this refusal leaves de facto satellite transmission monopoly over the regional Russian-speaking audience to Intersputnik and its main client, Gazprom Media Group; stresses that it is of the utmost importance that in a democratic and pluralistic society the airing of independent media is not impeded;

49. Recognises the potential role of the Eastern Partnership Civil Society Forum as the forum to foster the development of a genuine civil society and strengthen its entrenchment in the states of the region and calls on the Commission to ensure that the Forum receives sufficient financial support; draws attention to the importance of financing civil society projects and the role that the EU Delegations in the region play in selecting these, and the significance that the projects can have in promoting contacts at regional level;

*Economic cooperation and social development*

50. Considers that the EU should continue to support economic development, trade and investment in the region and that trade policy is a fundamental factor in political stability and economic development and will lead to a reduction in poverty in the South Caucasus; believes that the negotiation and establishment of the Deep and Comprehensive Free Trade Area could play a very important role in this respect; calls on the Commission to consider possible ways to assist the countries in the region in their preparation, negotiation and implementation in the future, including sustaining the commitments deriving from the future deep and comprehensive Free Trade Agreements (DCFTAs), and to provide in due time a comprehensive evaluation of the social and environmental impact of these agreements; furthermore, encourages the countries of the South Caucasus to consider establishing a free trade area among themselves;

51. Highlights the geopolitical situation of Armenia, Georgia and Azerbaijan in relation to the European Union, Turkey as an EU candidate country, Russia and Iran; considers that trade is one of the key components of the EU's overall policy of fostering political stability, respect for human rights, sustainable growth and prosperity and takes the view that the regional dimension of the EU Strategy for the South Caucasus calls for a regional approach to negotiations on trade agreements; calls on the Commission to identify common areas of economic interest that can overcome divergences, facilitate dialogue and promote regional cooperation; calls for greater EU engagement and involvement with a view to bringing about integration in the region, given that the Community now has exclusive competence on trade policy;

52. Welcomes the conclusion in May 2008 of the feasibility studies for Georgia and Armenia, showing that DCFTAs would bring significant economic benefits to these countries and the EU, thereby allowing the Commission to enter into a preparatory phase for future negotiations on DCFTAs; encourages Georgia, Armenia and Azerbaijan to improve their progress towards fulfilling their respective ENP Action Plans and the Commission's recommendations, particularly in terms of improving their administrative and institutional capacity and implementation of regulatory reforms (especially regarding the poor levels of intellectual property protection in all three countries), which is one of the necessary preconditions for the effective implementation and sustaining the effects of such ambitious FTAs; believes that the conclusion of FTAs with Georgia, Armenia and Azerbaijan could not only lead to economic growth, but could also increase foreign investment, create new jobs and eradicate poverty;

53. Recalls that energy security is a common preoccupation; urges the EU, therefore, to give more robust support to the energy projects in the region in accordance with European standards, including projects promoting energy efficiency and the development of alternative energy sources, to step up its cooperation on energy issues and to work firmly towards realisation of the southern energy corridor, including completion of the Nabucco pipeline as soon as possible; also calls on the Commission to ensure that the energy- and transport-related projects in the South Caucasus foster relations between the three countries and are not a cause of exclusion of certain communities; reaffirms the importance of the Baku Initiative and its corresponding supporting programmes, INOGATE and TRACECA;

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54. Stresses that political stability is essential for the reliable and uninterrupted supply of energy resources so as to ensure the proper conditions for infrastructure development; in this respect, recalls that the double energy corridor formed by the Baku-Tbilisi-Ceyhan (BTC) and Baku-Tbilisi-Erzurum (BTE) pipelines fosters rapprochement between the EU and the Caspian region; calls for the rejuvenation of the existing bilateral agreements or Memorandums of Understanding concluded with the three South Caucasian countries in the field of energy, with the inclusion of an 'energy security clause' laying down a code of conduct and specific measures in the event of energy disruption; considers that energy supply and transit provisions should be a component in the negotiation of wide-ranging Association Agreements with those countries;

55. Reiterates the significance of people-to-people contacts and mobility programmes, especially those aimed at youth, and of twinning programmes with EU regions and local communities with national minorities experiencing a high degree of autonomy; believes there is a need for a significant increase in the numbers of students, teachers and researchers participating in mobility programmes; welcomes the conclusion of the visa facilitation and readmission agreements with Georgia and calls on the Council and the Commission to make progress towards visa facilitation and readmission agreements with Armenia and Azerbaijan;

56. Reaffirms the need for the EU to develop a strategy for the South Caucasus, given the importance of the region for the EU and the potential role that the EU has in fostering further the development of the region and in the solution of its conflicts;

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57. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission and the governments and parliaments of Armenia, Azerbaijan and Georgia.

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## Religious freedom in Pakistan

P7\_TA(2010)0194

### European Parliament resolution of 20 May 2010 on religious freedom in Pakistan

(2011/C 161 E/21)

*The European Parliament,*

- having regard its previous resolutions on human rights and democracy in Pakistan, in particular those of 12 July <sup>(1)</sup>, 25 October <sup>(2)</sup> and 15 November 2007 <sup>(3)</sup>,
- having regard to the Council conclusions adopted on 16 November 2009 on freedom of religion or belief, in which it underlines the strategic importance of this freedom and of countering religious intolerance,
- having regard to the EU-Pakistan Joint Statement of 17 June 2009, in which both sides underlined the importance of an integrated long-term strategy including social and economic development and the rule of law, as well as acknowledging the significance of non-military means in countering terrorism,

<sup>(1)</sup> Texts adopted, P6\_TA(2007)0351.

<sup>(2)</sup> OJ C 263 E, 16.10.2008, p. 666.

<sup>(3)</sup> OJ C 282 E, 6.11.2008, p. 434.

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- in anticipation of the second EU-Pakistan Summit on 4 June 2010,
- having regard to the resolution on ‘Combating Defamation of Religions’ adopted by a narrow majority in the UN Human Rights Council on 26 March 2009, which is proposed annually by Pakistan on behalf of the Organisation of the Islamic Conference (OIC),
- having regard to the statement of 4 April 2010 by EU High Representative Catherine Ashton on attacks in Pakistan, as well as that of 20 April 2010 on the adoption of the 18th Constitutional Amendment,
- having regard to Article 18 of the 1948 Universal Declaration of Human Rights (UDHR),
- having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Article 3(5) of the Treaty on European Union states that the promotion of democracy and respect for human rights and civil liberties are fundamental principles and aims of the European Union and constitute common ground for its relations with third countries,
- B. whereas the majority and state religion of Pakistan is Sunni Islam, and minority religious groups consist of Christians, Hindus, Sikhs, Shiites, Ahmadis, Buddhists, Parsis, Bahá’ís and others,
- C. whereas Pakistan is one of the key countries in the fight against terrorism and the spread of violent extremism,
- D. whereas its internal stability and democratic institutions are being put to a severe test by the increasing number of violent attacks by extremists which occur on an almost daily basis,
- E. whereas the unceasing threat by radical Muslim forces operating on both sides of the Pakistan-Afghanistan border make concerted international efforts to support and invigorate economic and social development in Pakistan ever more imperative,
- F. whereas equal rights for minorities featured in the vision of the founding father of Pakistan, Mohammed Ali Jinnah, as expressed in his speech to the Constituent Assembly in 1947: ‘You may belong to any religion, caste or creed – that has nothing to do with the business of the State ... We are starting with this fundamental principle that we are all citizens, and citizens of one State’,
- G. whereas the Fundamental Rights chapter of the 1973 Constitution of Pakistan guarantees ‘freedom to profess religion and manage religious institutions’ (Article 20), equality of all citizens (Article 25) and the ‘legitimate rights and interests of minorities’ (Article 26),
- H. whereas, on the other hand, Article 260 of the Constitution differentiates between Muslims and non-Muslims, thereby allowing discrimination on the basis of religion,
- I. whereas reports and surveys done by independent agencies reveal that minorities in Pakistan are deprived of basic civil liberties and equal opportunities in jobs, education and political representation,
- J. whereas it is estimated that over 85 % of women in Pakistan face domestic abuse, which includes physical and psychological abuse; whereas violence against girls and women, including rape, domestic violence and forced marriages, continues to be a serious problem, part of which can be attributed to Sharia law,

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- K. whereas the Government of Pakistan appointed a spokesman for minorities and Member of the Pakistan Parliament Shahbaz Bhatti as Federal Minister for Minorities Affairs in November 2008, while also elevating this position to cabinet level for the first time,
- L. whereas in the period since November 2008 the Government of Pakistan has created a quota of five per cent for minorities in the federal jobs sector, recognised non-Muslim public holidays, declared 11 August to be National Minorities Day, and reserved Senate seats for minority representatives,
- M. whereas on 25 December 2009 President Asif Ali Zardari reiterated the pledge of the Pakistan People's Party to uphold the right of all minorities to be treated as equal citizens,
- N. whereas there is a contradiction between the Government of Pakistan's commitment to freedom of religion and its leading role in the OIC in endorsing the 'Combating Defamation of Religion' agenda at the United Nations,
- O. whereas the legal provisions known as the 'blasphemy laws', introduced in 1982 and 1986, undermine the fundamental religious and minority rights granted by the Constitution; whereas the death sentence or lifelong imprisonment are prescribed under Section 295 C of the Pakistan Penal Code (PPC) in cases of blasphemy,
- P. whereas the blasphemy laws are misused by extremist groups and those wishing to settle personal scores, and have led to an increase of violence against members of religious minorities, particularly Ahmadis, but also Christians, Hindus, Sikhs, Shiites, Buddhists, Parsis, Bahá'ís and critical citizens who dare to raise their voice against injustice,
- Q. whereas the vast majority of people accused under the blasphemy laws are Muslim, but accusations against individuals from minority faiths can trigger disproportionate violence against their community as a whole; whereas it was blasphemy accusations that triggered anti-Christian mob violence in Gojra and Korian in summer 2009, leaving eight dead and at least a hundred houses destroyed,
- R. whereas 76 people were charged with blasphemy in 2009 in 25 registered cases, including 17 people charged under Section 295C of the Pakistan Penal Code (PPC),
- S. whereas lawyers and human rights activists in Pakistan experience frequent death threats and harassment, and lawyers who defend blasphemy cases are especially vulnerable to such risks, and whereas even many of those who have been successfully acquitted have to spend the remainder of their lives in hiding,
- T. whereas in August 2009 Pakistan Prime Minister Gilani announced the setting up of a committee to review and improve 'laws detrimental to religious harmony', alluding in his statement to the blasphemy laws of 1982 and 1986; whereas, however, no such revisions have been proposed to date,
- U. whereas Ahmadiyya Muslims in Pakistan suffer frequent discrimination and persecution, underpinned by the anti-Ahmadiyya provisions in Section 298 of the Pakistan Penal Code, a recent example being the murder of a retired Ahmadi professor by masked gunmen on 5 January 2010,
- V. whereas the Government of Pakistan is in the process of ratifying the International Covenant on Civil and Political Rights and the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
1. Welcomes the measures taken in the interest of religious minorities by the Government of Pakistan since November 2008, such as establishing a quota of five per cent for minorities in the federal jobs sector, recognising non-Muslim public holidays and declaring National Minorities Day;

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2. Fully supports the efforts of the Federal Minister for Minorities Affairs in establishing a network of Local Interfaith Harmony Committees to promote dialogue and ease religious tensions; calls upon all other levels of government, including States, fully to endorse these measures;
3. Welcomes the commitment made by the Prime Minister of Pakistan to granting property rights to minority slum dwellers in Islamabad;
4. Welcomes the Government of Pakistan's undertaking to provide minority seats in the Senate, including for female representatives of minority groups in the Senate, and hopes that these commitments will be honoured;
5. Invites the Pakistan Government to review the practice of including the religious identity of its citizens in all new passports, with a view to avoid all discriminatory practices;
6. Expresses its solidarity with the Government of Pakistan in the fight against terrorism and the spread of violent extremism;
7. Expresses its deep concern that the blasphemy laws – which can carry the death sentence in Pakistan and are often used to justify censorship, criminalisation, persecution and, in certain cases, the murder of members of political, racial and religious minorities – are open to a misuse that affects people of all faiths in Pakistan;
8. Calls upon the Government of Pakistan to carry out a thoroughgoing review of the blasphemy laws and their current application, as well as – inter alia – of Section 295 C of the Penal Code, which prescribes a mandatory death penalty for anyone found guilty of blasphemy, and in the meantime to implement amendments as suggested by the Federal Minister for Minority Affairs;
9. Calls on the Government to follow through with its 2008 promise to commute all death sentences to prison terms as a first step in the direction of abolishing the death penalty;
10. Recalls the Commission's repeated statement, in response to written parliamentary questions, that it is closely following the Government of Pakistan's response to the mob violence triggered by blasphemy accusations in Gojra and Korian; calls also on the Commission to request details of tangible progress made, particularly with regard to bringing the culprits to justice;
11. Expresses its particular concern at the ongoing discrimination against and persecution of the Ahmadiyya community in Pakistan, and calls upon the Government of Pakistan to repeal Section 298 of the Pakistan Penal Code, which severely restricts the daily lives of this group, and to discourage inflammatory events such as the 'End of Prophethood' Conferences in Lahore;
12. Asks the Pakistani authorities to implement fully the judgment of the Supreme Court of Pakistan whereby they are to ensure registration of all eligible voters in the new electoral rolls, including Ahmadiyya Muslims;
13. Is concerned about the possible misuse of the 'Combating Defamation of Religion' campaign at the UN, stressing the Council conclusions of 16 November 2009;
14. Calls on the Government of Pakistan to ratify fully and without reserves the 1966 International Covenant on Civil and Political Rights and the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; considers that freedom of belief as enshrined in the UN Covenant provides the appropriate framework and reference to which all signatories should adhere, providing protection for their citizens in order to enable them to exercise their faith freely;



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15. Calls on the Government to guarantee the human rights of minorities laid down in the Constitution and the Universal Declaration of Human Rights, notably Article 18 thereof, which provides that 'everyone has the right to freedom of thought, conscience and religion';
  16. Supports all initiatives aimed at promoting dialogue and mutual respect among communities; calls on political and religious authorities to promote tolerance and to take initiatives against hatred and violent extremism;
  17. Urges the Pakistani Government to implement the proposed reforms of the education system and to regulate and inspect Madrasas; invites the Pakistani authorities to remove all propaganda promoting hatred, religious superiority and defamation of religion from the textbooks approved by the national curriculum wing of the Ministry of Education;
  18. Invites the Government of Pakistan to facilitate a visit by the UN Special Rapporteur for Freedom of Religion or Belief, Ms Asma Jahangir, to Pakistan;
  19. Invites the Council and the Commission to include the rights of minorities in Pakistan in the agenda for the forthcoming summit with a view to initiating early reform of discriminatory blasphemy legislation;
  20. Calls on the Council to include the issue of religious tolerance in society in its counter-terrorism dialogue with Pakistan, this matter being of central importance to the long-term fight against religious extremism;
  21. Calls on the Member States and the Commission to continue with financial support for human rights organisations and defenders, and to outline practical measures to support the growing civil society movement in Pakistan against the blasphemy laws and other discriminatory legislation;
  22. Recalls the Commission's repeated statement, in response to written parliamentary questions, that it is closely following the Government of Pakistan's response to the anti-Christian violence in Gojra and Korian, and calls on the Commission to request details of tangible progress made, particularly with regard to bringing the culprits to justice;
  23. Calls on the Council and the Commission to insist that the Government of Pakistan uphold the democracy and human rights clause enshrined in the Cooperation Agreement between the European Union and the Islamic Republic of Pakistan; calls on the Commission to present a report on the implementation of the Cooperation Agreement and the democracy and human rights clause;
  24. Calls on the Council to support the Government of Pakistan in the development of its Ministry for Human Rights and in establishing a meaningful, independent and authoritative National Human Rights Commission;
  25. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and the Government and Parliament of Pakistan.
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## Situation in Thailand

P7\_TA(2010)0195

### European Parliament resolution of 20 May 2010 on Thailand

(2011/C 161 E/22)

The European Parliament,

- having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
  - having regard to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990,
  - having regard to the statements of 8 and 13 April 2010 by High Representative Catherine Ashton on the political situation in Thailand,
  - having regard to the statement of 12 April 2010 by the Secretary-General of ASEAN on the situation in Thailand,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Thailand has witnessed violent clashes between ‘red-shirt’ demonstrators and the government, together with the army supported by the ‘yellow-shirt’ movement, that have already claimed the lives of more than 60 people and left more than 1 700 injured,
- B. whereas a state of emergency has been declared in more than 20 provinces across the country,
- C. whereas on 10 April 2010 violence broke out between demonstrators and security forces in Bangkok,
- D. whereas on 3 May 2010 Prime Minister Abhisit Vejjajiva presented a roadmap with a five-point plan which should lead to general elections on 14 November 2010,
- E. whereas since 13 May 2010 there has been a further wave of violence between militant demonstrators and security forces in Bangkok,
- F. whereas the state of emergency declared by the Thai Government has led to censorship of a satellite television station, several radio and television stations, and internet sites; whereas the European Union has expressed deep concern at the threats posed to media freedom and has reaffirmed that freedom of expression is a fundamental right, as enshrined in the Universal Declaration of Human Rights,
- G. whereas an army operation launched on 19 May 2010 to tighten up a security corridor around the demonstrators’ main camp left several people, including an Italian journalist, dead and dozens injured,
- H. whereas the United Nations Secretary-General, Ban Ki-moon, has expressed concern over the violence and appealed to both the protestors and the Thai authorities to do all within their power to avoid further violence and loss of life; whereas Vietnam, which holds the chair of ASEAN, has expressed concern at the worsening situation in Thailand and called on all sides to avoid violence and to seek reconciliation,

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1. Expresses deep concern about the violent conflict between demonstrators and security forces in Thailand, which poses a threat to democracy in the country, and expresses its solidarity with the Thai people and all families who have suffered the loss of loved ones during the past weeks;
  2. Recalls that the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that authorities must, as far as possible, apply non-violent means before resorting to the use of force and firearms and, whenever the lawful use of force and firearms is unavoidable, must use restraint and act in proportion to the seriousness of the offence;
  3. Calls on all parties to show the utmost self-restraint and to halt political violence;
  4. Welcomes the Thai Government's decision to establish a committee comprising forensic experts and representatives of academic institutions to investigate the deaths that occurred during the incident on 10 April 2010, and calls on the government to extend those investigations to cover the recent deaths; endorses the initiative by the Ministry of Social Development and Human Security to set up a centre to provide assistance to injured people and relatives of those killed in clashes between state officers and supporters of the United Front for Democracy against Dictatorship;
  5. Acknowledges the roadmap presented by Prime Minister Abhisit Vejjajiva on 3 May 2010;
  6. Calls on the Thai Government to ensure that the declaration of a state of emergency does not lead to any disproportionate restriction of fundamental rights and individual freedoms; calls on the Thai Government to end censorship and restrictions on the right to freedom of expression;
  7. Urges all parties to engage immediately in a constructive dialogue in order to seek a quick, negotiated settlement and to solve the current crisis by peaceful and democratic means;
  8. Welcomes the National Human Rights Commission's calling of a consultative meeting of intellectuals, representatives of social movements, religious leaders and the four former Prime Ministers Anand Panyarachun, Banharn Silapa-acha, Chavalit Yongchaiyudh and Chuan Leekpai to look for and put forward a solution to end this crisis;
  9. Stresses its will to support democracy in Thailand, taking into consideration the excellent nature of EU-Thai relations and Thailand's role as a source of prosperity and stability in the region;
  10. Urges the international community to make every effort to stop the violence; urges the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to monitor the political situation closely and coordinate action with ASEAN to foster dialogue and strengthen democracy in Thailand;
  11. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Government of Thailand, the Secretary-General of ASEAN and the Secretary-General of the United Nations.
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## Burma

P7\_TA(2010)0196

### European Parliament resolution of 20 May 2010 on the situation in Burma/Myanmar

(2011/C 161 E/23)

The European Parliament,

- having regard to its previous resolutions on Burma/Myanmar,
- having regard to Articles 18 to 21 of the Universal Declaration of Human Rights (UDHR) of 1948,
- having regard to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the statement made by UN Special Rapporteur Tomás Ojea Quintana on 5 May 2010,
- having regard to the Council Conclusions on Burma/Myanmar adopted at the 3009th Foreign Affairs Council meeting held in Luxembourg on 26 April 2010,
- having regard to the statement made by High Representative Catherine Ashton on 1 March 2010 on the rejection of Aung San Suu Kyi's appeal by the Supreme Court of Burma/Myanmar,
- having regard to the Chairman's Statement issued at the 16th ASEAN Summit held in Hanoi on 9 April 2010,
- having regard to the European Council Conclusions - Declaration on Burma/Myanmar of 19 June 2009,
- having regard to the Council Conclusions on Burma/Myanmar adopted at the 2938th General Affairs Council meeting held in Luxembourg on 27 April 2009,
- having regard to the EU Presidency Statement of 23 February 2009 calling for all-inclusive dialogue between the authorities and the democratic forces in Burma/Myanmar,
- having regard to UN Secretary-General's report of 28 August 2009 on the situation of human rights in Burma/Myanmar,
- having regard to the resolution of the UN Human Rights Council of 26 March 2010 on the situation of human rights in Burma/Myanmar,
- having regard to the Declaration issued by the Presidency on behalf of the European Union on 14 May 2009 on the arrest of Aung San Suu Kyi,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. having regard to the announcement by the Burmese authorities of national elections in 2010, the first since 1990,

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- B. whereas in their published form the five electoral laws and the four decrees violate all democratic principles and make the holding of free elections impossible, in particular by excluding the country's 2 200 known political prisoners; whereas members of religious orders in Burma/Myanmar, including an estimated 400 000 Buddhist monks, are explicitly banned from voting, highlighting the perpetual discrimination by the military junta on the basis of religion or status,
- C. whereas these laws violate the basic principles of freedom of expression and right of association; whereas Burmese news media based abroad, which constitute the main source of news for the Burmese people, are still banned from operating within Burma/Myanmar,
- D. whereas these laws are based on the 2010 Constitution, which guarantees impunity for the crimes committed by the current regime and provides for the complete suspension of fundamental rights during the state of emergency, for an indefinite period; whereas Burma/Myanmar's new constitution is designed to maintain a dictatorship in a civilian guise, and does not grant any human rights or offer any prospect of genuine change,
- E. whereas any expression of dissident political views is systematically and brutally repressed (for example by means of arbitrary arrests, unfair trials, imprisonment, torture and extrajudicial killings),
- F. whereas elections cannot be considered free and fair if the opposition is not involved,
- G. whereas the National League for Democracy (NLD), the clear victor in the last democratic elections, has decided to boycott the elections announced for 2010, in the light of the conditions imposed on participation; whereas the NLD was disbanded by law on 6 May 2010, after not registering for the elections,
- H. having regard to the declaration issued at the 16th ASEAN Summit stressing the importance of reconciliation and the holding of free, regular general elections open to everyone,
- I. whereas the United Nations Special Rapporteur on Burma/Myanmar has condemned 'gross and systematic' human rights abuses committed by Burma/Myanmar's dictatorship, stating that they constitute 'a state policy that involves authorities in the executive, military and judiciary at all levels', and has called for the establishment of a United Nations commission of inquiry into war crimes and crimes against humanity committed by the dictatorship,
- J. whereas the Government of Burma/Myanmar continues to refuse the EU Special Envoy on Burma permission to visit the country and engage in dialogue, despite repeated requests over many months,
- K. whereas since 2003 the Government of Burma/Myanmar has rejected every single proposal by the United Nations and the international community to revise its seven-stage 'roadmap to democracy',
- L. whereas there are currently 2 200 known political prisoners being detained for engaging in peaceful activities in Burma/Myanmar, and whereas more than 140 political prisoners are being deliberately denied medical treatment, including 88 Generation Student leader Ko Mya Aye, who has a life-threatening heart condition,
- M. whereas the military continues to perpetrate human rights violations against civilians in ethnic conflict areas, including extrajudicial killings, forced labour and sexual violence,
- N. whereas attacks against ethnic minority civilians in eastern Burma/Myanmar continue, resulting in hundreds of thousands of displaced persons, many of whom, owing to restrictions on humanitarian assistance by the dictatorship, can only be reached by cross-border aid from neighbouring countries,

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- O. whereas Aung San Suu Kyi, leader of the opposition NLD, has been under house arrest since 2003; whereas on 14 May 2009 the authorities arrested her on charges that she had breached the terms of her house arrest by permitting the visit of an American, John Yettaw; whereas on 11 August 2009 a criminal court inside Insein prison in Rangoon sentenced Aung San Suu Kyi to three years' imprisonment for violating her house arrest, a sentence which was subsequently reduced to 18 months' house arrest; whereas on 1 March 2010 the Supreme Court of Burma/Myanmar rejected Aung San Suu Kyi's appeal against the unjust sentence imposed on her in 2009,
- P. whereas the EU remains a major donor to Burma/Myanmar and stands ready to increase its assistance to the people of the country, in order to improve their social and economic conditions,
- Q. whereas ECHO has reduced funding for refugees on the Thailand-Burma border, despite the number of refugees remaining almost the same, and has ended funding for boarding schools in refugee camps,
- R. whereas the United Nations Security Council, the United Nations General Assembly, the United Nations Human Rights Council, the European Union and many governments have said that the solution to Burma's problems is proper tripartite dialogue between Aung San Suu Kyi and the NLD, genuine ethnic representatives and the Government of Burma/Myanmar, and whereas the Government of Burma/Myanmar is still refusing to enter into such dialogue,
1. Reaffirms its unwavering commitment to the people of Burma/Myanmar;
  2. Condemns the holding of elections under completely undemocratic conditions and on the basis of rules which exclude the main democratic opposition party and deprive hundreds of thousands of Burmese citizens of their right to vote and stand for election, in a clear attempt to exclude the country's entire opposition from the ballot;
  3. Deplores the fact that, under the new constitution, the military will be guaranteed at least 25 % of the seats in parliament and will have the power to suspend civil liberties and legislative authority whenever it deems that to be necessary in the interests of national security;
  4. Strongly urges the Government of Burma/Myanmar to take without delay the steps needed to ensure a free, fair and transparent electoral process, including the participation of all voters, all political parties and all other relevant stakeholders in the electoral process, and agree to the presence of international observers; calls for the electoral laws published in March 2010, which make the holding of free and transparent elections impossible, to be repealed;
  5. Calls on the authorities of Burma/Myanmar to heed the appeals of the international community to allow Aung San Suu Kyi and all other prisoners of conscience to participate in the political process;
  6. Urges the international community to make every effort to ensure that free and democratic elections are held;
  7. Strongly urges the Government of Burma/Myanmar to lift restrictions on freedom of assembly, association, movement and expression, including for free and independent media, in part by making Internet and mobile telephone services openly available and accessible and ending the use of censorship;
  8. Strongly condemns the ongoing systematic violations of the human rights, fundamental freedoms and basic democratic rights of the people of Burma/Myanmar; calls on the authorities of Burma/Myanmar to put an end to violations of international human rights and humanitarian law;
  9. Urges the Government of Burma/Myanmar to release all prisoners of conscience without delay, unconditionally and with full restoration of their political rights and to refrain from further politically motivated arrests;

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10. Calls on the High Representative and the Member States publicly to support the recommendation of the United Nations Special Rapporteur on Burma/Myanmar that the United Nations establish a commission of inquiry into war crimes and crimes against humanity in Burma/Myanmar, and to include this request in the draft resolution to be discussed at the United Nations General Assembly in 2010;
  11. Emphasises that the political and socioeconomic challenges facing Burma/Myanmar can only be addressed through genuine dialogue between all stakeholders, including ethnic groups and the opposition;
  12. Reaffirms the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy; calls on the Government of Burma/Myanmar immediately to open a genuine dialogue with all parties and ethnic groups; welcomes, in this context, the mediation efforts by the UN Secretary-General and the UN Special Rapporteur on Burma/Myanmar;
  13. Urges the governments of China, India and Russia to use their considerable economic and political leverage with the Burmese authorities in order to bring about substantial improvements in Burma/Myanmar and to stop supplying the country with weaponry and other strategic resources; calls on the governments of the ASEAN countries and of China, which have a 'privileged relationship' with Burma/Myanmar, to use their good offices in particular to try to reverse Burma's policy of ethnic cleansing against the Rohingya, which is resulting in hundreds of thousands fleeing over the border into Bangladesh and increasing the hardship of the ultra-poor living in the Cox's Bazaar district;
  14. Expresses its strong support for the continued work of the EU Special Envoy and invites the Burma/Myanmar authorities to cooperate fully with him;
  15. Welcomes the Council's decision to extend the restrictive measures provided for in the current EU decision by another year and emphasises its readiness to revise, amend or strengthen the measures already adopted in the light of developments on the ground;
  16. Calls on the Commission to reverse cuts in funding for refugees on the Thailand-Burma border and immediately start funding cross-border aid, especially medical assistance;
  17. Reiterates its call for a solution to the problem of the Rohingya refugees in Bangladesh; urges the Bangladesh Government to authorise their official registration as refugees and the Burma/Myanmar authorities to halt all forms of persecution of the Rohingya and fully to respect their fundamental rights as a religious and ethnic minority;
  18. Welcomes the European Union's support for a global arms embargo and urges European governments and the Commission actively to start working to build a global consensus in favour of such a ban;
  19. Supports the mediation mission undertaken by the UN Secretary-General and welcomes his commitment to solving this problem;
  20. Instructs its delegations for relations with ASEAN, China, Russia, the USA, India, the countries of South Asia and Japan to place Burma/Myanmar on the agenda for their meetings with their counterparts and discussion partners in those countries;
  21. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Special Envoy for Burma, the Burmese State Peace and Development Council, the governments of the ASEAN and ASEM member states, the ASEM secretariat, the ASEAN Inter-Parliamentary Myanmar Caucus, Daw Aung San Suu Kyi, the UN Secretary-General, the UN High Commissioner for Human Rights and the UN Human Rights Special Rapporteur on Burma/Myanmar.
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### III

(Preparatory acts)

## EUROPEAN PARLIAMENT

### **Establishment of a European Asylum Support Office \*\*\*II**

P7\_TA(2010)0158

**European Parliament legislative resolution of 18 May 2010 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing a European Asylum Support Office (16626/2/2009 – C7-0049/2010 – 2009/0027(COD))**

(2011/C 161 E/24)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (16626/2/2009 – C7-0049/2010),
  - having regard to the Commission proposal to Parliament and the Council (COM(2009)0066),
  - having regard to Article 251(2), Article 63, first paragraph, points (1) and (2), and Article 66 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0071/2009),
  - having regard to its position at first reading <sup>(1)</sup>,
  - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
  - having regard to Article 294(7), Article 74 and Article 78(1) and (2) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 72 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A7-0118/2010),
1. Approves the Council's position;
  2. Notes that the act is adopted in accordance with the position;
  3. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;

<sup>(1)</sup> Texts adopted, 7.5.2009, P6\_TA(2009)0379.



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4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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## **The energy performance of buildings (recast version) \*\*\*II**

P7\_TA(2010)0159

**European Parliament legislative resolution of 18 May 2010 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the energy performance of buildings (recast) (05386/3/2010 – C7-0095/2010 – 2008/0223(COD))**

(2011/C 161 E/25)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (05386/3/2010 – C7-0095/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2008)0780),
- having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0413/2008),
- having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
- having regard to Article 294(7) and Article 194(2) of the Treaty on the Functioning of the European Union,
- having regard to its position at first reading <sup>(1)</sup>,
- having regard to the opinion of 14 May 2009 of the European Economic and Social Committee <sup>(2)</sup>,
- having regard to the opinion of 21 April 2009 of the Committee of the Regions <sup>(3)</sup>,
- 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 (A7-0124/2010),

1. Approves the Council position;

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<sup>(1)</sup> Texts adopted, 23.4.2009, P6\_TA(2009)0278.

<sup>(2)</sup> OJ C 277, 17.11.2009, p. 75.

<sup>(3)</sup> OJ C 200, 25.8.2009, p. 41.

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2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
3. Takes note of the Commission statements annexed to this resolution;
4. Notes that the act is adopted in accordance with the Council position;
5. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;
6. 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*;
7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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ANNEX

**Statements**

**concerning Directive 2010/31/EU of the European Parliament and of the Council of 18 May 2010 on the energy performance of buildings (recast)**

**Statement by the European Parliament, the Council and the Commission on Article 290 TFEU**

'The European Parliament, the Council and the Commission state that the provisions of Directive 2010/31/EU are without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions.'

**Commission Statement on recess periods**

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

**Commission Statement on Financing for Energy Efficiency in Buildings**

The Commission underlines the crucial role that financing instruments play for a successful transformation of the European building sector into an energy-efficient and low carbon one. The Commission will continue to encourage Member States to use extensively the available funds under the European Regional Development Fund (currently up to 4 % of the total national amounts of the European Regional Development Fund, representing an amount of EUR 8 billion, can be used for increasing energy efficiency and use of renewable energy in the housing sector, in addition to the uncapped financial support already available for sustainable energies in public and commercial/industrial buildings) and will also support Member States in making better use of all available funds and funding that can act as a leverage for stimulating investments in energy efficiency.

In addition, the Commission will explore the possibility of further developing all existing initiatives, such as the Smart Cities initiative (SET-Plan COM(2009)0519) or the use of the Intelligent Energy - Europe II budget, e.g. for the purpose of knowledge sharing and technical assistance on the establishment of national revolving funds.

Moreover, the Commission will prepare an overview and analysis of financing mechanisms currently in place in Member States and take account of the findings to endeavour to disseminate best practice across the EU.

Finally, the Commission, following the analysis referred to in Article 10(5) of Directive 2010/31/EU, will reflect on the possible future development of financial incentives (inter alia with regard to the Union instruments referred to for this purpose in Article 10(5)(a)) and their optimal use for investments in improved energy efficiency of buildings.'

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**European Refugee Fund for the period 2008 to 2013 (amendment of Decision No 573/2007/EC) \*\*\*I**

P7\_TA(2010)0160

**European Parliament legislative resolution of 18 May 2010 on the proposal for a decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC (COM(2009)0456 – C7-0123/2009 – 2009/0127(COD))**

(2011/C 161 E/26)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0456),
  - having regard to Article 251(2) and Article 63(2)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0123/2009),
  - having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Article 294(3) and Article 78(2) and Article 80 of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0125/2010),
1. Adopts the position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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**P7\_TC1-COD(2009)0127**

**Position of the European Parliament adopted at first reading on 18 May 2010 with a view to the adoption of Decision No .../2010/EU of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows'**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2) and Article 80 thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) In the light of the establishment of a Joint EU Resettlement Programme aiming at increasing the impact of the resettlement efforts in the Union in providing protection to refugees and maximising the strategic impact of resettlement through a better targeting of persons who are in greatest need of resettlement, common priorities with respect to resettlement at Union level should be formulated on a regular basis.
- (2) ***In order to achieve the objectives of Decision No 573/2007/EC of the European Parliament and of the Council <sup>(2)</sup>, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union establishing common Union annual priorities with respect to █ geographic regions and nationalities and the specific categories of refugees to be resettled. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.***
- (3) Taking into account the resettlement needs ***to be set out in*** the Commission decision ***establishing the common Union annual priorities for resettlement in accordance with this Decision***, it is also necessary to provide additional financial support for the resettlement of persons with respect to █ geographic regions and nationalities ***and*** to the specific categories of refugees to be resettled, where resettlement is determined to be the most appropriate response to their ***particular*** needs.
- (4) In this context, it is appropriate to adapt the timetable as regards the deadline for the submission of data necessary for the calculation of annual allocations between the Member States, the deadline for the submission of annual programmes by Member States and the deadline for the adoption of financing decisions by the Commission.
- (5) ***In order to encourage more Member States to take part in resettlement actions, additional financial support should be given to Member States taking part in the resettlement programme for the first time.***
- (6) It is also necessary to establish the rules for the eligibility of expenditure for the additional financial support for resettlement,

<sup>(1)</sup> Position of the European Parliament of 18 May 2010.

<sup>(2)</sup> ***OJ L 144, 6.6.2007, p. 1.***

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HAVE ADOPTED THIS DECISION:

Article 1

Decision No 573/2007/EC is amended as follows:

(1) Article 13 is amended as follows:

(a) paragraph 5 becomes paragraph 3;

(b) paragraph 3 becomes paragraph 4 and is replaced by the following:

'4. Member States shall receive a fixed amount of EUR 4 000 for each **█** person **resettled in accordance with** the common **Union** annual priorities established **under paragraphs 6 and 7**, with respect to geographic regions and nationalities **█**.

**The following categories of vulnerable groups of refugees shall be considered as common Union annual priorities under paragraphs 6 and 7 independently of annual priorities with respect to geographic regions and nationalities:**

- **children and women at risk, particularly from psychological, physical or sexual violence or exploitation,**
- **unaccompanied minors where resettlement is in their best interest, in compliance with the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child,**
- **persons having serious medical needs that require special treatment, in particular conditions that can be treated only following resettlement,**
- **survivors of violence and torture,**
- **persons in need of emergency or urgent resettlement for legal and protection needs.;**

(c) **the following paragraph is inserted:**

**'4a. For those Member States that apply for funding under this Article for the first time, the fixed amount for each resettled person shall be EUR 6 000 in the first calendar year and EUR 5 000 in the second. In subsequent years, the fixed amount shall be EUR 4 000 for each resettled person. The additional amount that new participating Member States receive in the first two years of their participation shall be invested in the development of a sustainable resettlement programme.;**

(d) paragraph 4 becomes paragraph 5 and is replaced by the following:

'5. Where a Member State resettles a person falling within more than one of the categories referred to in the common **Union** annual priorities for resettlement established in accordance with **paragraphs 6 and 7**, it shall receive the fixed amount for this person only once.;

(e) paragraph 6 is replaced by the following:

'6. **In order to achieve the objective of this Decision to make resettlement an effective protection instrument,** the Commission shall **adopt a decision establishing** the common **Union** annual priorities for resettlement **by way of delegated acts** in accordance with **Articles 52a, and subject to the conditions of Articles 52b and 52c.;**

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(f) *the following paragraphs are added:*

**'7. In the event of an unforeseen emergency requiring an urgent update of the common Union annual priorities for resettlement, the procedure provided for in Article 52d shall apply to delegated acts adopted pursuant to this Article.**

**8. Within twenty calendar days following notification of the Commission decision establishing the common Union annual priorities for resettlement in accordance with paragraphs 6 and 7, Member States shall provide the Commission with an estimate of the number of persons whom they will resettle in accordance with that decision in the course of the following calendar year. The Commission shall communicate those estimates to the European Parliament and the Council.**

**9. The results and impact of the financial incentive for resettlement activities in accordance with the common Union annual priorities shall be included by the Member States in their reports under Article 50(2) and by the Commission in its report under Article 50(3).'**

(2) Article 20 is amended as follows:

(a) paragraph 2 is replaced by the following:

**'2. The Commission shall provide the Member States, by 1 September of each year until 2013, with an estimate of the amounts to be allocated to them for the following calendar year from the total appropriations allocated under the annual budgetary procedure, calculated as provided for by Article 13.'**

(b) paragraph 3 is replaced by the following:

**'3. Member States shall submit to the Commission, by 1 December of each year until 2013, a draft annual programme for the following year, established in accordance with the multiannual programme and consisting of the following elements:**

(a) the general rules for selection of projects to be financed under the annual programme;

(b) a description of the actions to be supported under the annual programme;

(c) the proposed financial breakdown of the Fund's contribution between the programme's various actions; and an indication of the amount requested to cover technical assistance under the Article 16 for the purpose of implementing the annual programme.'

(c) in paragraph 5, the third subparagraph is replaced by the following:

**'The Commission shall adopt the financing decision approving the annual programme by 1 April of the year in question. The decision shall indicate the amount allocated to the Member State concerned and the period for which the expenditure is eligible.'**

(3) In Article 35, the following paragraph is added:

**'5. The fixed amount of EUR 4 000 for each resettled person allocated to the Member States shall be granted as a lump sum for each person effectively resettled.'**

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(4) *The following articles are inserted:*

*'Article 52a*

*Exercise of the delegation*

1. *The power to adopt the delegated acts referred to in Article 13(6) and (7) shall be conferred on the Commission for the period referred to in the first paragraph of Article 1.*
2. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
3. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 52b and 52c. Where imperative grounds of urgency so require, the procedure provided for in Article 52d shall apply.*

*Article 52b*

*Revocation of the delegation*

1. *The delegation of power referred to in Article 13(6) and (7) may be revoked at any time by the European Parliament or by the Council.*
2. *The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission indicating the delegated powers which could be subject to revocation and the possible reasons for a revocation.*
3. *The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

*Article 52c*

*Objections to delegated acts*

1. *The European Parliament or the Council may object to a delegated act within a period of one month from the date of notification. At the initiative of the European Parliament or the Council that period shall be extended by one month.*
2. *If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and enter into force on the date stated therein.*
3. *If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.*

*Article 52d*

*Urgency procedure*

1. *Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed, in accordance with paragraph 2. The notification of a delegated act adopted under this Article to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*

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**2. The European Parliament and the Council may, within a period of three months from the date of notification, object to a delegated act adopted under this Article. In such a case, the act shall cease to be applicable. The institution which objects shall state its reasons.'**

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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**Migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (amendment of Regulation (EC) No 1104/2008) \***

P7\_TA(2010)0161

**European Parliament legislative resolution of 18 May 2010 on the proposal for a Council regulation amending Regulation (EC) No 1104/2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (COM(2009)0508 – C7-0244/2009 – 2009/0136(NLE))**

(2011/C 161 E/27)

(Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0508),
- having regard to Articles 66 and 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0244/2009),
- having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing inter-institutional decision-making procedures' (COM(2009)0665),
- having regard to Article 74 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A7-0126/2010),



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1. Approves the Commission proposal as amended;
2. Notwithstanding the fact that Council is treating SIS 1+ RE as a contingency plan in the event of a failure of SIS II, Parliament, as co-legislator for the establishment of the second generation Schengen Information System (SIS II) (Regulation (EC) No 1987/2006 <sup>(1)</sup>) and budgetary authority, reserves its right to hold in reserve the funds to be allocated for the development of the SIS II in the 2011 annual budget, in order to ensure full parliamentary scrutiny and oversight of the process;
3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) TFEU;
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 regulation – amending act****Recital 3**

(3) The preconditions for migration will not be met by 30 June 2010. In order for SIS II to become operational as required by Regulation (EC) 1987/2006 and Decision 2007/533/JHA, Regulation (EC) No 1104/2008 and Decision 2008/839/JHA should therefore continue to apply until migration has been completed.

(3) The preconditions for migration will not be met by 30 June 2010. In order for SIS II to become operational as required by Regulation (EC) 1987/2006 and Decision 2007/533/JHA, Regulation (EC) No 1104/2008 and Decision 2008/839/JHA should therefore continue to apply until migration has been completed. ***In the event of a failure of the current SIS II project, after testing, an alternative technical solution should be devised and its full financial implications should be disclosed to all parties concerned.***

**Amendment 2****Proposal for a regulation – amending act****Recital 4**

(4) The Commission and the Member States should continue to cooperate closely during all steps of the migration in order to complete the process. A group of experts should be established to complement the current organisational structure.

(4) The Commission and the Member States should continue to cooperate closely during all steps of the migration in order to complete the process. ***In the Council conclusions on SIS II of 26 to 27 February 2009 and 4 to 5 June 2009, an informal body consisting of experts of the Member States and designated as the ‘Global Programme Management Board’ was established to enhance cooperation and provide direct support from the Member States to Central SIS II. A group of experts, called the Global Programme Management Board (GPMB), should therefore be formally established under this Regulation to complement the current organisational structure. In order to ensure efficiency and cost-effectiveness, the members of the GPMB should be appointed on a permanent basis and their number should be limited.***

<sup>(1)</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 3****Proposal for a regulation – amending act****Recital 6**

(6) ***A technical contingency plan for attaining SIS II functionalities should be foreseen.*** The description of the technical components of the migration architecture ***therefore*** should be adapted to allow for another technical solution regarding the development of Central SIS II.

(6) ***It is necessary to adapt the legal framework to allow for migration to a possible alternative technical solution if tests show that SIS II cannot be implemented successfully.*** The description of the technical components of the migration architecture should be adapted to allow for another technical solution regarding the development of Central SIS II. ***Any alternative technical solution should be based on the best available technology and should be cost-effective and implemented in accordance with a precise and reasonable timetable. The Commission should present a thorough budgetary assessment of the costs associated with such an alternative technical solution in a timely fashion. It should be explicitly stated that the legal framework established by Regulation (EC) No 1987/2006 applies to every solution, regardless of its technical nature.***

**Amendment 4****Proposal for a regulation – amending act****Recital 16 a (new)**

(16 a) ***As the European Parliament is responsible, as legislator, for the establishment, operation, and use of SIS II as laid down in Regulation (EC) No 1987/2006, and as the migration is financed from the Union budget, for which the European Parliament is also co-responsible, the European Parliament should be integrated in the decision-making process concerning migration. A favourable opinion from the European Parliament, on the basis of information provided by the Commission on the test results, should be required before the switch-over to a new Schengen Information System.***

**Amendment 5****Proposal for a regulation – amending act****Article 1 – point -1 (new)**

Regulation (EC) No 1104/2008

Article 1 – paragraph 1

(-1) ***Article 1(1) is replaced by the following:***

***‘1. The Schengen Information System (SIS), set up pursuant to the provisions of Title IV of the 1990 Schengen Convention (SIS 1+), shall be replaced by a new system, the Schengen Information System II (SIS II) or any alternative technical solution which is based on the best available technology, and is reasonable in terms of a clear timetable for its implementation and cost-effectiveness. The establishment, operation and use of the new system is regulated by Regulation (EC) No 1987/2006.’***

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 6****Proposal for a regulation – amending act****Article 1 – point -1 a (new)**

Regulation (EC) No 1104/2008

Article 1 – paragraph 1 a (new)

*(-1a) In Article 1, the following paragraph is inserted:*

*‘1a. If the current SIS II project is discontinued and an alternative technical solution is implemented, references to SIS II in this Regulation shall be read as references to that alternative technical solution.’*

**Amendment 7****Proposal for a regulation – amending act****Article 1 – point 3**

Regulation (EC) No 1104/2008

Article 11 – paragraph 2

2. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission.

2. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission **by 31 December 2011 at the latest. If an alternative technical solution as referred to in Article 11(5a) is implemented, that date may be changed in accordance with the procedure specified in Article 17(2).**

**Amendment 8****Proposal for a regulation – amending act****Article 1 – point 3 a (new)**

Regulation (EC) No 1104/2008

Article 11 – paragraph 5

*(3a) Article 11(5) is replaced by the following:*

*‘5. The switchover foreseen in the migration process shall be carried out after the validation mentioned in Article 8(7) and after the European Parliament has delivered a favourable opinion on the basis of the information on the test results provided by the Commission in accordance with Article 55(4) of Regulation (EC) No 1987/2006.’*

**Amendment 9****Proposal for a regulation – amending act****Article 1 – point 3 b (new)**

Regulation (EC) No 1104/2008

Article 11 – paragraph 5 a (new)

*(3b) In Article 11, the following paragraph is added:*

*‘5a. The development of SIS II may be achieved by implementing an alternative technical solution.’*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 10****Proposal for a regulation – amending act****Article 1 – point 3 c (new)**

Regulation (EC) No 1104/2008

Article 14 – paragraph 5 a (new)

(3c) *In Article 14, the following paragraph is added:*

*‘5a. The Commission shall develop and implement a package with additional measures in order to prevent the leakage of personal data information from the database and to ensure the protection of personal data for the entire duration of testing and migration from SIS I to the second generation Schengen Information System (SIS II).’*

**Amendment 11****Proposal for a regulation – amending act****Article 1 – point 4**

Regulation (EC) No 1104/2008

Article 17 a – paragraph 1

1. Without prejudice to the respective responsibilities and activities of the Commission, France and the Member States participating in SIS 1+, a group of technical experts, called the Global Programme Management Board (hereinafter the ‘GPMB’), is hereby set up. The GPMB shall provide a forum for coordination of the central and national SIS II projects.

1. Without prejudice to the respective responsibilities and activities of the Commission, France and the Member States participating in SIS 1+, a group of technical experts, called the Global Programme Management Board (hereinafter the ‘GPMB’), is hereby set up. The GPMB shall provide a forum for **assistance to the development of Central SIS II. It shall facilitate consistency and provide for** coordination of the central and national SIS II projects.

**Amendment 12****Proposal for a regulation – amending act****Article 1 – point 4**

Regulation (EC) No 1104/2008

Article 17 a – paragraph 2

2. The GPMB shall be composed of a maximum of 10 **experts**. A maximum of eight **experts** and an equal number of alternates shall be designated by the Member States acting within the Council. Two **experts** and two alternates shall be designated by the Director General of the *responsible Directorate-General of the Commission* from among Commission officials. **Other Commission officials with an interest in the proceedings may attend meetings of the GPMB.**

2. The GPMB shall be composed of a maximum of 10 **members who shall be qualified to contribute actively to the development of SIS II and who shall meet on a regular basis.** A maximum of eight **members** and an equal number of alternates shall be designated by the Member States acting within the Council. **A maximum of two members** and two alternates shall be designated by the Director General of the *Commission Directorate-General responsible* from among Commission officials. **Interested Members or relevant staff of the European Parliament, experts from Member States and Commission officials directly involved in the development of the SIS II projects may attend GPMB meetings at the expense of their respective administration or institution. The GPMB may invite other experts to participate in GPMB meetings as defined in the terms of reference, at the expense of their respective administration, institution or company.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 13****Proposal for a regulation – amending act****Article 1 – point 4**

Regulation (EC) No 1104/2008

Article 17 a – paragraph 5

5. The GPMB shall draw up its own terms of reference. They shall take effect after a favourable opinion has been given by the Director General of the responsible Directorate-General of the Commission.

5. The GPMB shall draw up its own terms of reference. They shall take effect after a favourable opinion has been given by the Director General of the responsible Directorate-General of the Commission. ***The terms of reference of the GPMB shall include a requirement to publish regular reports and to make those reports available to the European Parliament in order to ensure full parliamentary scrutiny and oversight.***

**Amendment 14****Proposal for a regulation – amending act****Article 1 – point 4**

Regulation (EC) No 1104/2008

Article 17 a – paragraph 6

6. Without prejudice to Article 15(2), the administrative costs and travel expenses arising from the activities of the GPMB shall be borne by the general budget of the European Union, to the extent that they are not reimbursed from other sources. As regards travel expenses of the experts in the GPMB designated by the Member States acting within the Council and experts invited pursuant to paragraph 3 of this Article which arise in connection with the work of the GPMB, the Commission's 'Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity' shall apply.

6. Without prejudice to Article 15(2), the administrative costs and travel expenses arising from the activities of the GPMB shall be borne by the general budget of the European Union, to the extent that they are not reimbursed from other sources. As regards travel expenses of the experts in the GPMB designated by the Member States acting within the Council and experts invited pursuant to paragraph 3 of this Article which arise in connection with the work of the GPMB, the Commission's 'Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity' shall apply. ***The necessary appropriations to cover the cost arising from the meetings of the GPMB shall come from the appropriations currently provided for in the Financial Programming 2010-2013 for the second generation Schengen Information System (SIS II).***

**Amendment 15****Proposal for a regulation – amending act****Article 1 – point 5**

Regulation (EC) No 1104/2008

Article 19

It shall expire on a date to be fixed by the Council, acting in accordance with Article 55(2) of Regulation (EC) No 1987/2006.

***This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Union.*** It shall expire on a date to be fixed by the Council, acting in accordance with Article 55(2) of Regulation (EC) No 1987/2006, ***and in any event no later than 31 December 2013.***

Tuesday 18 May 2010

**Migration from the Schengen Information System (SIS 1+) to the second Schengen Information System (SIS II) (amendment of Decision 2008/839/JHA) \***

P7\_TA(2010)0162

**European Parliament legislative resolution of 18 May 2010 on the proposal for a Council regulation amending Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (COM(2010)0015 – C7-0040/2010 – 2010/0006(NLE))**

(2011/C 161 E/28)

(Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2010)0015),
  - having regard to Article 74 of the Treaty on the Functioning of the European Union (TFEU), pursuant to which the Council consulted Parliament (C7-0040/2010),
  - having regard to Rules 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A7-0127/2010),
1. Approves the Commission proposal as amended;
  2. Notwithstanding the fact that Council is treating SIS 1+ RE as a contingency plan in the event of a failure of SIS II, Parliament, as co-legislator for the establishment of the second generation Schengen Information System (SIS II) (Regulation (EC) No 1987/2006 <sup>(1)</sup>) and budgetary authority, reserves its right to hold in reserve the funds to be allocated for the development of the SIS II in the 2011 annual budget, in order to ensure full parliamentary scrutiny and oversight of the process;
  3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) TFEU;
  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.

<sup>(1)</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

Tuesday 18 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 1****Proposal for a regulation – amending act****Recital 3**

(3) The preconditions for migration will not be met by 30 June 2010. In order for SIS II to become operational as required by Regulation (EC) 1987/2006 and Decision 2007/533/JHA, Regulation (EC) No 1104/2008 and Decision 2008/839/JHA should therefore continue to apply until migration has been completed.

(3) The preconditions for migration will not be met by 30 June 2010. In order for SIS II to become operational as required by Regulation (EC) 1987/2006 and Decision 2007/533/JHA, Regulation (EC) No 1104/2008 and Decision 2008/839/JHA should therefore continue to apply until migration has been completed. ***In the event of a failure of the current SIS II project, after testing, an alternative technical solution should be devised and its full financial implications should be disclosed to all parties concerned.***

**Amendment 2****Proposal for a regulation – amending act****Recital 4**

(4) The Commission and the Member States should continue to cooperate closely during all steps of the migration in order to complete the process. A group of experts should be established to complement the current organisational structure.

(4) The Commission and the Member States should continue to cooperate closely during all steps of the migration in order to complete the process. ***In the Council conclusions on SIS II of 26 to 27 February 2009 and 4 to 5 June 2009, an informal body consisting of experts of the Member States and designated as the ‘Global Programme Management Board’ was established to enhance cooperation and provide direct support from the Member States to Central SIS II.*** A group of experts, ***called the Global Programme Management Board (GPMB), should therefore be formally established under this Regulation*** to complement the current organisational structure. ***In order to ensure efficiency and cost-effectiveness, members of the GPMB should be appointed on a permanent basis and their number should be limited.***

**Amendment 3****Proposal for a regulation – amending act****Recital 6**

(6) ***A technical contingency plan for attaining SIS II functionalities should be foreseen.*** The description of the technical components of the migration architecture ***therefore*** should be adapted to allow for another technical solution regarding the development of Central SIS II.

(6) ***It is necessary to adapt the legal framework to allow for migration to a possible alternative technical solution if tests show that SIS II cannot be implemented successfully.*** The description of the technical components of the migration architecture should be adapted to allow for another technical solution regarding the development of Central SIS II. ***Any alternative technical solution should be based on the best available technology and should be cost-effective and implemented in accordance with a precise and reasonable timetable. The Commission should present a thorough budgetary assessment of the costs associated with such an alternative technical solution in a timely fashion. It should be explicitly stated that the legal framework established by Decision 2007/533/JHA applies to every solution, regardless of its technical nature.***

Tuesday 18 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 4****Proposal for a regulation – amending act  
Recital 16 a (new)**

*(16a) As the European Parliament is responsible, as a co-legislator, for the establishment, operation and use of SIS II as laid down in Regulation (EC) No 1987/2006, and as the migration is financed from the Union budget, for which the European Parliament is also co-responsible, the European Parliament should be integrated in the decision-making process concerning migration. A favourable opinion from the European Parliament, on the basis of information provided by the Commission on the test results, should be required before the switchover to a new Schengen Information System.*

**Amendment 5****Proposal for a regulation – amending act**

**Article 1 - point -1 (new)**  
Council Decision 2008/839/JHA  
Article 1 – paragraph 1

*(-1) Article 1(1) is replaced by the following:*

*'1. The Schengen Information System (SIS 1+), set up pursuant to the provisions of Title IV of the 1990 Schengen Convention, shall be replaced by a new system, the Schengen Information System II (SIS II) or any alternative technical solution which is based on the best available technology and is reasonable in terms of a clear timetable for its implementation and cost-effectiveness. The establishment, operation and use of the new system is regulated by Decision 2007/533/JHA.'*

**Amendment 6****Proposal for a regulation – amending act**

**Article 1 – point -1 a (new)**  
Council Decision 2008/839/JHA  
Article 1 – paragraph 1 a (new)

*(-1a) In Article 1, the following paragraph is inserted:*

*'1a. If the current SIS II project is discontinued and an alternative technical solution is implemented, references to SIS II in this Decision shall be read as references to that alternative technical solution.'*



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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 7****Proposal for a regulation – amending act****Article 1 – point 3**

Council Decision 2008/839/JHA

Article 11 – paragraph 2

2. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission.

2. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission **by 31 December 2011 at the latest. If an alternative technical solution, as referred to in Article 11(5a), is implemented, that date may be changed in accordance with the procedure specified in Article 17(2).**

**Amendment 8****Proposal for a regulation – amending act****Article 1 – point 3 a (new)**

Council Decision 2008/839/JHA

Article 11 - paragraph 5

**(3a) Article 11(5) is replaced by the following:**

**‘5. The switchover foreseen in the migration process shall be carried out after the validation mentioned in Article 8(7) and after the European Parliament has delivered a favourable opinion on the basis of the information on the test results provided by the Commission in accordance with Article 71(4) of Decision 2007/533/JHA.’**

**Amendment 9****Proposal for a regulation – amending act****Article 1 - point 3 b (new)**

Council Decision 2008/839/JHA

Article 11 – paragraph 5 a (new)

**(3b) In Article 11, the following paragraph is added:**

**‘5a. The development of SIS II may be achieved by implementing an alternative technical solution.’**

**Amendment 10****Proposal for a regulation – amending act****Article 1 – point 3c (new)**

Council Decision 2008/839/JHA

Article 14 – paragraph 5 a (new)

**(3c) In Article 14, the following paragraph is added:**

**‘5a. The Commission shall develop and implement a package with additional measures in order to prevent the leakage of personal data information from the database and to ensure the protection of personal data for the entire duration of testing and migration from SIS I to the second generation Schengen Information System (SIS II).’**

Tuesday 18 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 11****Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17a – paragraph 1

1. Without prejudice to the respective responsibilities and activities of the Commission, France and the Member States participating in SIS 1+, a group of technical experts, called the Global Programme Management Board (hereinafter the 'GPMB'), is hereby set up. The GPMB shall provide a forum for coordination of the central and national SIS II projects.

1. Without prejudice to the respective responsibilities and activities of the Commission, France and the Member States participating in SIS 1+, a group of technical experts, called the Global Programme Management Board (hereinafter the 'GPMB'), is hereby set up. The GPMB shall provide a forum for **assistance to the development of Central SIS II. It shall facilitate consistency and provide for** coordination of the central and national SIS II projects.

**Amendment 12****Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17a – paragraph 2

2. The GPMB shall be composed of a maximum of 10 **experts**. A maximum of eight **experts** and an equal number of alternates shall be designated by the Member States acting within the Council. Two **experts** and two alternates shall be designated by the Director General of the responsible Directorate-General of the Commission from among Commission officials. **Other** Commission officials **with an interest in the proceedings may attend meetings of the GPMB**.

2. The GPMB shall be composed of a maximum of 10 **members who shall be qualified to contribute actively to the development of the SIS II and who shall meet on a regular basis**. A maximum of eight **members** and an equal number of alternates shall be designated by the Member States acting within the Council. **A maximum of two members** and two alternates shall be designated by the Director General of the responsible Directorate-General of the Commission from among Commission officials. **Interested Members or relevant staff of the European Parliament, experts from Member States and Commission officials directly involved in the development of the SIS II projects may attend GPMB meetings at the expense of their respective administration or institution. The GPMB may invite other experts to participate in GPMB meetings as defined in the terms of reference at the expense of their respective administration, institution or company.**

**Amendment 13****Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17 a – paragraph 5

5. The GPMB shall draw up its own terms of reference. They shall take effect after a favourable opinion has been given by the Director General of the responsible Directorate-General of the Commission.

5. The GPMB shall draw up its own terms of reference. They shall take effect after a favourable opinion has been given by the Director General of the responsible Directorate-General of the Commission. **The terms of reference of the GPMB shall include a requirement to publish regular reports and to make those reports available to the European Parliament in order to ensure full parliamentary scrutiny and oversight.**

Tuesday 18 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 14****Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17 a – paragraph 6

6. Without prejudice to Article 15(2), the administrative costs and travel expenses arising from the activities of the GPMB shall be borne by the general budget of the European Union, to the extent that they are not reimbursed from other sources. As regards travel expenses of the experts in the GPMB designated by the Member States acting within the Council and experts invited pursuant to paragraph 3 of this Article which arise in connection with the work of the GPMB, the Commission's 'Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity' shall apply.

6. Without prejudice to Article 15(2), the administrative costs and travel expenses arising from the activities of the GPMB shall be borne by the general budget of the European Union, to the extent that they are not reimbursed from other sources. As regards travel expenses of the experts in the GPMB designated by the Member States acting within the Council and experts invited pursuant to paragraph 3 of this Article which arise in connection with the work of the GPMB, the Commission's 'Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity' shall apply. **The necessary appropriations to cover the cost arising from the meetings of the GPMB shall come from the appropriations currently provided for in the Financial Programming 2010-2013 for the second generation Schengen Information System (SIS II).**

**Amendment 15****Proposal for a regulation – amending act****Article 1 – point 5**

Council Decision 2008/839/JHA

Article 19

It shall expire on a date to be fixed by the Council, acting in accordance with Article 71(2) of Decision 2007/533/JHA.

**This Decision shall enter into force on the third day following its publication in the Official Journal of the European Union.** It shall expire on a date to be fixed by the Council, acting in accordance with Article 71(2) of Decision 2007/533/JHA, **and in any event no later than on 31 December 2013.**

## **Equal treatment between men and women engaged in an activity in a self-employed capacity \*\*\*II**

P7\_TA(2010)0167

**European Parliament legislative resolution of 18 May 2010 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC (17279/3/2009 – C7-0075/2010 – 2008/0192(COD))**

(2011/C 161 E/29)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

— having regard to the Council position at first reading (17279/3/2009 – C7-0075/2010),

— having regard to the Commission proposal to Parliament and the Council (COM(2008)0636),

Tuesday 18 May 2010

- having regard to Article 251(2) and Article 141(3) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0341/2008),
- having regard to its position at first reading <sup>(1)</sup>,
- having regard to the Commission Communication to the Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
- having regard to Article 294(7) and Article 157(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,
- having regard to Rule 66 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Women’s Rights and Gender Equality (A7-0146/2010),

1. Adopts its position at second reading hereinafter set out;
2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> Texts adopted, 6.5.2009, P6\_TA(2009)0364.

<sup>(2)</sup> OJ C 228, 22.9.2009, p. 107.

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## **P7\_TC2-COD(2008)0192**

**Position of the European Parliament adopted at second reading on 18 May 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC**

*(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Directive 2010/41/EU.)*

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Tuesday 18 May 2010

**Textile names and related labelling of textile products \*\*\*I**

P7\_TA(2010)0168

**European Parliament legislative resolution of 18 May 2010 on the proposal for a regulation of the European Parliament and of the Council on textile names and related labelling of textile products (COM(2009)0031 – C6-0048/2009 – 2009/0006(COD))**

(2011/C 161 E/30)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Parliament and the Council (COM(2009)0031),
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0048/2009),
  - having regard to the Commission Communication to the Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
  - having regard to Article 294(3) and Article 114 of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 16 December 2009 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0122/2010),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> Not yet published in the Official Journal.

Tuesday 18 May 2010

**P7\_TC1-COD(2009)0006**

**Position of the European Parliament adopted at first reading on 18 May 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council on textile names and related labelling of textile products and repealing Council Directive 73/44/EEC, Directive 96/73/EC and Directive 2008/121/EC**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Council Directive 73/44/EEC of 26 February 1973 on the approximation of the laws of the Member States relating to the quantitative analysis of ternary fibre mixtures <sup>(3)</sup>, Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures <sup>(4)</sup> and Directive **2008/121/EC** of the European Parliament and of the Council of **14 January 2009** on textile names (recast) <sup>(5)</sup>, have been amended several times. Since further amendments are to be made, *those acts* should be replaced by a single legal instrument, in the interest of clarity.
- (2) The **Union** legislation on textile names and related labelling of textile products is very technical in its content, with detailed provisions that need to be adapted regularly. In order to avoid the need for Member States to transpose the technical amendments into national legislation and thus reduce the administrative burden for national authorities and in order to allow for a faster adoption of new **textile** fibre names to be applied at the same time throughout the **Union**, a Regulation appears to be the most appropriate legal instrument to carry out the legislative simplification.
- (3) In order to eliminate potential obstacles to the proper functioning of the internal market caused by diverging provisions of the Member States with regard to the names, composition and labelling of textile products, it is necessary to harmonise the names of textile fibres and the indications appearing on labels, markings and documents which accompany textile products at the various stages of their production, processing and distribution.
- (4) It is appropriate to lay down rules enabling the manufacturers to ask for the inclusion of a new **textile** fibre name on the list of permitted fibre names.
- (5) Provision should also be made in respect of certain products which are not made exclusively of textile materials but have a textile content which constitutes an essential part of the product or to which attention is specifically drawn by the **economic operators**.

<sup>(1)</sup> Opinion of 16 December 2009 (Not yet published in the Official Journal).

<sup>(2)</sup> Position of the European Parliament of 18 May 2010.

<sup>(3)</sup> OJ L 83, 30.3.1973, p. 1.

<sup>(4)</sup> OJ L 32, 3.2.1997, p. 1.

<sup>(5)</sup> **OJ L 19, 23.1.2009, p. 29.**

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- (6) The tolerance in respect of '**extraneous** fibres', which are not to be stated on the labels, should apply both to pure products and to mixtures.
- (7) Composition labelling should be compulsory to ensure correct information is made available to all consumers in the **Union** at a uniform level. Where it is technically difficult to specify the composition of a product at the time of manufacture, it should be possible to state, on the label, only those fibres which are known at the time of manufacture provided that they account for a certain percentage of the finished product.
- (8) In order to avoid differences in practice among the Member States, it is necessary to lay down the exact methods of labelling for certain textile products consisting of two or more components, and also to specify the components of textile products that need not be taken into account for purposes of labelling and analysis.
- (9) Textile products subject only to the requirements of inclusive labelling, and those sold by the metre or in cut lengths, should be **made available on the market** in such a way that the consumer can fully acquaint himself with the information affixed to the overall packaging or the roll.
- (10) The use of descriptions or names which enjoy particular prestige among users and consumers should be made subject to certain conditions. Furthermore, in order to provide information to users and consumers, it is appropriate that the **textile** fibre names are related to the characteristics of the fibre.
- (11) Market surveillance of products under the scope of this Regulation in the Member States **is** subject to the provisions of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety <sup>(1)</sup> **and those of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products** <sup>(2)</sup>.
- (12) It is necessary to lay down methods for the sampling and analysis of textile products in order to exclude any possibility of objections to the methods used. The methods used for official tests carried out in the Member States to determine the fibre composition of textile products composed of binary and ternary mixtures should be uniform, as regards both the pre-treatment of the sample and its quantitative analysis; therefore this Regulation should lay down uniform methods of analysis for most of the textile products composed of binary and ternary mixtures that are on the market. **In order, however, to simplify this Regulation and adapt such uniform methods to technical progress, it is appropriate that the methods set out in this Regulation be turned into European standards. To that end, the Commission should organise the transition from the current system, where the methods are described in this Regulation, to a European standard-based system.**
- (13) In the case of **fibre** mixtures for which there is no uniform method of analysis at **Union** level, the laboratory responsible for the test should be allowed to determine the composition of such mixtures **■**, indicating in the analysis report the result obtained, **the method used** and **its** degree of accuracy **■**.
- (14) This Regulation should set out the agreed allowances to be applied to the anhydrous mass of each fibre during the determination by analysis of the fibre content of textile products, and should give two different agreed allowances for calculating the composition of carded or combed fibres containing wool and/or animal hair. Since it cannot always be established whether a product is carded or combed, and consequently inconsistent results can arise from the application of the tolerances during checks on the conformity of textile products carried out in the **Union**, the laboratories carrying out those checks should be authorised to apply a single agreed allowance in cases of doubt.
- (15) Rules should be laid down in respect of products exempt from the general labelling requirements of this Regulation, in particular disposable products or products for which only inclusive labelling is required.
- (16) It is appropriate to establish a procedure, **including specific requirements**, to be observed by any manufacturer or **any person acting on his behalf** that wishes to include a new **textile** fibre name **on the harmonised list of textile fibre names set out in Annex I**.

■

<sup>(1)</sup> OJ L 11, 15.1.2002, p. 4.

<sup>(2)</sup> OJ L 218, 13.8.2008, p. 30.

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- (17) *In order to ensure that the objectives of this Regulation are attained while keeping pace with technical progress*, the Commission should be empowered to adopt, in accordance with Article 290 of the Treaty on the Functioning of the European Union, delegated acts designed to supplement or amend non-essential elements of Annexes I, II, IV, V, VI, VII, VIII and IX to this Regulation.
- (18) *In its resolution of 25 November 2009 on origin marking <sup>(1)</sup>, the European Parliament underlined that consumer protection requires transparent and consistent trade rules, including indications of origin. The aim of such indications should be to enable consumers to be fully aware of the exact origin of the products they purchase, so as to protect them against fraudulent, inaccurate or misleading claims of origin. Harmonised rules should be put in place for that purpose in respect of textile products. As regards imported products, those rules should take the form of mandatory labelling requirements. Concerning products not subject to mandatory origin labelling at Union level, provision should be made for rules ensuring that possible claims of origin are not false or misleading.*
- (19) *Origin labelling requirements provided for in this Regulation with regard to the specific sector of textile products should be without prejudice to ongoing discussions on a generally applicable regime of origin marking for products imported from third countries, to be set up as part of the Union's common commercial policy.*
- (20) *Since the objectives of the action to be taken, that is the adoption of uniform rules for the use of textile names and related labelling of textile products, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at **Union** level, the **Union** may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty **on European Union**. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.*
- (21) *Consumers, in order to be able to make informed choices, should know when purchasing a textile product whether such product comprises non-textile parts of animal origin. It is therefore essential to indicate on the label the presence of animal-derived materials.*
- (22) *This Regulation is limited to rules concerning the harmonisation of textile fibre names and the labelling of the fibre composition of textile products. In order to eliminate possible obstacles to the proper functioning of the internal market, caused by divergent provisions or practices of Member States, and in order to keep pace with the development of electronic commerce and future challenges in the market for textile products, the harmonisation or standardisation of other aspects of textile labelling should be examined. To that end, the Commission should submit a report to the European Parliament and the Council regarding possible new labelling requirements to be introduced at Union level with a view to facilitating the free movement of textile products in the internal market and achieving throughout the Union a high level of consumer protection. The report should examine in particular consumer views with regard to the amount of information that should be supplied on the label of textile products, and investigate which means other than labelling may be used to provide additional information to consumers. The report should be based on an extended consultation of all stakeholders, consumer surveys and a thorough cost/benefit analysis and should be accompanied, where appropriate, by legislative proposals. The report should examine, in particular, the added value to the consumer of possible labelling requirements in relation to care treatment, size, hazardous substances, flammability and environmental performance of the textile products, the use of language-independent symbols for identifying the textile fibres, social and electronic labelling as well as the inclusion of an identification number on the label to obtain additional on-demand information, especially via the Internet, about the characteristics of the products.*

<sup>(1)</sup> Texts adopted, P7\_TA(2009)0093.



Tuesday 18 May 2010

(23) Directives 73/44/EEC, 96/73/EC and **2008/121/EC** should be repealed,

HAVE ADOPTED THIS REGULATION:

#### Chapter 1

#### General provisions

#### Article 1

#### Subject matter

This Regulation lays down rules concerning the use of textile **fibre** names, **the** labelling of textile products **and the determination of the fibre composition of textile products by uniform methods of quantitative analysis, with a view to improving their free circulation in the internal market and providing accurate information to consumers.**

#### Article 2

#### Scope

1. This Regulation **shall apply** to textile products.

**For the purposes of this Regulation,** the following products **shall be treated in the same way as textile products:**

- (a) products containing at least 80 % by weight of textile fibres;
- (b) furniture, umbrella and sunshade coverings containing at least 80 % by weight of textile components;
- (c) the textile components of multi-layer floor coverings, of mattresses and of camping goods, and warm linings of footwear, gloves, mittens and mitts, provided such parts or linings constitute at least 80 % by weight of the complete product;
- (d) textiles incorporated in other products and forming an integral part thereof, where their composition is specified.

2. The provisions of this Regulation **shall** not apply to textile products which:

- (a) are intended for export to third countries;
- (b) enter Member States, under customs control, for transit purposes;
- (c) are imported from third countries for inward processing;
- (d) are contracted out to persons working in their own homes, or to independent firms that make up work from materials supplied without the property therein being transferred for consideration;
- (e) **are delivered to individual end-consumers as custom-made articles.**

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## Article 3

### Definitions

1. For the purposes of this Regulation, the following definitions **shall** apply:
  - (a) 'textile products' means any raw, semi-worked, worked, semi-manufactured, manufactured, semi-made-up or made-up products which are exclusively composed of textile fibres, regardless of the mixing or assembly process employed;
  - (b) 'textile fibre' means either of the following:
    - (i) a unit of matter characterised by its flexibility, fineness and high ratio of length to maximum transverse dimension, which render it suitable for textile applications;
    - (ii) flexible strips or tubes, of which the apparent width does not exceed 5 mm, including strips cut from wider strips or films, produced from the substances used for the manufacture of the fibres listed in table 2 in Annex I and suitable for textile applications;
  - (c) 'the apparent width' is the width of the strip or tube when folded, flattened, compressed or twisted, or the average width where the width is not uniform;
  - (d) 'textile component' means a part of a textile product with a distinct fibre content;
  - (e) 'extraneous fibres' are fibres other than those stated on the label;
  - (f) 'lining' means a separate item used in making-up garments and other products, consisting of a single layer or multiple layers of textile material loosely held in place along one or more of the edges;
  - (g) '**labelling**' means **indicating the required information on the textile product by attaching a label thereto, or by way of sewing, embroidering, printing, embossing or using any other technology of application;**
  - (h) 'inclusive labelling' means a means of labelling whereby a single label is used for several textile products or components;
  - (i) 'disposable products' means textile products designed to be used once only or for a limited time, and the normal use of which precludes any restoring for subsequent use for the same or a similar purpose.
2. **For the purposes of this Regulation, the definitions of 'making available on the market', 'placing on the market', 'manufacturer', 'authorised representative', 'importer', 'distributor', 'economic operators', 'harmonised standard', 'market surveillance' and 'market surveillance authority' in Regulation (EC) No 765/2008 shall apply.**

## Article 4

### General rules

1. Textile products **shall only be made available on the market if they are labelled or accompanied with commercial documents in compliance with** the provisions of this Regulation.
2. **Save as otherwise provided in** this Regulation, national and **Union** rules on protection of industrial and commercial property, on indications of provenance, marks of origin and the prevention of unfair competition **shall remain applicable to textile products.**

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## Chapter 2

## Textile fibre names and related labelling requirements

## Article 5

## Textile fibre names

1. Only the names of **textile** fibres listed in Annex I shall be used **to indicate the fibre composition of textile products**.
2. Use of the names listed in Annex I shall be reserved for fibres whose nature corresponds to the description set out in that Annex.

Those names shall not be used for other fibres, whether on their own or as a root or as an adjective.

The term 'silk' may not be used to indicate the shape or particular presentation in continuous yarn of textile fibres.

## Article 6

Applications for new **textile** fibre names

Any manufacturer or **any person acting on his behalf** may apply to the Commission to add a new **textile** fibre name to the list set out in Annex I.

The application shall include a technical file compiled in accordance with Annex II.

## Article 7

## Pure products

1. Only textile products exclusively composed of the same fibre may be labelled as '100 %', 'pure' or 'all'.

Those or similar terms shall not be used for other products.

2. A textile product **may** be considered as exclusively composed of the same fibre if it contains **no more than 2 %** by weight of **extraneous** fibres, provided this quantity is justified **as being technically unavoidable in good manufacturing practice** and is not added as a matter of routine.

Under the same condition, a textile product, which has undergone a carding process, **may** be considered as exclusively composed of the same fibre if it contains **no more than 5 %** by weight of **extraneous** fibres.

## Article 8

## Wool products

1. A textile product may be labelled with one of the names referred to in Annex III provided that it is composed exclusively of a wool fibre which has not previously been incorporated in a finished product, which has not been subjected to any spinning and/or felting processes other than those required in the manufacture of that product, and which has not been damaged by treatment or use.

2. By way of derogation from paragraph 1, the names listed in Annex III may be used to describe wool contained in a fibre mixture if all the following conditions are complied with:

(a) all the wool contained in that mixture satisfies the requirements defined in paragraph 1;

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- (b) such wool accounts for not less than 25 % of the total weight of the mixture;
- (c) in the case of a scribbled mixture, the wool is mixed with only one other fibre.

The full percentage composition of such mixture shall be given.

3. The **extraneous fibres** in the products referred to in paragraphs 1 and 2, including wool products which have undergone a carding process, shall not exceed 0,3 % **of their total weight** and shall be justified **as being technically unavoidable in good manufacturing practice**.

#### Article 9

##### Multi-fibre textile products

1. A textile product **shall be labelled with the name and percentage by weight of all constituent fibres in descending order**.
2. **By way of derogation from paragraph 1, and without prejudice to Article 7(2), fibres which individually account for up to 3 % of the total weight of the textile product, or fibres which collectively account for up to 10 % of the total weight, may be designated by the term 'other fibres', followed by their percentage by weight, provided that they cannot easily be stated at the time of the manufacture.**
3. Products having a pure cotton warp and a pure flax weft, in which the percentage of flax accounts for at least 40 % of the total weight of the unsized fabric may be given the name 'cotton linen union' which must be accompanied by the composition specification 'pure cotton warp — pure flax weft'.
4. **Without prejudice to Article 5(1), for textile products the composition of which cannot easily be stated at the time of their manufacture, the term 'mixed fibres' or the term 'unspecified textile composition' may be used on the label.**
5. **By way of derogation from paragraph 1, a fibre not included in Annex I may be designated by the term 'other fibres', followed by its total percentage by weight, provided that an application for the inclusion of such a fibre in Annex I has been submitted in accordance with Article 6.**

#### Article 10

##### Decorative fibres and fibres with antistatic effect

Visible, isolable fibres which are purely decorative and do not exceed 7 % of the weight of the finished product need not be mentioned in the fibre compositions provided for in Articles 7 and 9.

The same shall apply to metallic fibres and other fibres which are incorporated in order to obtain an antistatic effect and which do not exceed 2 % of the weight of the finished product.

In the case of the products referred to in Article 9(3), such percentages shall be calculated on the weight of the warp and that of the weft separately.

#### Article 11

##### Animal-derived materials

1. **Where a textile product comprises non-textile parts of animal origin, it shall bear a label stating that such parts are made of animal-derived materials. The labelling shall not be misleading and shall be presented in such a way that the consumer can easily understand to which part of the product the information on the label refers.**

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2. *Member States shall inform the Commission of the analytical methods they use to identify animal-derived materials by ... (\*), and subsequently whenever required in the light of new developments.*

3. *The Commission shall adopt delegated acts, in accordance with Articles 24, 25 and 26, specifying the detailed form of and modalities for the labelling on the textile products referred to in paragraph 1 and establishing the analytical methods to be used to identify animal-derived materials.*

#### Article 12

##### **Labelling**

1. Textile products shall be labelled **■** whenever they are *made available* on the market.

*The labelling shall be easily accessible, visible and securely affixed to the textile product. It shall remain legible throughout the product's normal period of use. The labelling and the way in which it is affixed shall be carried out in such a way as to minimise discomfort caused to the consumer when wearing the product.*

However, *the labelling* may be replaced or supplemented by accompanying commercial documents when the products are *supplied to economic operators within the supply chain*, or when they are delivered in performance of an order placed by *any contracting authority as defined by Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts* <sup>(1)</sup>.

*The names and descriptions referred to in Articles 5, 7, 8 and 9 shall be clearly indicated in such accompanying commercial documents.*

*Abbreviations shall not be used with the exception of a mechanised processing code, or where they are defined in internationally recognised standards, provided that the abbreviations are explained in the same commercial document.*

2. *When placing a textile product on the market, the manufacturer or, if the manufacturer is not established in the Union, the importer shall ensure the supply of the label and the accuracy of the information contained therein.*

*When making a textile product available on the market*, the distributor shall ensure that it bears the appropriate labelling prescribed by this Regulation.

*A distributor shall be considered a manufacturer for the purposes of this Regulation, where it makes a product available on the market under its own name or trademark, attaches the label or modifies the content of the label.*

The *economic operators* referred to in the first and second subparagraphs shall ensure that any information supplied when textile products are *made available* on the market cannot be confused with the names and descriptions laid down by this Regulation.

(\*) *The date of entry into force of this Regulation.*

(1) *OJ L 134, 30.4.2004, p. 114.*

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## Article 13

### The use of names and descriptions

■

1. **When making a textile product available on the market**, the names and **fibre composition** referred to in Articles 5, 7, 8 and 9 shall be indicated in catalogues and trade literature, on packaging **and labelling in a manner that is easily accessible, visible and legible and in uniform letter/number size, style and font. That information shall be clearly visible to the consumer before the purchase, including in cases where the purchase is made by electronic means.**

2. Trade marks or the name of the undertaking may be given immediately before or after names and descriptions referred to in Articles 5, 7, 8 and 9.

However, where a trade mark or a name of an undertaking contains, on its own or as an adjective or as a root, one of the names listed in Annex I or a name liable to be confused therewith, such trade mark or name shall be given immediately before or after names and descriptions referred to in Articles 5, 7, 8 and 9.

Other information shall be always displayed separately.

3. The labelling ■ shall be available in **any of the official languages of the Union which is easily understood by the end consumer in the Member State in which the textile products are made available. Where appropriate, the textile fibre names may be replaced by, or combined with, intelligible language-independent symbols.**

In the case of bobbins, reels, skeins, balls or other small quantity of sewing, mending and embroidery yarns, the first subparagraph shall apply to the inclusive labelling referred to in Article 16(3). **Where such products are individually sold to the end user, they may be labelled in any ■ of the official languages of the Union, provided they also have an inclusive labelling. Where appropriate, the textile fibre names may be replaced by, or combined with, intelligible language-independent symbols.**

**The Commission shall adopt delegated acts, in accordance with Articles 24, 25 and 26, establishing detailed conditions concerning the use of the symbols referred to in this paragraph.**

## Article 14

### Multi-component textile products

1. Any textile product containing two or more components shall bear a label stating the fibre content of each component.

Such labelling shall not be compulsory for components other than main linings and representing less than 30 % of the total weight of the product.

2. Where two or more textile products have the same fibre content and normally form a single unit, they may bear only one label.

## Article 15

### Special provisions

The fibre composition of products listed in Annex IV shall be indicated according to the labelling rules set out in that Annex.

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## Article 16

## Derogations

1. By way of derogation from Articles 12, 13 and 14, the rules laid down in paragraphs 2, 3 and 4 of this Article shall apply.

In any case, the products referred to in paragraph 3 and 4 of this Article shall be made available on the market in such a way that the end consumer can fully acquaint himself with the composition of those products.

2. The indication of **textile** fibre names or fibre composition on the labels or marking of textile products listed in Annex V is not required.

However, where a trade mark or name of an undertaking contains, on its own or as an adjective or as a root, one of the names listed in Annex I or a name liable to be confused therewith, Articles 12, 13 and 14 shall apply.

3. Where textile products listed in Annex VI are of the same type and composition, they may be **made available on the market** together under an inclusive label.

4. The composition of textile products sold by the metre may be shown on the length or roll **made available on the market**.

## Chapter 3

## Market surveillance ■

## Article 17

## Market surveillance provisions

1. ■ Market surveillance authorities shall carry out checks on the conformity of the composition of textile products with the supplied information related to the composition of those products in accordance with **this Regulation**.

2. **For the purpose of determining the fibre composition of textile products**, the checks referred to in paragraph 1 shall be carried out in accordance with the methods **or harmonised standards** set out in Annex VIII.

For those purposes, the fibre percentages set out in Articles 7, 8 and 9 shall be determined by applying to the anhydrous mass of each fibre the appropriate agreed allowance laid down in Annex IX, after having removed the items set out in Annex VII.

**In determining the fibre composition set out in Articles 7, 8 and 9, the items listed in Annex VII shall not be taken into account.**

3. Any laboratory **accredited and approved by the Member State authorities** for the testing of textile mixtures for which there is no uniform method of analysis at **Union** level shall determine the **fibre** composition of such mixtures ■, indicating in the analysis report the result obtained, **the method used** and ■ the degree of accuracy of **that** method ■.

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## Article 18

### Tolerances

1. For the purposes of establishing the composition of textile products intended for the end consumer, the tolerances laid down in paragraphs 2, 3 and 4 shall apply.

2. The presence of extraneous fibres in the composition to be provided in accordance with Article 9 does not need to be indicated if the percentage of those fibres does not reach the following:

- (a) 2 % of the total weight of the textile product, provided that **this** quantity is justified **as being technically unavoidable in good manufacturing practice** and is not added as a matter of routine;
- (b) **under the same condition**, 5 % **of the total weight** in the case of **textile** products which have undergone a carding process.

Point (b) of this paragraph shall be without prejudice to Article 8(3).

3. A manufacturing tolerance of 3 % shall be permitted between the stated fibre percentages to be provided in accordance with Article 9 and the percentages obtained from analysis carried out in accordance with Article 17, in relation to the total weight of fibres shown on the label. Such tolerance shall also apply to the following:

- (a) fibres which are listed with no indication of their percentage in accordance with Article 9(2);
- (b) the percentage of wool referred to in Article 8(2)(b).

For the purposes of the analysis, the tolerances shall be calculated separately. The total weight to be taken into account in calculating the tolerance referred to in this paragraph shall be that of the fibres of the finished product less the weight of any extraneous fibres found when applying the tolerance referred to in paragraph 2.

The addition of the tolerances referred to in paragraphs 2 and 3 shall be permitted only if any extraneous fibres found by analysis, when applying the tolerance referred to in paragraph 2, prove to be of the same chemical type as one or more of the fibres shown on the label.

4. In the case of particular products for which the manufacturing process requires tolerances higher than those laid down in paragraphs 2 and 3, higher tolerances may be authorised by the Commission when the conformity of the product is checked pursuant to Article 17(1) only in exceptional cases and where adequate justification is provided by the manufacturer.

The manufacturer shall submit a request providing sufficient reasons and evidence of the exceptional manufacturing circumstances.



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## Chapter 4

### Indication of origin for textile products

#### Article 19

##### *Indication of origin for textile products imported from third countries*

1. For the purpose of this Article, the terms 'origin' or 'originating' shall refer to non-preferential origin in accordance with Articles 35 and 36 of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) <sup>(1)</sup>.
2. The importation or placing on the market of textile products imported from third countries, except for those originating in Turkey and the Contracting Parties of the EEA Agreement, shall be subject to origin labelling under the conditions laid down in this Article.
3. The country of origin of textile products shall be indicated on the label of those products. In cases where products are packaged, the indication shall be made separately on the package. The indication of the country of origin may not be replaced by a corresponding indication in accompanying commercial documents.
4. The Commission may adopt delegated acts, in accordance with Articles 24, 25 and 26, to determine cases in which the indication of origin on the packaging shall be accepted in lieu of labelling of the products themselves. This may, in particular, be the case where products normally reach the end consumer or user in their usual packaging.
5. The words 'made-in' together with the name of the country of origin shall indicate the origin of textile products. The labelling may be made in any of the official languages of the European Union, which is easily understood by the end consumer in the Member State in which the products are to be made available on the market.
6. The origin labelling shall appear in clearly legible and indelible characters, shall be visible during normal handling, markedly distinct from other information, and shall be presented in a way which is neither misleading nor likely to create an erroneous impression with regard to the origin of the product.
7. Textile products shall bear the required labelling at the time of importation. Such labelling may not be removed or tampered with until the products have been sold to the end consumer or user.

#### Article 20

##### *Indication of origin for other textile products*

1. Where the origin of textile products other than those referred to in Article 19 is indicated on the label, such indication shall be subject to the conditions laid down in this Article.
2. The product shall be deemed to originate in the country where it underwent at least two of the following stages of manufacture:
  - spinning;
  - weaving;
  - finishing;
  - making-up.

<sup>(1)</sup> OJ L 145, 4.6.2008, p. 1.

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3. *The textile product may not be described on the labelling as entirely originating in a country unless it underwent in that country all the stages of manufacture referred to in paragraph 2.*

4. *The words ‘made-in’ together with the name of the country of origin shall indicate the origin of the product. The labelling may be made in any official language of the European Union, which is easily understood by the end consumer in the Member State in which the product is to be made available on the market.*

5. *The origin labelling shall appear in clearly legible and indelible characters, shall be visible during normal handling, markedly distinct from other information, and shall be presented in a way which is not misleading nor likely to create an erroneous impression with regard to the origin of the product.*

#### Article 21

##### Delegated acts

*The Commission may adopt delegated acts, in accordance with Articles 24, 25 and 26, in order to:*

- determine the detailed form of and modalities for the origin labelling;*
- establish a list of terms in all the official languages of the Union which clearly express that products originate in the country indicated in the labelling;*
- determine the cases where commonly used abbreviations unmistakably indicate the country of origin and can be used for the purpose of this Regulation;*
- determine the cases in which products cannot or need not be labelled for technical or economic reasons;*
- determine other rules that may be required when products are found not to comply with this Regulation.*

#### Article 22

##### Common provisions

1. *Textile products referred to in Article 19 shall be considered not to comply with this Regulation, if:*

- they do not bear origin labelling;*
- the origin labelling does not correspond to the origin of the products;*
- the origin labelling has being changed or removed, or has otherwise been tampered with, except where correction has been required pursuant to paragraph 5 of this Article.*

2. *Textile products other than those referred to in Article 19 shall be considered not to comply with this Regulation if:*

- the origin labelling does not correspond to the origin of the products;*
- the origin labelling has being changed or removed, or has otherwise been tampered with, except where correction has been required pursuant to paragraph 5 of this Article.*

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3. The Commission may adopt delegated acts, in accordance with Articles 24, 25 and 26, in relation to declarations and supporting documents that can be taken to demonstrate compliance with this Regulation.

4. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by ... (\*), and shall notify it without delay of any subsequent amendment affecting them.

5. Where products are not in compliance with this Regulation, Member States shall furthermore adopt the measures necessary to require the owner of the products or any other person responsible for them to label those products in accordance with this Regulation and at their own expense.

6. Where necessary for the effective application of this Regulation, the competent authorities may exchange data received when controlling compliance with this Regulation, including with authorities and other persons or organisations which Member States have empowered pursuant to Article 11 of 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 <sup>(1)</sup>.

## Chapter 5

### Final provisions

#### Article 23

#### *Adaptation to technical progress*

Amendments to Annexes I, II, IV, V, VI, VII, VIII and IX which are necessary for adapting *those* Annexes to technical progress shall be adopted by the Commission by means of delegated acts in accordance with Article 24, subject to the conditions laid down in Articles 25 and 26.

#### Article 24

#### *Exercise of the delegation*

1. The power to adopt the delegated acts referred to in Articles 11, 13, 19, 21, 22 and 23 shall be conferred on the Commission for a period of five years following ... (\*\*). The Commission shall make a report in respect of the delegated powers at the latest six months before the end of the five year period. That report shall be accompanied, if necessary, by a legislative proposal for extending the duration of the delegation.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.

#### Article 25

#### *Revocation of the delegation*

The delegation of power referred to in Articles 11, 13, 19, 21, 22 and 23 may be revoked at any time by the European Parliament or by the Council.

(\*) Nine months from the date of entry into force of this Regulation.

<sup>(1)</sup> OJ L 149, 11.6.2005, p. 22.

(\*\*) The date of entry into force of this Regulation.

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**Article 26****Objections to delegated acts**

1. *The European Parliament or the Council may object to a delegated act within a period of three months from the date of notification.*

*At the initiative of the European Parliament or the Council this period shall be extended by two months.*

2. *If, on the expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, or if both the European Parliament and the Council have informed the Commission that they do not intend to object, the act shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.*

**I****Article 27****Reporting**

By ... (\*), the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation, with an emphasis on the requests and adoption of new **textile** fibre names *and submit, where justified, a legislative proposal.*

**Article 28****Review**

1. *By ... (\*\*), the Commission shall submit a report to the European Parliament and the Council regarding possible new labelling requirements to be introduced at Union level with a view to providing consumers with accurate, relevant, intelligible and comparable information on the characteristics of textile products. The report shall be based on an extended consultation of all stakeholders, consumer surveys, and a thorough cost/benefit analysis, and shall be accompanied, where appropriate, by legislative proposals. The report shall examine, inter alia, the following issues:*

- a harmonised care labelling system,*
- an EU-wide uniform size labelling system for clothing and footwear,*
- indication of any potentially allergenic or hazardous substances used in the manufacture or processing of textile products,*
- ecological labelling relating to the environmental performance and sustainable production of textile products,*
- social labelling to inform consumers about the social conditions under which a textile product was produced,*
- warning labels with regard to the flammability performance of textile products, in particular high-fire-hazard clothing,*
- electronic labelling, including Radio-Frequency Identification (RFID),*

(\*) *Three years from the date of entry into force of this Regulation.*

(\*\*) *Two years from the date of entry into force of this Regulation.*

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- *the inclusion of an identification number on the label which shall be used to obtain additional on-demand information about the product, for instance via Internet,*
- *the use of language-independent symbols for identifying the fibres used for the manufacture of a textile product, enabling the consumer to easily understand its composition and, in particular, the use of natural or synthetic fibres.*

2. *By ... (\*), the Commission shall carry out a study to assess whether substances used in the manufacture or processing of textile products may represent a hazard to human health. That study shall evaluate in particular whether there is a causal link between allergic reactions and synthetic fibres, colourings, biocides, preservatives or nanoparticles used in textile products. The study shall be based on scientific evidence and shall take into account the results of market surveillance activities. On the basis of the study, the Commission shall, where justified, present legislative proposals with a view to prohibiting or restricting the use of potentially hazardous substances used in textile products, in compliance with relevant EU legislation.*

#### Article 29

##### Transitional provision

*Textile products which are in compliance with the provisions of Directive 2008/121/EC and were placed on the market before ... (\*\*) may continue to be placed on the market until ... (\*\*\*)*

#### Article 30

##### Repeal

Directives 73/44/EEC, 96/73/EC and 2008/121/EC shall be repealed with effect from ... (\*\*\*\*).

References to the repealed Directives shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex X.

#### Article 31

##### Entry into force

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

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

Done at

For the European Parliament  
The President

For the Council  
The President

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(\*) *Two years from the date of entry into force of this Regulation.*

(\*\*) *Six months from the date of entry into force of this Regulation.*

(\*\*\*) *Two years and six months from the date of entry into force of this Regulation.*

(\*\*\*\*) *The date of entry into force of this Regulation.*

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## ANNEX I

TABLE OF TEXTILE FIBRES

Number	Name	Fibre description
1	wool	Fibre from sheep's or lambs' fleeces ( <i>Ovis aries</i> ) or a mixture of fibres from sheep's or lambs' fleeces and the hairs of animals listed in item 2
2	alpaca, llama, camel, kashmir, mohair, angora vicuna, yak, guanaco, cashgora, beaver, otter, followed or not by the name 'wool' or 'hair'	hair of the following animals: alpaca, llama, camel, kashmir goat, angora goat, angora rabbit, vicuna, yak, guanaco, cashgora goat, beaver, otter
3	animal or horsehair, with or without an indication of the kind of animal (e.g. cattle hair, common goat hair, horsehair)	hair of the various animals not mentioned under 1 or 2
4	silk	fibre obtained exclusively from silk-secreting insects
5	cotton	fibre obtained from the bolls of the cotton plant ( <i>Gossypium</i> )
6	kapok	fibre obtained from the inside of the kapok fruit ( <i>Ceiba pentandra</i> )
7	flax	fibre obtained from the bast of the flax plant ( <i>Linum usitatissimum</i> )
8	true hemp	fibre obtained from the bast of hemp ( <i>Cannabis sativa</i> )
9	jute	fibre obtained from the bast of <i>Corchorus olitorius</i> and <i>Corchorus capsularis</i> . For the purposes of this Regulation, bast fibres obtained from the following species shall be treated in the same way as jute: <i>Hibiscus cannabinus</i> , <i>Hibiscus sabdariffa</i> , <i>Abutilon avicennae</i> , <i>Urena lobata</i> , <i>Urena sinuata</i>
10	abaca (Manila hemp)	fibre obtained from the sheathing leaf of <i>Musa textilis</i>
11	alfa	fibre obtained from the leaves of <i>Stipa tenacissima</i>
12	coir (coconut)	fibre obtained from the fruit of <i>Cocos nucifera</i>
13	broom	fibre obtained from the bast of <i>Cytisus scoparius</i> and/or <i>Spartium Junceum</i>
14	ramie	fibre obtained from the bast of <i>Boehmeria nivea</i> and <i>Boehmeria tenacissima</i>
15	sisal	fibre obtained from the leaves of <i>agave sisalana</i>
16	Sunn	fibre from the bast of <i>Crotalaria juncea</i>
17	Henequen	fibre from the bast of <i>Agave Fourcroydes</i>
18	Maguey	fibre from the bast of <i>Agave Cantala</i>
19	acetate	cellulose acetate fibre wherein less than 92 % but at least 74 % of the hydroxyl groups are acetylated

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Number	Name	Fibre description
20	alginate	fibre obtained from metallic salts of alginic acid
21	cupro (cuprammonium rayon)	regenerated cellulose fibre obtained by the cuprammonium process
22	modal	a regenerated cellulose fibre obtained by a modified viscose process having a high breaking force and high wet modulus. The breaking force ( $B_C$ ) in the conditioned state and the force ( $B_M$ ) required to produce an elongation of 5 % in the wet state are: $B_C$ (CN) $\geq 1,3 \sqrt{T} + 2 T$ $B_M$ (CN) $\geq 0,5 \sqrt{T}$ where T is the mean linear density in decitex
23	protein	fibre obtained from natural protein substances regenerated and stabilized through the action of chemical agents
24	triacetate	cellulose acetate fibre wherein at least 92 % of the hydroxyl groups are acetylated
25	viscose	regenerated cellulose fibre obtained by the viscose process for filament and discontinuous fibre
26	acrylic	fibre formed of linear macromolecules comprising at least 85 % (by mass) in the chain of the acrylonitrilic pattern
27	chlorofibre	fibre formed of linear macromolecules having in their chain more than 50 % by mass of chlorinated vinyl or chlorinated vinylidene monomeric units
28	fluorofibre	fibre formed of linear macromolecules made from fluorocarbon aliphatic monomers
29	modacrylic	fibre formed of linear macromolecules having in the chain more than 50 % and less than 85 % (by mass) of the acrylonitrilic pattern
30	polyamide or nylon	fibre formed from synthetic linear macromolecules having in the chain recurring amide linkages of which at least 85 % are joined to aliphatic or cycloaliphatic units
31	aramid	fibre formed from synthetic linear macromolecules made up of aromatic groups joined by amide or imide linkages, of which at least 85 % are joined directly to two aromatic rings and with the number of imide linkages, if the latter are present, not exceeding the number of amide linkages
32	polyimide	fibre formed from synthetic linear macromolecules having in the chain recurring imide units
33	lyocell	a regenerated cellulose fibre obtained by dissolution, and an organic solvent (mixture of organic chemicals and water) spinning process, without formation of derivatives
34	polylactide	fibre formed of linear macromolecules having in the chain at least 85 % (by mass) of lactic acid ester units derived from naturally occurring sugars, and which has a melting temperature of at least 135 °C
35	polyester	fibre formed of linear macromolecules comprising at least 85 % (by mass) in the chain of an ester of a diol and terephthalic acid

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Number	Name	Fibre description
36	polyethylene	fibre formed of un-substituted aliphatic saturated hydrocarbon linear macromolecules
37	polypropylene	fibre formed of an aliphatic saturated hydrocarbon linear macromolecule where one carbon atom in two carries a methyl side chain in an isotactic disposition and without further substitution
38	polycarbamide	fibre formed of linear macromolecules having in the chain the recurring ureylene (NH—CO—NH) functional group
39	polyurethane	fibre formed of linear macromolecules composed of chains with the recurring urethane functional group
40	vinylal	fibre formed of linear macromolecules whose chain is constituted by poly(vinyl alcohol) with differing levels of acetalization
41	trivinyll	fibre formed of acrylonitrile terpolymer, a chlorinated vinyl monomer and a third vinyl monomer, none of which represents as much as 50 % of the total mass
42	elastodiene	elastofibre composed of natural or synthetic polyisoprene, or composed of one or more dienes polymerized with or without one or more vinyl monomers, and which, when stretched to three times its original length and released, recovers rapidly and substantially to its initial length
43	elastane	elastofibre composed of at least 85 % (by mass) of a segmented polyurethane, and which, when stretched to three times its original length and released, recovers rapidly and substantially to its initial length
44	glass fibre	fibre made of glass
45	name corresponding to the material of which the fibres are composed, e.g. metal (metallic, metallized), asbestos, paper, followed or not by the word 'yarn' or 'fibre'	fibres obtained from miscellaneous or new materials not listed above
46	elastomultiester	fibre formed by interaction of two or more chemically distinct linear macromolecules in two or more distinct phases (of which none exceeds 85 % by mass) which contains ester groups as dominant functional unit (at least 85 %) and which, after suitable treatment when stretched to one and half times its original length and released, recovers rapidly and substantially to its initial length
47	Elastolefin	fibre composed of at least 95 % (by mass) of macromolecules partially cross-linked, made up from ethylene and at least one other olefin and which, when stretched to one and a half times its original length and released, recovers rapidly and substantially to its initial length
48	Melamine	fibre formed of at least 85 % by mass of cross-linked macromolecules made up of melamine derivatives



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## ANNEX II

MINIMUM REQUIREMENTS FOR A TECHNICAL FILE TO APPLY FOR A NEW **TEXTILE** FIBRE NAME

## (Article 6)

A technical file to propose a new **textile** fibre name for inclusion in Annex I, as referred to in Article 6, shall contain at least the following information:

- Proposed name of the fibre;

The name proposed shall be related to the chemical composition and shall provide information about the characteristics of the fibre, if appropriate. The name proposed shall be free of rights and shall not be linked to the manufacturer.

- Proposed definition of the fibre;

The characteristics mentioned in the definition of the new fibre, such as for example elasticity, shall be verifiable via testing methods to be provided with the technical file along with the experimental results of analyses.

- Identification of the fibre: chemical formula, differences from existing fibres, together with, where relevant, detailed data such as melting point, density, refractive index, burning behaviour and FTIR spectrum;

- Proposed agreed allowance;

- Sufficiently developed identification and quantification methods, including experimental data;

The applicant shall evaluate the possibility to use the methods listed in Annex VIII to this Regulation to analyse the most expected commercial mixtures of the new fibre with other fibres and shall propose at least one of those methods. For those methods where the fibre can be considered as insoluble component, the applicant shall evaluate the mass correction factors of the new fibre. All the experimental data shall be submitted with the application.

If methods listed in this Regulation are not suitable, the applicant shall provide adequate reasoning and propose a new method.

The application shall contain all the experimental data for the methods proposed. Data on the accuracy, robustness and repeatability of the methods shall be provided with the file.

- **Results of tests conducted to assess possible allergenic reactions or other adverse effects of the new fibre on human health, in compliance with relevant EU legislation;**

- Additional information to support the application: production process, consumer relevance;

- The manufacturer or its representative shall provide representative samples of the new pure fibre and the relevant fibre mixtures necessary to conduct the validation of the proposed identification and quantification methods, upon request of the Commission.

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ANNEX III

NAMES REFERRED TO IN ARTICLE 8(1)

- in Bulgarian: 'необработена вълна',
- in Spanish: 'lana virgen' or 'lana de esquilado',
- in Czech: 'střížní vlna',
- in Danish: 'ren, ny uld',
- in German: 'Schurwolle',
- in Estonian: 'uus vill',
- in Irish: 'olann lomra',
- in Greek: 'παρθένο μαλλι',
- in English: 'fleece wool' or 'virgin wool',
- in French: 'laine vierge' or 'laine de tonte',
- in Italian: 'lana vergine' or 'lana di tosa',
- in Latvian: 'pirmlietojuma vilna' or 'cirptā vilna',
- in Lithuanian: 'natūralioji vilna',
- in Hungarian: 'élőgyapjú',
- in Maltese: 'suf vergni',
- in Dutch: 'scheerwol',
- in Polish: 'żywa wełna',
- in Portuguese: 'lã virgem',
- in Romanian: 'lână virgină',
- in Slovak: 'strižná vlna',
- in Slovene: 'runska volna',
- in Finnish: 'uusi villa',
- in Swedish: 'ren ull'.
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## ANNEX IV

## SPECIAL PROVISIONS FOR THE LABELLING OF CERTAIN PRODUCTS

(Article 15)

Products	Labelling provisions
<p>1. The following corsetry products:</p> <p>(a) Brassières</p> <p>(b) Corsets</p> <p>(c) Corselets</p>	<p>The fibre composition shall be indicated on the label by stating the composition of the whole product or, either inclusively or separately, that of the components listed respectively:</p> <p>The outside and the inside fabric of the cups and back</p> <p>The front, the rear and side stiffening panels</p> <p>The outside and inside fabric of the cups, the front and rear stiffening panels and the side panels</p>
<p>2. Other corsetry products not listed above</p>	<p>The fibre composition shall be indicated by stating the composition of the whole product or, either inclusively or separately, the composition of the various components of the products. Such labelling shall not be compulsory for components representing less than 10 % of the total weight of the product.</p>
<p>3. All corsetry products</p>	<p>The separate labelling of the various parts of corsetry products shall be carried out in such a way that the end consumer can easily understand to which part of the product the information on the label refers.</p>
<p>4. Etch-printed textiles</p>	<p>The fibre composition shall be given for the product as a whole and may be indicated by stating, separately, the composition of the base fabric and that of the etched parts. Those components shall be mentioned by name</p>
<p>5. Embroidered textiles</p>	<p>The fibre composition shall be given for the product as a whole and may be indicated by stating, separately, the composition of the base fabric and that of the embroidery yarn. Those components shall be mentioned by name. Such labelling is compulsory only for the embroidered parts which amount to at least 10 % of the surface area of the product.</p>
<p>6. Yarns consisting of a core and a cover made up of different fibres and made available on the market as such to the consumer</p>	<p>The fibre composition shall be given for the product as a whole and may be indicated by stating the composition of the core and the cover separately. Those components shall be mentioned by name</p>
<p>7. Velvet and plush textiles, or textiles resembling velvet or plush</p>	<p>The fibre composition shall be given for the whole product and, where the product comprises a distinct backing and a use-surface composed of different fibres, may be stated separately for those components. Those components shall be mentioned by name</p>
<p>8. Floor coverings and carpets of which the backing and the use-surface are composed of different fibres</p>	<p>The composition may be stated for the use-surface alone. The use-surface must be mentioned by name</p>

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ANNEX V

PRODUCTS FOR WHICH LABELLING OR MARKING IS NOT MANDATORY

(Article 16(2))

1. Sleeve-supporting armbands
2. Watch straps of textile materials
3. Labels and badges
4. Stuffed pan-holders of textile materials
5. Coffee cosy covers
6. Tea cosy covers
7. Sleeve protectors
8. Muffs other than in pile fabric
9. Artificial flowers
10. Pin cushions
11. Painted canvas
12. Textile products for base and underlying fabrics and stiffenings
- █
13. Old made-up textile products, where explicitly stated to be such
14. Gaiters
15. Packagings, not new and sold as such
- █
16. Containers which are soft and without foundation, saddlery, of textile materials
17. Travel goods of textile materials
18. Hand-embroidered tapestries, finished or unfinished, and materials for their production, including embroidery yarns, sold separately from the canvas and specially presented for use in such tapestries
19. Slide fasteners
20. Buttons and buckles covered with textile materials
21. Book covers of textile materials
- █

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22. Textile parts of footwear, excepting warm linings
  23. Table mats having several components and a surface area of not more than 500 cm<sup>2</sup>
  24. Oven gloves and cloths
  25. Egg cosies
  26. Make-up cases
  27. Tobacco pouches of textile fabric
  28. Spectacle, cigarette and cigar, lighter and comb cases of textile fabric
  29. Protective requisites for sports with the exception of gloves
  30. Toilet cases
  31. Shoe-cleaning cases
  32. Funeral items
  33. Disposable products, with the exception of wadding
  34. Textile products subject to the rules of the *European Pharmacopoeia* and covered by a reference to those rules, non-disposable bandages for medical and orthopaedic use and orthopaedic textile products in general
  35. Textile products including cordage, ropes and string, subject to item 12 of Annex VI, normally intended:
    - (a) for use as equipment components in the manufacture and processing of goods;
    - (b) for incorporation in machines, installations (e.g. for heating, air conditioning or lighting), domestic and other appliances, vehicles and other means of transport, or for their operation, maintenance or equipment, other than tarpaulin covers and textile motor vehicle accessories sold separately from the vehicle
  36. Textile products for protection and safety purposes such as safety belts, parachutes, life-jackets, emergency chutes, fire-fighting devices, bulletproof waistcoats and special protective garments (e.g. protection against fire, chemical substances or other safety hazards)
  37. Air-supported structures (e.g. sports halls, exhibition stands or storage facilities), provided that details of the performances and technical specifications of these products are supplied
  38. Sails
  39. Animal clothing
  40. Flags and banners
-

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ANNEX VI

PRODUCTS FOR WHICH ONLY INCLUSIVE LABELLING OR MARKING IS MANDATORY

(Article 16(3))

1. Floorcloths
2. Cleaning cloths
3. Edgings and trimmings
4. Passementerie
5. Belts
6. Braces
7. Suspenders and garters
8. Shoe and boot laces
9. Ribbons
10. Elastic
11. New packaging sold as such
12. Packing string and agricultural twine; string, cordage and ropes other than those falling within item 35 of Annex V <sup>(1)</sup>
13. Table mats
14. Handkerchiefs
15. Bun nets and hair nets
16. Ties and bow ties for children
17. Bibs; washgloves and face flannels
18. Sewing, mending and embroidery yarns presented for retail sale in small quantities with a net weight of 1 gram or less
19. Tape for curtains and blinds and shutters

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<sup>(1)</sup> For the products falling within this item and sold in cut lengths, the inclusive labelling shall be that of the reel. The cordage and ropes falling within this item include those used in mountaineering and water sports.

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## ANNEX VII

## ITEMS NOT TO BE TAKEN INTO ACCOUNT FOR THE DETERMINATION OF FIBRE PERCENTAGES

## (Article 17)

Products	Items excluded:
a) All textile products	(i) Non-textile parts, selvages, labels and badges, edgings and trimmings not forming an integral part of the product, buttons and buckles covered with textile materials, accessories, decorations, non-elastic ribbons, elastic threads and bands added at specific and limited points of the product  (ii) Fatty substances, binders, weightings, sizings and dressings, impregnating products, additional dyeing and printing products and other textile processing products
b) Floor coverings and carpets	All components other than the use-surface
c) Upholstery fabrics	Binding and filling warps and wefts which do not form part of the use-surface
d) Hangings and curtains	Binding and filling warps and wefts which do not form part of the right side of the fabric
e) Socks	Elastic yarns used in the cuff and the stiffening and reinforcement yarns of the toe and the heel
f) Tights	Elastic yarns used in the belt and the stiffening and reinforcement yarns of the toe and the heel
g) Textile products other than those under points b) to f)	Base or underlying fabrics, stiffenings and reinforcements, inter-linings and canvas backings, stitching and assembly threads unless they replace the warp and/or weft of the fabric, fillings not having an insulating function and, subject to Article 14(1), linings.  For the purposes of this provision:  (i) the base or underlying material of textile products which serve as a backing for the use-surface, in particular in blankets and double fabrics, and the backings of velvet or plush fabrics and kindred products shall not be regarded as backings to be removed  (ii) 'stiffenings and reinforcements' mean the yarns or materials added at specific and limited points of the textile products to strengthen them or to give them stiffness or thickness

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## ANNEX VIII

## METHODS FOR THE QUANTITATIVE ANALYSIS OF BINARY AND TERNARY TEXTILE FIBRE MIXTURES

## CHAPTER 1

## I. Preparation of test samples and test specimens to determine the fibre composition of textile products

## 1. FIELD OF APPLICATION

This Chapter gives procedures for obtaining laboratory test samples of a suitable size for pre-treatment for quantitative analysis (i.e. of a mass not exceeding 100 g) from laboratory bulk samples, and for selecting test specimens from the laboratory test samples that have been pre-treated to remove non-fibrous matter <sup>(1)</sup>.

## 2. DEFINITIONS

2.1. Bulk source — The quantity of material which is assessed on the basis of one series of test results. This may comprise, for example, all the material in one delivery of cloth; all the cloth woven from a particular beam; a consignment of yarn, a bale or a group of bales of raw fibre.

2.2. Laboratory bulk sample — The portion of the bulk source taken to be representative of the whole, and which is available to the laboratory. The size and nature of the laboratory bulk sample shall be sufficient to adequately overcome the variability of the bulk source and to facilitate ease of handling in the laboratory <sup>(2)</sup>.

2.3. Laboratory test sample — That portion of the laboratory bulk sample that is subjected to pre-treatment to remove non-fibrous matter, and from which test specimens are taken. The size and nature of the laboratory test sample shall be sufficient to overcome adequately the variability of the laboratory bulk sample <sup>(3)</sup>.

2.4. Test specimen — The portion of material required to give an individual test result, and selected from the laboratory test sample.

## 3. PRINCIPLE

The laboratory test sample is selected so that it is representative of the laboratory bulk sample.

The test specimens are taken from the laboratory test sample in such a way that each of them is representative of the laboratory test sample.

## 4. SAMPLING FROM LOOSE FIBRES

4.1. Unorientated fibres — Obtain the laboratory test sample by selecting tufts at random from the laboratory bulk sample. Mix thoroughly the whole of the laboratory test sample by means of a laboratory carder <sup>(4)</sup>. Subject the web or mixture, including loose fibres and fibres adhering to the equipment used for mixing, to pre-treatment. Then select test specimens, in proportion to the respective masses, from the web or mixture, from the loose fibres and from the fibres adhering to the equipment.

If the card web remains intact after pre-treatment, select the test specimens in the manner described in 4.2. If the card web is disturbed by the pre-treatment, select each test specimen by removing at random at least 16 small tufts of suitable and approximately equal size and then combine them.

4.2. Orientated fibres (cards, webs, slivers, rovings) — From randomly selected parts of the laboratory bulk sample cut not less than 10 crosssections each of mass approximately 1 g. Subject the laboratory test sample so formed to the pre-treatment. Recombine the cross-sections by laying them side by side and obtain the test specimen by cutting through them so as to take a portion of each of the 10 lengths.

<sup>(1)</sup> In some cases it is necessary to pre-treat the individual test specimen.

<sup>(2)</sup> For made-up and finished articles see Section 7.

<sup>(3)</sup> See point 1.

<sup>(4)</sup> The laboratory carder may be replaced by a fibre blender, or the fibres may be mixed by the method of 'tufts and rejects'



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## 5. SAMPLING YARN

### 5.1. Yarn in packages or in banks — Sample all the packages in the bulk laboratory sample.

Withdraw the appropriate continuous equal lengths from each package either by winding skeins of the same number of turns on a wrap-reel <sup>(1)</sup>, or by some other means. Unite the lengths side by side either as a single skein or as a tow to form the laboratory test sample, ensuring that there are equal lengths from each package in the skein or tow.

Subject the laboratory test sample to the pre-treatment.

Take test specimens from the laboratory test sample by cutting a bunch of threads of equal length from the skein or tow, taking care to see that the bunch contains all the threads in the sample.

If the tex of the yarn is  $t$  and the number of packages selected from the laboratory bulk sample is  $n$ , then to obtain a test sample of 10 g, the length of yarn to be withdrawn from each package is  $10^6/nt$  cm

If  $nt$  is high, i.e. more than 2 000, wind a heavier skein and cut it across in two places to make a tow of suitable mass. The ends of any sample in the form of a tow shall be securely tied before pre-treatment and test specimens taken from a place remote from the tie bands.

### 5.2. Yarn on warp — Take the laboratory test sample by cutting a length from the end of the warp, not less than 20 cm long and comprising all the yarns in the warp except the selvage yarns, which are rejected. Tie the bunch of threads together near one end. If the sample is too large for pre-treatment as a whole divide it into two or more portions, each tied together for pre-treatment, and reunite the portions after each has been pre-treated separately. Take a test specimen by cutting a suitable length from the laboratory test sample from the end remote from the tie band, and comprising all the threads in the warp. For warp of $N$ threads of tex $t$ , the length of a specimen of mass 1 g is $10^3/Nt$ cm.

## 6. SAMPLING FABRIC

### 6.1. From a laboratory bulk sample consisting of a single cutting representative of the cloth

Cut a diagonal strip from one corner to the other and remove the selvages. This strip is the laboratory test sample. To obtain a laboratory test sample of  $x$  g, the strip area shall be  $x10^4/G$  cm<sup>2</sup>.

where  $G$  is the mass of the cloth in g/m<sup>2</sup>.

Subject the laboratory test sample to the pre-treatment and then cut the strip transversely into four equal lengths and superimpose them. Take test specimens from any part of the layered material by cutting through all the layers so that each specimen contains an equal length of each layer.

If the fabric has a woven design, make the width of the laboratory test sample, measured parallel to the warp direction, not less than one warp repeat of the design. If, with this condition satisfied, the laboratory test sample is too large to be treated as a whole, cut it into equal parts, pre-treat them separately, and superimpose these parts before selection of the test specimen, taking care that corresponding parts of the design do not coincide.

### 6.2. From a laboratory bulk sample consisting of several cuttings

Treat each cutting as described in 6.1, and give each result separately.

## 7. SAMPLING MADE-UP AND FINISHED PRODUCTS

The bulk laboratory sample is normally a complete made-up or finished product or representative fraction of one.

Where appropriate determine the percentage of the various parts of the product not having the same fibre content, in order to check compliance with Article 14.

<sup>(1)</sup> If the packages can be mounted in a convenient creel a number can be wound simultaneously.

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Select a laboratory test sample representative of the part of the made-up or finished product, whose composition must be shown by the label. If the product has several labels, select laboratory test samples representative of each part corresponding to a given label.

If the product whose composition is to be determined is not uniform, it may be necessary to select laboratory test samples from each of the parts of the product and to determine the relative proportions of the various parts in relation to the whole product in question.

Then calculate the percentages taking into account the relative proportions of the sampled parts.

Subject the laboratory test samples to the pre-treatment.

Then select test specimens representative of the pre-treated laboratory test samples.

## II. Introduction to the methods for the quantitative analysis of textile fibre mixtures

Methods for the quantitative analysis of fibre mixtures are based on two main processes, the manual separation and the chemical separation of fibres.

The method of manual separation shall be used whenever possible since it generally gives more accurate results than the chemical method. It can be used for all textiles whose component fibres do not form an intimate mixture, as for example in the case of yarns composed of several elements each of which is made up of only one type of fibre, or fabrics in which the fibre of the warp is of a different kind to that of the weft, or knitted fabrics capable of being unravelled made up of yarns of different types.

In general, the methods of chemical quantitative analysis are based on the selective solution of the individual components. After the removal of a component the insoluble residue is weighed, and the proportion of the soluble component is calculated from the loss in mass. This first part of the Annex gives the information common to the analyses by this method of all fibre mixtures dealt with in the Annex, whatever their composition. It shall thus be used in conjunction with the succeeding individual sections of the Annex, which contain the detailed procedures applicable to particular fibre mixtures. Occasionally, an analysis is based on a principle other than selective solution; in such cases full details are given in the appropriate section.

Mixtures of fibres during processing and, to a lesser extent, finished textiles may contain non-fibrous matter, such as fats, waxes or dressings, or water-soluble matter, either occurring naturally or added to facilitate processing. Non-fibrous matter must be removed before analysis. For this reason a method for removing oils, fats, waxes and water-soluble matter is also given.

In addition, textiles may contain resins or other matter added to confer special properties. Such matter, including dyestuffs in exceptional cases, may interfere with the action of the reagent on the soluble component and/or it may be partially or completely removed by the reagent. This type of added matter may thus cause errors and shall be removed before the sample is analysed. If it is impossible to remove such added matter the methods for quantitative chemical analysis given in this Annex are no longer applicable.

Dye in dyed fabrics is considered to be an integral part of the fibre and is not removed.

Analyses are conducted on the basis of dry mass and a procedure is given for determining dry mass.

The result is obtained by applying to the dry mass of each fibre the agreed allowances listed in Annex IX to this Regulation.

Before proceeding with any analysis, all the fibres present in the mixture shall have been identified. In some methods, the insoluble component of a mixture may be partially dissolved in the reagent used to dissolve the soluble component(s).

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Where possible, reagents have been chosen that have little or no effect on the insoluble fibres. If loss in mass is known to occur during the analysis, the result shall be corrected; correction factors for this purpose are given. These factors have been determined in several laboratories by treating, with the appropriate reagent as specified in the method of analysis, fibres cleaned by the pre-treatment.

These correction factors apply only to undegraded fibres and different correction factors may be necessary if the fibres have been degraded before or during processing. The procedures given apply to single determinations.

At least two determinations on separate test specimens shall be made, both in the case of manual separation and in the case of chemical separation.

For confirmation, unless technically impossible, it is recommended to use alternative procedures whereby the constituent that was the residue in the standard method is dissolved out first.

## CHAPTER 2

### Methods for quantitative analysis of certain binary fibre mixtures

#### I. General information common to the methods given for the quantitative chemical analysis of textile fibre mixtures

##### I.1. Scope and field of application

The field of application for each method specifies to which fibres the method is applicable.

##### I.2. Principle

After the identification of the components of a mixture, the non-fibrous material is removed by suitable pre-treatment and then one of the components, usually by selective solution <sup>(1)</sup>. The insoluble residue is weighed and the proportion of soluble component calculated from the loss in mass. Except where this presents technical difficulties, it is preferable to dissolve the fibre present in the greater proportion, thus obtaining the fibre present in the smaller proportion as residue.

##### I.3. Materials and equipment

###### I.3.1. Apparatus

I.3.1.1. Filter crucibles and weighing bottles large enough to contain such crucibles, or any other apparatus giving identical results.

I.3.1.2. Vacuum flask.

I.3.1.3. Desiccator containing self-indicating silica gel.

I.3.1.4. Ventilated oven for drying specimens at  $105 \pm 3$  °C.

I.3.1.5. Analytical balance, accurate to 0,0002 g.

I.3.1.6. Soxhlet extractor or other apparatus giving identical results.

###### I.3.2. Reagents

I.3.2.1. Light petroleum, redistilled, boiling range 40 to 60 °C.

I.3.2.2. Other reagents are specified in the appropriate sections of each method. All reagents used should be chemically pure.

<sup>(1)</sup> Method 12 is an exception. It is based on a determination of the content of a constituent substance of one of the two components.

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I.3.2.3. Distilled or deionized water.

I.3.2.4. Acetone.

I.3.2.5. Orthophosphoric acid.

I.3.2.6. Urea.

I.3.2.7. Sodium bicarbonate.

All reagents used shall be chemically pure.

I.4. Conditioning and testing atmosphere

Because dry masses are determined, it is unnecessary to condition the specimen or to conduct analyses in a conditioned atmosphere.

I.5. Laboratory test sample

Take a laboratory test sample that is representative of the laboratory bulk sample and sufficient to provide all the specimens, each of at least 1 g, that are required.

I.6. Pre-treatment of laboratory test sample <sup>(1)</sup>

Where a substance not to be taken into account in the percentage calculations (see Article 17 of this Regulation) is present, it shall first be removed by a suitable method that does not affect any of the fibre constituents.

For this purpose, non-fibrous matter which can be extracted with light petroleum and water is removed by treating the air-dry test sample in a Soxhlet extractor with light petroleum for one hour at a minimum rate of six cycles per hour. Allow the light petroleum to evaporate from the sample, which is then extracted by direct treatment consisting in soaking the specimen in water at room temperature for one hour and then soaking it in water at  $65 \pm 5$  °C for a further hour, agitating the liquor from time to time. Use a liquor-specimen ratio of 100:1. Remove the excess water from the sample by squeezing, suction or centrifuging and then allow the sample to become air-dry.

In the case of elastolefin or fibre mixtures containing elastolefin and other fibres (wool, animal hair, silk, cotton, flax, true hemp, jute, abaca, alfa, coir, broom, ramie, sisal, cupro, modal, protein, viscose, acrylic, polyamide or nylon, polyester, elastomultiester) the procedure just described shall be slightly modified, in fact light petroleum ether shall be replaced by acetone.

In the case of binary mixtures containing elastolefin and acetate the following procedure shall apply as pre-treatment. Extract the specimen for 10 minutes at 80 °C with a solution containing 25 g/l of 50 % orthophosphoric acid and 50 g/l of urea. Use a liquor-specimen ratio of 100:1. Wash the specimen in water, then drain and wash it in a 0,1 % sodium bicarbonate solution, finally wash it carefully in water.

Where non-fibrous matter cannot be extracted with light petroleum and water, it shall be removed by substituting for the water method described above a suitable method that does not substantially alter any of the fibre constituents. However, for some unbleached, natural vegetable fibres (e.g. jute, coir) it is to be noted that normal pre-treatment with light petroleum and water does not remove all the natural non-fibrous substances; nevertheless additional pre-treatment is not applied unless the sample does contain finishes insoluble in both light petroleum and water.

Analysis reports shall include full details of the methods of pre-treatment used.

<sup>(1)</sup> See Chapter 1.1

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## I.7. Test procedure

## I.7.1. General instructions

## I.7.1.1. Drying

Conduct all drying operations for not less than four hours and not more than 16 hours at  $105 \pm 3$  °C in a ventilated oven with the oven door closed throughout. If the drying period is less than 14 hours, the specimen must be weighed to check that its mass has become constant. The mass may be considered to have become constant if, after a further drying period of 60 minutes, its variation is less than 0,05 %.

Avoid handling crucibles and weighing bottles, specimens or residues with bare hands during the drying, cooling and weighing operations.

Dry specimens in a weighing bottle with its cover beside it. After drying, stopper the weighing bottle before removing it from the oven, and transfer it quickly to the desiccator.

Dry the filter crucible in a weighing bottle with its cover beside it in the oven. After drying, close the weighing bottle and transfer it quickly to the desiccator.

Where apparatus other than a filter crucible is used, drying operations in the oven shall be conducted in such a way as to enable the dry mass of the fibres to be determined without loss.

## I.7.1.2. Cooling

Conduct all cooling operations in the desiccator the latter placed beside the balance, until complete cooling of the weighing bottles is attained, and in any case for not less than two hours.

## I.7.1.3. Weighing

After cooling, complete the weighing of the weighing bottle within two minutes of its removal from the desiccator. Weigh to an accuracy of 0,0002 g.

## I.7.2. Procedure

Take from the pre-treated laboratory test sample a test specimen weighing at least 1 g. Cut yarn or cloth into lengths of about 10 mm, dissected as much as possible. Dry the specimen in a weighing bottle, cool it in the desiccator and weigh it. Transfer the specimen to the glass vessel specified in the appropriate section of the relevant **Union** method, reweigh the weighing bottle immediately and obtain the dry mass of the specimen by difference. Complete the test as specified in the appropriate section of the applicable method. Examine the residue microscopically to check that the treatment has in fact completely removed the soluble fibre.

## I.8. Calculation and expression of results

Express the mass of the insoluble component as a percentage of the total mass of fibre in the mixture. The percentage of soluble component is obtained by difference. Calculate the results on the basis of clean, dry mass, adjusted by (a) the agreed allowances and (b) the correction factors necessary to take account of loss of matter during pre-treatment and analysis. Calculations shall be made by applying the formula given in I.8.2.

## I.8.1. Calculation of percentage of insoluble component on clean, dry mass basis, disregarding loss of fibre mass during pre-treatment.

$$P_1\% = \frac{100 rd}{m}$$

where

$P_1\%$  is the percentage of clean, dry insoluble component,

$m$  is the percentage of dry mass of the test specimen after pre-treatment,

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r is the dry mass of the residue,

d is the correction factor for loss in mass of the insoluble component in the reagent during the analysis. Suitable values for 'd' are given in the relevant section of each method.

Of course, these values for 'd' are the normal values applicable to chemically undegraded fibres.

- I.8.2. Calculation of percentage of insoluble component on clean, dry mass basis, with adjustment by conventional factors and, where appropriate, correction factors for loss of mass during pre-treatment

$$P_{1A}\% = \frac{100 P_1 \left( 1 + \frac{a_1 + b_1}{100} \right)}{P_1 \left( 1 + \frac{a_1 + b_1}{100} \right) + (100 - P_1) \left( 1 + \frac{a_2 + b_2}{100} \right)}$$

where

$P_{1A}\%$  is the percentage of insoluble component adjusted by conventional agreed allowances and for loss in mass during pre-treatment,

$P_1$  is the percentage of clean dry insoluble component as calculated from the formula shown in I.8.1,

$a_1$  is the conventional agreed allowance for the insoluble component (see Annex IX),

$a_2$  is the conventional agreed allowance for the soluble component (see Annex IX),

$b_1$  is the percentage loss of insoluble component caused by pre-treatment,

$b_2$  is the percentage loss of soluble component caused by pre-treatment.

The percentage of the second component is  $P_{2A}\% = 100 - P_{1A}\%$ .

Where a special pre-treatment has been used, the values of  $b_1$  and  $b_2$  shall be determined, if possible, by submitting each of the pure fibre constituents to the pre-treatment applied in the analysis. Pure fibres are those free from all non-fibrous material except that which they normally contain (either naturally or because of the manufacturing process), in the state (unbleached, bleached) in which they are found in the material to be analysed.

Where no clean separate constituent fibres used in the manufacture of the material to be analysed are available, average values of  $b_1$  and  $b_2$  as obtained from tests performed on clean fibres similar to those in the mixture under examination, shall be used.

If normal pre-treatment by extraction with light petroleum and water is applied, correction factors  $b_1$  and  $b_2$  may generally be ignored, except in the case of unbleached cotton, unbleached flax and unbleached hemp, where the loss due to the pre-treatment is conventionally taken as 4 %, and in the case of polypropylene, where it is taken as 1 %.

In the case of other fibres, losses due to the pre-treatment are conventionally disregarded in calculations.

## II. Method of quantitative analysis by manual separation

### II.1. Field of application

This method is applicable to textile fibres of all types provided they do not form an intimate mixture and that it is possible to separate them by hand.

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## II.2. Principle

After identification of the constituents of the textile, the non-fibrous material is removed by suitable pre-treatment and then the fibres are separated by hand, dried and weighed in order to calculate the proportion of each fibre in the mixture.

## II.3. Apparatus

II.3.1. Weighing bottle or any other apparatus giving identical results.

II.3.2. Desiccator containing self-indicating silica gel.

II.3.3. Ventilated oven for drying specimens at  $105 \pm 3$  °C.

II.3.4. Analytical balance, accurate to 0,0002 g.

II.3.5. Soxhlet extractor, or other apparatus giving an identical result.

II.3.6. Needle.

II.3.7. Twist tester or similar apparatus.

## II.4. Reagents

II.4.1. Light petroleum, redistilled, boiling range 40 to 60 °C.

II.4.2. Distilled or deionized water.

## II.5. Conditioning and testing atmosphere

See I.4.

## II.6. Laboratory test sample

See I.5.

## II.7. Pre-treatment of laboratory test sample

See I.6.

## II.8. Procedure

## II.8.1. Analysis of yarn

Select from the pre-treatment laboratory test sample a specimen of mass not less than 1 g. For a very fine yarn, the analysis may be made on a minimum length of 30 m, whatever its mass.

Cut the yarn into pieces of a suitable length and separate the fibre types by means of a needle and, if necessary, a twist tester. The fibre types so obtained are placed in pre-weighed weighing bottles and dried at  $105 \pm 3$  °C until a constant mass is obtained, as described in I.7.1 and I.7.2.

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## II.8.2. Analysis of cloth

Select from the pre-treated laboratory test sample, well away from all selvages, a specimen of mass not less than 1 g, with edges carefully trimmed to avoid fraying and running parallel with weft or warp yarns, or in the case of knitted fabrics in the line of wales and courses. Separate the different fibre types, collect them in pre-weighed weighing bottles and proceed as described in II.8.1.

## II.9. Calculation and expression of results

Express the mass of each fibre constituent as a percentage of the total mass of the fibres in the mixture. Calculate the results on the basis of clean, dry mass, adjusted by (a) the agreed allowances and (b) the correction factors necessary to take account of loss of matter during pre-treatment.

## II.9.1. Calculation of percentage masses of clean, dry fibre, disregarding loss of fibre mass during pre-treatment:

$$P_1\% = \frac{100 m_1}{m_1 + m_2} = \frac{100}{1 + \frac{m_2}{m_1}}$$

$P_1\%$  is the percentage of the first clean, dry component,

$m_1$  is the clean, dry mass of the first component,

$m_2$  is the clean, dry mass of the second component.

## II.9.2. For calculation of the percentage of each component with adjustment by agreed allowances and, where appropriate, by correction factors for loss of matter during pre-treatment, see I.8.2.

## III.1. Precision of the methods

The precision indicated in individual methods relates to the reproducibility.

The reproducibility refers to the reliability, i.e. the closeness of agreement between experimental values obtained by operators in different laboratories or at different times using the same method and obtaining individual results on specimens of an identical consistent mixture.

The reproducibility is expressed by confidence limits of the results for a confidence level of 95 %.

Therefore, the difference between two results in a series of analyses made in different laboratories would, given a normal and correct application of the method to an identical and consistent mixture, be exceeded only in five cases out of a 100.

## III.2. Test report

## III.2.1. State that the analysis was conducted in accordance with this method.

## III.2.2. Give details of any special pre-treatment (see I.6).

## III.2.3. Give the individual results and the arithmetic mean, each to an accuracy of 0,1.



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## IV. Special methods

SUMMARY TABLE

Method	Field of application		Reagent
	Soluble component	Insoluble component	
1.	Acetate	Certain other fibres	Acetone
2.	Certain protein fibres	Certain other fibres	Hypochlorite
3.	Viscose, cupro or certain types of modal	Cotton, elastolefin or melamine	Formic acid and zinc chloride
4.	Polyamide or nylon	Certain other fibres	Formic acid, 80 % m/m
5.	Acetate	Triacetate, elastolefin or melamine	Benzyl alcohol
6.	Triacetate or polylactide	Certain other fibres	Dichloromethane
7.	Certain cellulose fibres	Polyester, elastomultiester or elastolefin	Sulphuric acid, 75 % m/m
8.	Acrylics, certain modacrylics or certain chlorofibres	Certain other fibres	Dimethylformamide
9.	Certain chlorofibres	Certain other fibres	Carbon disulphide/acetone, 55,5/44,5 v/v
10.	Acetate	Certain chlorofibres, elastolefin or melamine	Glacial acetic acid
11.	Silk	Wool, hair, elastolefin or melamine	Sulphuric acid, 75 % m/m
12.	Jute	Certain animal fibres	Nitrogen content method
13.	Polypropylene	Certain other fibres	Xylene
14.	Certain other fibres	Chlorofibres (homopolymers of vinyl chloride), elastolefin or melamine	Concentrated sulphuric acid method
15.	Chlorofibres, certain modacrylics, certain elastanes, acetates, triacetates	Certain other fibres	Cyclohexanone
16.	Melamine	Cotton or aramid	Hot formic acid, 90 % m/m

## METHOD No 1

## ACETATE AND CERTAIN OTHER FIBRES

(Acetone method)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

## 1. acetate (19)

with

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2. wool (1), animal hair (2 and 3), silk (4), cotton (5), flax (7) true hemp (8), jute (9), abaca (10), alfa (11), coir (12), broom (13), ramie (14), sisal (15), cupro (21), modal (22), protein (23), viscose (25), acrylic (26), polyamide or nylon (30), polyester (35) elastomultiester (46), elastolefin (47) and melamine (48).

In no circumstances is the method applicable to acetate fibres which have been deacetylated on the surface.

## 2. PRINCIPLE

The acetate is dissolved out from a known dry mass of the mixture, with acetone. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry acetate is found by difference.

## 3. APPARATUS AND REAGENTS (additional to those specified in the general instructions)

### 3.1. Apparatus

Glass-stoppered conical flasks of at least 200 ml capacity.

### 3.2. Reagent

Acetone.

## 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in a glass-stoppered conical flask of at least 200 ml capacity, add 100 ml of acetone per gram of specimen, shake the flask, stand it for 30 minutes at room temperature, stirring from time to time, and then decant the liquid through the weighed filter crucible.

Repeat the treatment twice more (making three extractions in all), but for periods of 15 minutes only, so that the total time of treatment in acetone is one hour. Transfer the residue to the filter crucible. Wash the residue in the filter crucible with acetone and drain with suction. Refill the crucible with acetone and allow to drain under gravity.

Finally, drain the crucible with suction, dry the crucible and residue, and cool and weigh them.

## 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for melamine, for which 'd' = 1,01.

## 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

### METHOD No 2

#### CERTAIN PROTEIN FIBRES AND CERTAIN OTHER FIBRES

(Method using hypochlorite)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. certain protein fibres, namely: wool (1), animal hair (2 and 3), silk (4), protein (23)

with

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2. cotton (5), cupro (21), viscose (25), acrylic (26), chlorofibres (27), polyamide or nylon (30), polyester (35), polypropylene (37), elastane (43), glass fibre (44) elastomultiester (46), elastolefin (47) and melamine (48).

If different protein fibres are present, the method gives the total of their amounts but not their individual quantities.

## 2. PRINCIPLE

The protein fibre is dissolved out from a known dry mass of the mixture, with a hypochlorite solution. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry protein fibre is found by difference.

Either lithium hypochlorite or sodium hypochlorite can be used for the preparation of the hypochlorite solution.

Lithium hypochlorite is recommended in cases involving a small number of analyses or for analyses conducted at fairly lengthy intervals. This is because the percentage of hypochlorite in solid lithium hypochlorite — unlike that in sodium hypochlorite — is virtually constant. If the percentage of hypochlorite is known, hypochlorite content need not be checked iodometrically for each analysis, since a constant weighed portion of lithium hypochlorite can be employed.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

### 3.1. Apparatus

(i) Erlenmeyer flask with ground-glass stopper, 250 ml.

(ii) Thermostat, adjustable to 20 ( $\pm$  2) °C.

### 3.2. Reagents

(i) Hypochlorite reagent

(a) Lithiumhypochloritesolution

This consists of a freshly prepared solution containing 35 ( $\pm$  2) g/l of active chlorine (approximately 1 M), to which 5 ( $\pm$  0,5) g/l of previously dissolved sodium hydroxide is added. To prepare, dissolve 100 grams of lithium hypochlorite containing 35 % active chlorine (or 115 grams containing 30 % active chlorine) in approximately 700 ml of distilled water, add 5 grams of sodium hydroxide dissolved in approximately 200 ml of distilled water and make up to 1 litre with distilled water. The solution which has been freshly prepared need not be checked iodometrically.

(b) Sodiumhypochloritesolution

This consists of a freshly prepared solution containing 35 ( $\pm$  2) g/l of active chlorine (approximately 1 M) to which 5 ( $\pm$  0,5) g/l of previously dissolved sodium hydroxide is added.

Check the active chlorine content of the solution iodometrically before each analysis.

(ii) Acetic acid, dilute solution

Dilute 5 ml of glacial acetic acid to 1 litre with water.

## 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows: mix approximately 1 gram of the sample with approximately 100 ml of the hypochlorite solution (lithium or sodium hypochlorite) in the 250 ml flask and agitate thoroughly in order to wet out the sample.

Then heat the flask for 40 minutes in a thermostat at 20 °C and agitate continuously, or at least at regular intervals. Since the dissolution of the wool proceeds exothermically, the reaction heat of this method must be distributed and removed. Otherwise, considerable errors may be caused by the incipient dissolution of the non-soluble fibres.

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After 40 minutes, filter the flask contents through a weighed glass-filter crucible and transfer any residual fibres into the filter crucible by rinsing the flask with a little hypochlorite reagent. Drain the crucible with suction and wash the residue successively with water, dilute acetic acid, and finally water, draining the crucible with suction after each addition. Do not apply suction until each washing liquor has drained under gravity.

Finally, drain the crucible with suction, dry the crucible with the residue, and cool and weigh them.

#### 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for cotton, viscose, modal and melamine for which 'd' = 1,01, and unbleached cotton, for which 'd' = 1,03.

#### 6. PRECISION

On homogeneous mixtures of textile materials, the confidence limits for results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

### METHOD No 3

#### VISCOSE, CUPRO OR CERTAIN TYPES OF MODAL AND COTTON

(Method using formic acid and zinc chloride)

#### 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. viscose (25) or cupro (21), including certain types of modal fibre (22),

with

2. cotton (5), elastolefin (47) and melamine (48).

If a modal fibre is found to be present, a preliminary test shall be carried out to see whether it is soluble in the reagent.

This method is not applicable to mixtures in which the cotton has suffered extensive chemical degradation nor when the viscose or cupro is rendered incompletely soluble by the presence of certain dyes or finishes that cannot be removed completely.

#### 2. PRINCIPLE

The viscose, cupro or modal fibre is dissolved from a known dry mass of the mixture, with a reagent consisting of formic acid and zinc chloride. The residue is collected, washed, dried and weighed; its corrected mass is expressed as a percentage of the dry mass of the mixture. The percentage of dry viscose, cupro or modal fibre is found by difference.

#### 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

##### 3.1. Apparatus

- (i) Glass-stoppered conical flasks of at least 200 ml capacity.

- (ii) Apparatus for maintaining flasks at 40 ( $\pm 2$ ) °C.

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### 3.2. Reagents

- (i) Solution containing 20 g of fused anhydrous zinc chloride and 68 g of anhydrous formic acid made up to 100 g with water (namely 20 parts by mass of fused anhydrous zinc chloride to 80 parts by mass of 85 % m/m formic acid).

NB:

Attention is drawn, in this respect, to point I.3.2.2, which lays down that all reagents used shall be chemically pure; in addition, it is essential to use only fused anhydrous zinc chloride.

- (ii) Ammonium hydroxide solution: dilute 20 ml of a concentrated ammonia solution (specific gravity 0,880 g/ml) to 1 litre with water.

### 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows: place the specimen immediately in the flask, pre-heated to 40 °C. Add 100 ml of the solution of formic acid and zinc chloride, pre-heated to 40 °C per gram of specimen. Insert the stopper and shake the flask vigorously. Keep the flask and its contents at a constant temperature of 40 °C for two hours and a half, shaking the flask at hourly intervals.

Filter the contents of the flask through the weighed filter crucible and with the help of the reagent transfer to the crucible any fibres remaining in the flask. Rinse with 20 ml of reagent.

Wash crucible and residue thoroughly with water at 40 °C. Rinse the fibrous residue in approximately 100 ml of cold ammonia solution (3.2.ii) ensuring that this residue remains wholly immersed in the solution for 10 minutes; then rinse thoroughly with cold water.

Do not apply suction until each washing liquor has drained under gravity.

Finally, drain the remaining liquid with suction, dry the crucible and residue, and cool and weigh them.

### 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,02 for cotton, 1,01 for melamine and 1,00 for elastolefin.

### 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 2$  for a confidence level of 95 %.

## METHOD No 4

### POLYAMIDE OR NYLON, AND CERTAIN OTHER FIBRES

(Method using 80 % m/m formic acid)

#### 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. polyamide or nylon, (30),

with

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2. wool (1), animal hair (2 and 3), cotton (5), cupro (21), modal (22), viscose (25), acrylic (26), chlorofibre (27), polyester (35), polypropylene (37), glass fibre (44), elastomultiester (46), elastolefin (47) and melamine (48).

As mentioned above, this method is also applicable to mixtures with wool, but when the wool content exceeds 25 %, method No 2 shall be applied (dissolving wool in a solution of alkaline sodium hypochlorite).

## 2. PRINCIPLE

The polyamide fibre is dissolved out from a known dry mass of the mixture, with formic acid. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry polyamide or nylon is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

### 3.1. Apparatus

Glass-stoppered conical flask of at least 200 ml capacity.

### 3.2. Reagents

- (i) Formic acid (80 % m/m, relative density at 20 °C: 1,186). Dilute 880 ml of 90 % m/m formic acid (relative density at 20 °C: 1,204) to 1 litre with water. Alternatively, dilute 780 ml of 98 to 100 % m/m formic acid (relative density at 20 °C: 1,220) to 1 litre with water.

The concentration is not critical within the range 77 to 83 % m/m formic acid.

- (ii) Ammonia, dilute solution: dilute 80 ml of concentrated ammonia solution (relative density at 20 °C: 0,880) to 1 litre with water.

## 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows: to the specimen contained in the conical flask of at least 200 ml capacity, add 100 ml of formic acid per gram of specimen. Insert the stopper, shake the flask to wet out the specimen. Stand the flask for 15 minutes at room temperature, shaking it at intervals. Filter the contents of the flask through the weighed filter crucible and transfer any residual fibres to the crucible by washing out the flask with a little formic acid reagent.

Drain the crucible with suction and wash the residue on the filter successively with formic acid reagent, hot water, dilute ammonia solution, and finally cold water, draining the crucible with suction after each addition. Do not apply suction until each washing liquor has drained under gravity.

Finally, drain the crucible with suction, dry the crucible and residue, and cool and weigh them.

## 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for melamine, for which 'd' = 1,01.

## 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

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## METHOD No 5

## ACETATE AND TRIACETATE

(Method using benzyl alcohol)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

— acetate (19)

with

— triacetate (24), elastolefin (47) and melamine (48).

## 2. PRINCIPLE

The acetate fibre is dissolved out from a known dry mass of the mixture, with benzyl alcohol at  $52 \pm 2$  °C.

The residue is collected, washed, dried and weighed; its mass is expressed as a percentage of the dry mass of the mixture. The percentage of dry acetate is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

## 3.1. Apparatus

(i) Glass-stoppered conical flask of at least 200 ml capacity.

(ii) Mechanical shaker.

(iii) Thermostat or other apparatus for keeping the flask at a temperature of  $52 \pm 2$  °C.

## 3.2. Reagents

(i) Benzyl alcohol.

(ii) Ethanol.

## 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in the conical flask, add 100 ml of benzyl alcohol per gram of specimen. Insert the stopper, secure the flask to the shaker so that it is immersed in the water-bath, kept at  $52 \pm 2$  °C, and shake for 20 minutes at this temperature.

(Instead of using a mechanical shaker, the flask may be shaken vigorously by hand).

Decant the liquid through the weighed filter crucible. Add a further dose of benzyl alcohol in the flask and shake as before at  $52 \pm 2$  °C for 20 minutes.

Decant the liquid through the crucible. Repeat the cycle of operations a third time.

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Finally pour the liquid and the residue into the crucible; wash any remaining fibres from the flask into the crucible with an extra quantity of benzyl alcohol at  $52 \pm 2$  °C. Drain the crucible thoroughly.

Transfer the fibres into a flask, rinse with ethanol and after shaking manually decant through the filter crucible.

Repeat this rinsing operation two or three times. Transfer the residue into the crucible and drain thoroughly. Dry the crucible and the residue and cool and weigh them.

#### 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for melamine, for which 'd' = 1,01.

#### 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

### METHOD No 6

#### TRIACETATES AND CERTAIN OTHER FIBRES

(Method using dichloromethane)

#### 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. triacetate (24) or polylactide (34)

with

2. wool (1), animal hair (2 and 3), silk (4), cotton (5), (21), modal (22), viscose (25), acrylic (26), polyamide or nylon (30), polyester (35), glass fibre (44) elastomultiester (46), elastolefin (47) and melamine (48).

*Note:*

Triacetate fibres which have received a finish leading to partial hydrolysis cease to be completely soluble in the reagent. In such cases, the method is not applicable.

#### 2. PRINCIPLE

The triacetate or polylactide fibres are dissolved out from a known dry mass of the mixture, with dichloromethane. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry triacetate or polylactide is found by difference.

#### 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

##### 3.1. Apparatus

Glass-stoppered conical flask of at least 200 ml capacity.

##### 3.2. Reagent

Dichloromethane.



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## 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in the 200 ml glass-stoppered conical flask, add 100 ml of dichloromethane per gram of specimen, insert the stopper, shake the flask every 10 minutes to wet out the specimen and stand for 30 minutes at room temperature, shaking the flask at regular intervals. Decant the liquid through the weighed filter crucible. Add 60 ml of dichloromethane to the flask containing the residue, shake manually and filter the contents of the flask through the filter crucible. Transfer the residual fibres to the crucible by washing out the flask with a little more dichloromethane. Drain the crucible with suction to remove excess liquid, refill the crucible with dichloromethane and allow it to drain under gravity.

Finally, apply suction to eliminate excess liquid, then treat the residue with boiling water to eliminate all the solvent, apply suction, dry the crucible and residue, cool and weigh them.

## 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except in the case of polyester, elastomultiester, elastolefin and melamine for which the value of 'd' is 1,01.

## 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

## METHOD No 7

## CERTAIN CELLULOSE FIBRES AND POLYESTER

(Method using 75 % m/m sulphuric acid)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. cotton (5), flax (7), true hemp (8), ramie (14), cupro (21), modal (22), viscose (25)

with

2. polyester (35), elastomultiester (46) and elastolefin (47).

## 2. PRINCIPLE

The cellulose fibre is dissolved out from a known dry mass of the mixture, with 75 % m/m sulphuric acid. The residue is collected, washed, dried and weighed; its mass is expressed as a percentage of the dry mass of the mixture. The proportion of dry cellulose fibre is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

## 3.1. Apparatus

(i) Glass-stoppered conical flask of at least 500 ml capacity.

(ii) Thermostat or other apparatus for maintaining the flask at  $50 \pm 5$  °C.

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### 3.2. Reagents

- (i) Sulphuric acid,  $75 \pm 2$  % m/m

Prepare by adding carefully, while cooling, 700 ml of sulphuric acid (relative density at 20 °C: 1,84) to 350 ml of distilled water.

After the solution has cooled to room temperature, dilute to 1 litre with water.

- (ii) Ammonia, dilute solution

Dilute 80 ml of ammonia solution (relative density at 20 °C: 0,88) to 1 litre with water.

### 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in the glass-stoppered conical flask of at least 500 ml capacity, add 200 ml of 75 % sulphuric acid per gram of specimen, insert the stopper and carefully shake the flask to wet out the specimen.

Maintain the flask at  $50 \pm 5$  °C for one hour, shaking it at regular intervals of roughly 10 minutes. Filter the contents of the flask through the weighed filter crucible by means of suction. Transfer any residual fibres by washing out the flask with a little 75 % sulphuric acid. Drain the crucible with suction and wash the residue on the filter once by filling the crucible with a fresh portion of sulphuric acid. Do not apply suction until the acid has drained under gravity.

Wash the residue successively several times with cold water, twice with dilute ammonia solution, and then thoroughly with cold water, draining the crucible with suction after each addition. Do not apply suction until each washing liquor has drained under gravity. Finally, drain the remaining liquid from the crucible with suction, dry the crucible and residue, and cool and weigh them.

### 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00.

### 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

## METHOD No 8

### ACRYLICS, CERTAIN MODACRYLICS OR CERTAIN CHLOROFIBRES AND CERTAIN OTHER FIBRES

(Method using dimethylformamide)

#### 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. acrylics (26), certain modacrylics (29), or certain chlorofibres (27) <sup>(1)</sup>

with

2. wool (1), animal hair (2 and 3), silk (4), cotton (5), cupro (21), modal (22), viscose (25), polyamide or nylon (30), polyester (35), elastomultiester (46), elastolefin (47) and melamine (48).

It is equally applicable to acrylics, and certain modacrylics, treated with premetallised dyes, but not to those dyed with afterchrome dyes.

<sup>(1)</sup> The solubility of such modacrylics or chlorofibres in the reagent shall be checked before carrying out the analysis.

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## 2. PRINCIPLE

The acrylic, modacrylic or chlorofibre is dissolved out from a known dry mass of the mixture, with dimethylformamide heated in a water-bath at boiling point. The residue is collected, washed, dried and weighed. Its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture and the percentage of dry acrylic, modacrylic or chlorofibre is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

### 3.1. Apparatus

(i) Glass-stoppered conical flask of at least 200 ml capacity.

(ii) Water bath at boiling point.

### 3.2. Reagent

Dimethylformamide (boiling point  $153 \pm 1$  °C) not containing more than 0,1 % water.

This reagent is toxic and the use of a hood is thus recommended.

## 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in the glass-stoppered conical flask of at least 200 ml capacity, add per gram of specimen 80 ml of dimethylformamide, pre-heated in the water-bath at boiling point, insert the stopper, shake the flask to wet out the specimen and heat in the water-bath at boiling point for one hour. Shake the flask and its contents gently by hand five times during this period.

Decant the liquid through the weighed filter crucible, retaining the fibres in the flask. Add a further 60 ml of dimethylformamide to the flask and heat for a further 30 minutes, shaking the flask and contents gently by hand twice during this period.

Filter the contents of the flask through the filter crucible by means of suction.

Transfer any residual fibre to the crucible by washing out the beaker with dimethylformamide. Drain the crucible with suction. Wash the residue with about 1 litre of hot water at 70 — 80 °C, filling the crucible each time.

After each addition of water, apply suction briefly but not until the water has drained under gravity. If the washing liquor drains through the crucible too slowly slight suction may be applied.

Finally dry the crucible with the residue, cool and weigh them.

## 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00 except in the following cases:

wool 1,01

cotton 1,01

cupro 1,01

modal 1,01

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polyester 1,01

elastomultiester 1,01

melamine 1,01.

## 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

### METHOD No 9

#### CERTAIN CHLOROFIBRES AND CERTAIN OTHER FIBRES

(Method using 55,5/44,5 mixture of carbon disulphide and acetone)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. certain chlorofibres (27), namely certain polyvinyl chloride fibres, whether after-chlorinated or not <sup>(1)</sup>

with

2. wool (1), animal hair (2 and 3), silk (4), cotton (5), cupro (21), modal (22), viscose (25), acrylic (26), polyamide or nylon (30), polyester (35), glass fibre (44), elastomultiester (46) and melamine (48).

When the wool or silk content of the mixture exceeds 25 %, method No 2 shall be used.

When the polyamide or nylon content of the mixture exceeds 25 %, method No 4 shall be used.

## 2. PRINCIPLE

The chlorofibre is dissolved out from a known dry mass of the mixture, with an azeotropic mixture of carbon disulphide and acetone. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry polyvinyl chloride fibre is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

### 3.1. Apparatus

- (i) Glass-stoppered conical flask of at least 200 ml capacity.

- (ii) Mechanical shaker.

### 3.2. Reagents

- (i) Azeotropic mixture of carbon disulphide and acetone (55,5 % by volume carbon disulphide to 44,5 % acetone). As this reagent is toxic, the use of a hood is recommended.

- (ii) Ethanol (92 % by volume) or methanol.

<sup>(1)</sup> Before carrying out the analysis, the solubility of the polyvinyl chloride fibres in the reagent shall be checked.

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#### 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in the glass-stoppered conical flask of at least 200 ml capacity, add 100 ml of the azeotropic mixture per gram of specimen. Seal the flask securely, and shake the flask on a mechanical shaker, or vigorously by hand, for 20 minutes at room temperature.

Decant the supernatant liquid through the weighed filter crucible.

Repeat the treatment with 100 ml of fresh reagent. Continue this cycle of operations until no polymer deposit is left on a watch glass when a drop of the extraction liquid is evaporated. Transfer the residue to the filter crucible using more reagent, apply suction to remove the liquid, and rinse the crucible and residue with 20 ml of alcohol and then three times with water. Allow the washing liquor to drain under gravity before draining with suction. Dry the crucible and residue and cool and weigh them.

*Note:*

With certain mixtures having a high chlorofibre content there may be substantial shrinkage of the specimen during the drying procedure, as a result of which the dissolution of chlorofibre by the solvent is retarded.

This does not, however, affect the ultimate dissolution of the chlorofibre in the solvent.

#### 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for melamine, for which 'd' = 1,01.

#### 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of the results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

### METHOD No 10

#### ACETATE AND CERTAIN CHLOROFIBRES

(Method using glacial acetic acid)

##### 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

###### 1. acetate (19)

with

###### 2. certain chlorofibres (27) namely polyvinyl chloride fibres, whether afterchlorinated or not, elastolefin (47) and melamine (48).

##### 2. PRINCIPLE

The acetate fibre is dissolved out from a known dry mass of the mixture, with glacial acetic acid. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry acetate is found by difference.

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3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

3.1. Apparatus

(i) Glass-stoppered conical flask of at least 200 ml capacity.

(ii) Mechanical shaker.

3.2. Reagent

Glacial acetic acid (over 99 %). This reagent shall be handled with care since it is highly caustic.

4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in the glass-stoppered conical flask of at least 200 ml capacity, add 100 ml glacial acetic acid per gram of specimen. Seal the flask securely and shake on the mechanical shaker, or vigorously by hand, for 20 minutes at room temperature. Decant the supernatant liquid through the weighed filter crucible. Repeat this treatment twice, using 100 ml of fresh reagent each time, making three extractions in all.

Transfer the residue to the filter crucible, drain with suction to remove the liquid and rinse the crucible and the residue with 50 ml of glacial acetic acid, and then three times with water. After each rinse, allow the liquid to drain under gravity before applying suction. Dry the crucible and residue, and cool and weigh them.

5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00.

6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of the results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

METHOD No 11

SILK AND WOOL OR HAIR

(Method using 75 % m/m sulphuric acid)

1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. silk (4)

with

2. wool (1), animal hair (2 and 3), elastolefin (47) and melamine (48).

2. PRINCIPLE

The silk fibre is dissolved out from a known dry mass of the mixture, with 75 % m/m sulphuric acid <sup>(1)</sup>.

The residue is collected, washed, dried and weighed. Its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of dry silk is found by difference.

<sup>(1)</sup> Wild silks, such as tussah silk, are not completely soluble in 75 % m/m sulphuric acid.

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### 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

#### 3.1. Apparatus

Glass-stoppered conical flask of at least 200 ml capacity.

#### 3.2. Reagents

##### (i) Sulphuric acid (75 ± 2 % m/m)

Prepare by adding carefully, while cooling, 700 ml sulphuric acid (density at 20 °C: 1,84) to 350 ml distilled water.

After cooling to room temperature, dilute the solution to 1 litre with water.

##### (ii) Sulphuric acid, dilute solution: add 100 ml sulphuric acid (density at 20 °C: 1,84) slowly to 1 900 ml distilled water.

##### (iii) Ammonia, dilute solution: dilute 200 ml concentrated ammonia (density at 20 °C: 0,880) to 1 000 ml with water.

### 4. TEST PROCEDURE

Follow the procedure described in the general instructions and proceed as follows:

To the specimen contained in a glass-stoppered conical flask of at least 200 ml capacity, add 100 ml of 75 % m/m sulphuric acid per gram of specimen and insert the stopper. Shake vigorously and stand for 30 minutes at room temperature. Shake again and stand for 30 minutes.

Shake a last time and filter the contents of the flask through the weighed filter crucible. Wash any remaining fibres from the flask with the 75 % sulphuric acid reagent. Wash the residue on the crucible successively with 50 ml of the dilute sulphuric acid reagent, 50 ml water and 50 ml of the dilute ammonia solution. Each time allow the fibres to remain in contact with the liquid for about 10 minutes before applying suction. Finally rinse with water, leaving the fibres in contact with the water for about 30 minutes.

Drain the crucible with suction, dry the crucible and residue, and cool and weigh them.

### 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 0,985 for wool, 1,00 for elastolefin and 1,01 for melamine.

### 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than ± 1 for a confidence level of 95 %.

## METHOD No 12

### JUTE AND CERTAIN ANIMAL FIBRES

(Method by determining nitrogen content)

#### 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

##### 1. jute (9)

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with

2. certain animal fibres.

The animal-fibre component may consist solely of hair (2 and 3) or wool (1) or of any mixture of the two. This method is not applicable to textile mixtures containing non-fibrous matter (dyes, finishes, etc.) with a nitrogen base.

## 2. PRINCIPLE

The nitrogen content of the mixture is determined, and from this and the known or assumed nitrogen contents of the two components, the proportion of each component is calculated.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

### 3.1. Apparatus

- (i) Kjeldahl digestion flask, 200 — 300 ml capacity.
- (ii) Kjeldahl distillation apparatus with steam injection.
- (iii) Titration apparatus, allowing precision of 0,05 ml.

### 3.2. Reagents

- (i) Toluene.
- (ii) Methanol.
- (iii) Sulphuric acid, relative density at 20 °C: 1,84.
- (iv) Potassium sulphate.
- (v) Selenium dioxide.
- (vi) Sodium hydroxide solution (400 g/litre). Dissolve 400 g of sodium hydroxide in 400 — 500 ml of water and dilute to 1 litre with water.
- (vii) Mixed indicator. Dissolve 0,1 g of methyl red in 95 ml of ethanol and 5 ml of water, and mix with 0,5 g of bromocresol green dissolved in 475 ml of ethanol and 25 ml of water.
- (viii) Boric acid solution. Dissolve 20 g of boric acid in 1 litre of water.
- (ix) Sulphuric acid, 0,02N (standard volumetric solution).

## 4. PRE-TREATMENT OF TEST SAMPLE

The following pre-treatment is substituted for the pre-treatment described in the general instructions:

Extract the air-dry sample in a Soxhlet apparatus with a mixture of 1 volume of toluene and 3 volumes of methanol for four hours at a minimum rate of 5 cycles per hour. Allow the solvent to evaporate from the sample in air, and remove the last traces in an oven at  $105 \pm 3$  °C. Then extract the sample in water (50 ml per g of sample) by boiling under reflux for 30 minutes. Filter, return the sample to the flask, and repeat the extraction with an identical volume of water. Filter, remove excess water from the sample by squeezing, suction, or centrifuging and then allow the sample to become air-dry.



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Note:

The toxic effects of toluene and methanol shall be borne in mind and full precautions shall be taken in their use.

## 5. TEST PROCEDURE

### 5.1. General instructions

Follow the procedure described in the general instructions as regards the selection, drying and weighing of the specimen.

### 5.2. Detailed procedure

Transfer the specimen to a Kjeldahl digestion flask. To the specimen weighing at least 1 g contained in the digestion flask, add, in the following order, 2,5 g potassium sulphate, 0,1 — 0,2 g selenium dioxide and 10 ml sulphuric acid (relative density 1,84). Heat the flask, gently at first, until the whole of the fibre is destroyed, and then heat it more vigorously until the solution becomes clear and almost colourless. Heat it for a further 15 minutes. Allow the flask to cool, dilute the contents carefully with 10 — 20 ml water, cool, transfer the contents quantitatively to a 200 ml graduated flask and make up to volume with water to form the digest solution. Place about 20 ml of boric acid solution in a 100 ml conical flask and place the flask under the condenser of the Kjeldahl distillation apparatus so that the delivery tube dips just below the surface of the boric acid solution. Transfer exactly 10 ml of digest solution to the distillation flask, add not less than 5 ml of sodium hydroxide solution to the funnel, lift the stopper slightly and allow the sodium hydroxide solution to run slowly into the flask. If the digest solution and sodium hydroxide solution remain as two separate layers, mix them by gentle agitation. Heat the distillation flask gently and pass it into steam from the generator. Collect about 20 ml of distillate, lower the conical flask so that the tip of the delivery tube of the condenser is about 20 mm above the surface of the liquid and distil for 1 minute more. Rinse the tip of the delivery tube with water, catching the washings in the conical flask. Remove the conical flask and replace it with another conical flask containing roughly 10 ml of boric acid solution and collect about 10 ml distillate.

Titrate the two distillates separately with 0,02N sulphuric acid, use the mixed indicator. Record the total titre for the two distillates. If the titre for the second distillate is more than 0,2 ml, repeat the test and start the distillation again using a fresh aliquot of digest solution.

Carry out a blank determination, i.e. digestion and distillation using the reagents only.

## 6. CALCULATION AND EXPRESSION OF RESULTS

### 6.1. Calculate the percentage nitrogen content in the dry specimen as follows:

$$A \% = \frac{28(V - b)N}{W}$$

where

A = percentage nitrogen in the clean dry specimen,

V = total volume in ml of standard sulphuric acid used in the determination,

b = total volume in ml of standard sulphuric acid used in the blank determination,

N = normality of standard sulphuric acid,

W = dry mass (g) of specimen.

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- 6.2. Using the values of 0,22 % for the nitrogen content of jute and 16,2 % for the nitrogen content of animal fibre, both percentages being expressed on the dry mass of the fibre, calculate the composition of the mixture as follows:

$$PA \% = \frac{A - 0,22}{16,2 - 0,22} \times 100$$

where

PA % = percentage of animal fibre in the clean dry specimen.

## 7. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

### METHOD No 13

#### POLYPROPYLENE FIBRES AND CERTAIN OTHER FIBRES

(Xylene method)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. polypropylene fibres (37)

with

2. wool (1), animal hair (2 and 3), silk (4), cotton (5), acetate (19), cupro (21), modal (22), triacetate (24), viscose (25), acrylic (26), polyamide or nylon (30), polyester (35), glass fibre (44), elastomultiester (46) and melamine (48).

## 2. PRINCIPLE

The polypropylene fibre is dissolved out from a known dry mass of the mixture with boiling xylene. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of polypropylene is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

### 3.1. Apparatus

- (i) Glass-stoppered conical flask of at least 200 ml capacity.
- (ii) Reflux condenser (suitable for liquids of high boiling point), fitting the conical flask (i).

### 3.2. Reagent

Xylene distilling between 137 and 142 °C.

Note:

This reagent is highly flammable and has a toxic vapour. Suitable precautions must be taken in its use.

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## 4. TEST PROCEDURE

Follow the procedure described in the general instructions then proceed as follows:

To the specimen contained in the conical flask (3.1 (i)), add 100 ml of xylene (3.2) per gram of specimen. Attach the condenser (3.1 (ii)), bring the contents to the boil and maintain at boiling point for three minutes.

Immediately decant the hot liquid through the weighed filter crucible (see Note 1). Repeat this treatment twice more, each time using a fresh 50 ml portion of solvent.

Wash the residue remaining in the flask successively with 30 ml of boiling xylene (twice), then with 75 ml of light petroleum (I.3.2.1 of general instructions) (twice). After the second wash with light petroleum, filter the contents of the flask through the crucible, transfer any residual fibres to the crucible with the aid of a small quantity of light petroleum and allow the solvent to evaporate. Dry the crucible and residue, cool and weigh them.

Notes:

1. The filter crucible through which the xylene is to be decanted must be pre-heated.
2. After the treatment with boiling xylene, ensure that the flask containing the residue is cooled sufficiently before the light petroleum is introduced.
3. In order to reduce the fire and toxicity hazards to the operator, a hot extraction apparatus using the appropriate procedures, giving identical results, may be used <sup>(1)</sup>.

## 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for melamine, for which 'd' = 1,01.

## 6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

## METHOD No 14

## CHLOROFIBRES (HOMOPOLYMERS OF VINYL CHLORIDE) AND CERTAIN OTHER FIBRES

(Concentrated sulphuric acid method)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. chlorofibres (27) based on homopolymers of vinyl chloride, whether after-chlorinated or not, elastolefin (47)

with

2. cotton (5), acetate (19), cupro (21), modal (22), triacetate (24), viscose (25), certain acrylics (26), certain modacrylics (29), polyamide or nylon (30), polyester (35), elastomultiester (46) and melamine (48).

The modacrylics concerned are those which give a limpid solution when immersed in concentrated sulphuric acid (relative density 1,84 at 20 °C).

This method can be used in place of method Nos 8 and 9.

<sup>(1)</sup> See for example the apparatus described in Melland Textilberichte 56 (1975), pp. 643-645.

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2. PRINCIPLE

The constituent other than the chlorofibre or the elastolefin (i.e. the fibres mentioned in paragraph 1.2) is dissolved out from a known dry mass of the mixture with concentrated sulphuric acid (relative density 1,84 at 20 °C).

The residue, consisting of the chlorofibre or the elastolefin, is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of the second constituents is obtained by difference.

3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

3.1. Apparatus

(i) Glass-stoppered conical flask of at least 200 ml capacity.

(ii) Glass rod with flattened end.

3.2. Reagents

(i) Sulphuric acid, concentrated (relative density 1,84 at 20 °C).

(ii) Sulphuric acid, approximately 50 % (m/m) aqueous solution.

Prepare by adding carefully, while cooling, 400 ml of sulphuric acid (relative density 1,84 at 20 °C) to 500 ml of distilled or deionized water. After cooling to room temperature, dilute the solution to one litre with water.

(iii) Ammonia, dilute solution.

Dilute 60 ml of concentrated ammonia solution (relative density 0,880 at 20 °C) to one litre with distilled water.

4. TEST PROCEDURE

Follow the procedure described in the general instructions, then proceed as follows:

To the specimen contained in the flask (3.1 (i)) add 100 ml of sulphuric acid (3.2 (i)) per gram of specimen.

Allow the contents of the flask to remain at room temperature for 10 minutes and during that time stir the test specimen occasionally by means of the glass rod. If a woven or knitted fabric is being treated, wedge it between the wall of the flask and the glass rod and exert a light pressure in order to separate the material dissolved by the sulphuric acid.

Decant the liquid through the weighed filter crucible. Add to the flask a fresh portion of 100 ml of sulphuric acid (3.2 (i)) and repeat the same operation. Transfer the contents of the flask to the filter crucible and transfer the fibrous residue there with the aid of the glass rod. If necessary, add a little concentrated sulphuric acid (3.2 (i)) to the flask in order to remove any fibres adhering to the wall. Drain the filter crucible with suction; remove the filtrate by emptying or changing the filter-flask, wash the residue in the crucible successively with 50 % sulphuric acid solution (3.2 (ii)), distilled or de-ionized water (I.3.2.3 of the general instructions, ammonia solution (3.2 (iii)) and finally wash thoroughly with distilled or de-ionized water, draining the crucible with suction after each addition. (Do not apply suction during the washing operation, but only after the liquid has drained off by gravity.) Dry the crucible and residue, cool and weigh them.

5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00, except for melamine, for which 'd' = 1,01.

6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

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## METHOD No 15

## CHLOROFIBRES, CERTAIN MODACRYLICS, CERTAIN ELASTANES, ACETATES, TRIACETATES AND CERTAIN OTHER FIBRES

(Method using cyclohexanone)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

1. acetate (19), triacetate (24), chlorofibre (27), certain modacrylics (29), certain elastanes (43)

with

2. wool (1), animal hair (2 and 3), silk (4), cotton (5), cupro (21), modal (22), viscose (25), polyamide or nylon (30), acrylic (26), glass fibre (44) and melamine (48).

Where modacrylics or elastanes are present a preliminary test must first be carried out to determine whether the fibre is completely soluble in the reagent.

It is also possible to analyse mixtures containing chlorofibres by using method No 9 or 14.

## 2. PRINCIPLE

The acetate and triacetate fibres, chlorofibres, certain modacrylics, and certain elastanes are dissolved out from a known dry mass with Cyclohexanone at a temperature close to boiling point. The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of chlorofibre, modacrylic, elastane, acetate and triacetate is found by difference.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

## 3.1. Apparatus

- (i) Hot extraction apparatus suitable for use in the test procedure in section 4. (See figure: this is a variant of the apparatus described in *Melliand Textilberichte* 56 (1975) 643 — 645).

- (ii) Filter crucible to contain the specimen.

- (iii) Porous baffle (porosity grade 1).

- (iv) Reflux condenser that can be adapted to the distillation flask.

- (v) Heating device.

## 3.2. Reagents

- (i) Cyclohexanone, boiling point 156 °C.

- (ii) Ethyl alcohol, 50 % by volume.

NB:

Cyclohexanone is flammable and toxic. Suitable precautions must be taken in its use.

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4. TEST PROCEDURE

Follow the procedure described in the general instructions and then proceed as follows:

Pour into the distillation flask 100 ml of cyclohexanone per gram of material, insert the extraction container in which the filter crucible, containing the specimen and the porous baffle, slightly inclined, have previously been placed. Insert the reflux condenser. Bring to the boil and continue extraction for 60 minutes at a minimum rate of 12 cycles per hour.

After extraction and cooling remove the extraction container, take out the filter crucible and remove the porous baffle. Wash the contents of the filter crucible three or four times with 50 % ethyl alcohol heated to about 60 °C and subsequently with 1 litre of water at 60 °C.

Do not apply suction during or between the washing operations. Allow the liquid to drain under gravity and then apply suction.

Finally, dry the crucible with the residue, cool and weigh them.

5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' is 1,00 with the following exceptions:

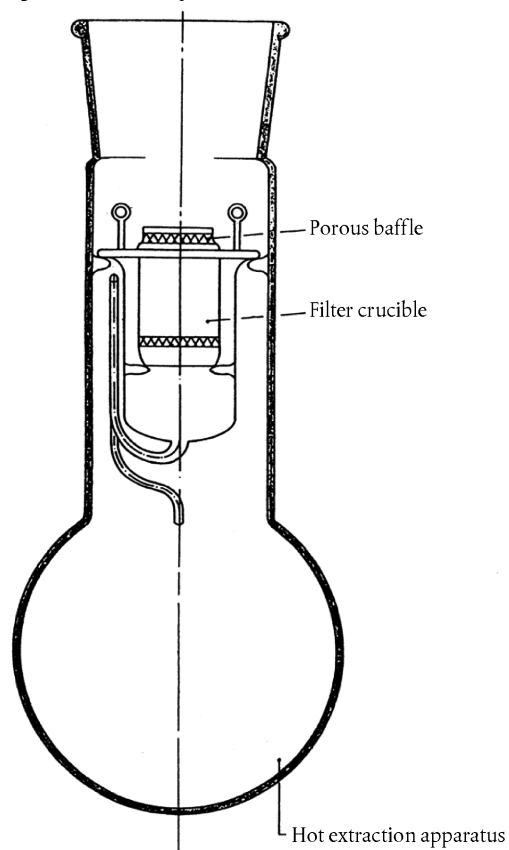
— silk and melamine 1,01

— acrylic 0,98.

6. PRECISION

On homogeneous mixtures of textile fibres, the confidence limits of results obtained by this method are not greater than  $\pm 1$  for a confidence level of 95 %.

Figure referred to in point 3.1 (i) of method No 15



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## METHOD 16

## MELAMINE AND CERTAIN OTHER FIBRES

(Method using hot formic acid)

## 1. FIELD OF APPLICATION

This method is applicable, after removal of non-fibrous matter, to binary mixtures of:

## 1. melamine (47)

with

## 2. cotton (5) and aramid (31).

## 2. PRINCIPLE

The melamine is dissolved out from a known dry mass of the mixture with hot formic acid (90 % by mass).

The residue is collected, washed, dried and weighed; its mass, corrected if necessary, is expressed as a percentage of the dry mass of the mixture. The percentage of the second constituents is obtained by difference.

*Note:*

Keep strictly the recommended temperature range because the solubility of melamine is very much dependent on temperature.

## 3. APPARATUS AND REAGENTS (other than those specified in the general instructions)

## 3.1. Apparatus

(i) Glass-stoppered conical flask of at least 200 ml capacity.

(ii) Shaking water bath or other apparatus to shake and maintain the flask at  $90 \pm 2$  °C.

## 3.2. Reagents

(i) Formic acid (90 % m/m, relative density at 20 °C: 1,204 g/ml). Dilute 890 ml of 98 to 100 % m/m formic acid (relative density at 20 °C: 1,220 g/ml) to 1 liter with water.

Hot formic acid is very corrosive and must be handled with care.

(ii) Ammonia, dilute solution: dilute 80 ml of concentrated ammonia solution (relative density at 20 °C: 0,880) to 1 litre with water.

## 4. TEST PROCEDURE

Follow the procedure described in the general instructions, then proceed as follows:

To the specimen contained in the glass-stoppered conical flask of at least 200 ml capacity, add 100 ml of formic acid per gram of specimen. Insert the stopper and shake the flask to wet out the specimen. Maintain the flask in a shaking water bath at  $90 \pm 2$  °C for one hour, shaking it vigorously. Cool the flask to room temperature. Decant the liquid through the weighed filter crucible. Add 50 ml of formic acid to the flask containing the residue, shake manually and filter the contents of the flask through the filter crucible. Transfer any residual fibres to the crucible by washing out the flask with a little more formic acid reagent. Drain the crucible with suction and wash the residue with formic acid reagent, hot water, dilute ammonia solution, and finally cold water, draining the crucible with suction after each addition. Do not apply suction until each washing liquor has drained under gravity. Finally, drain the crucible with suction, dry the crucible and residue, and cool and weigh them.

## 5. CALCULATION AND EXPRESSION OF RESULTS

Calculate the results as described in the general instructions. The value of 'd' for cotton and aramid is 1,02.

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6. PRECISION

On a homogeneous mixture of textile materials, the confidence limits of results obtained by this method are not greater than  $\pm 2$  for a confidence level of 95 %.

CHAPTER 3

Quantitative analysis of ternary fibre mixtures

INTRODUCTION

In general, the methods of quantitative chemical analysis are based on the selective solution of the individual components. There are four possible variants of this method:

1. Using two different test specimens, a component (a) is dissolved from the first test specimen, and another component (b) from the second test specimen. The insoluble residues of each specimen are weighed and the percentage of each of the two soluble components is calculated from the respective losses in mass. The percentage of the third component (c) is calculated by difference.
2. Using two different test specimens, a component (a) is dissolved from the first test specimen and two components (a and b) from the second test specimen. The insoluble residue of the first test specimen is weighed and the percentage of the component (a) is calculated from the loss in mass. The insoluble residue of the second test specimen is weighed; it corresponds to component (c). The percentage of the third component (b) is calculated by difference.
3. Using two different test specimens, two components (a and b) are dissolved from the first test specimen and two components (b and c) from the second test specimen. The insoluble residues correspond to the two components (c) and (a) respectively. The percentage of the third component (b) is calculated by difference.
4. Using only one test specimen, after removal of one of the components, the insoluble residue formed by the two other fibres is weighed and the percentage of the soluble component is calculated from the loss in mass. One of the two fibres of the residue is dissolved, the insoluble component is weighed and the percentage of the second soluble component is calculated from the loss in mass.

Where a choice is possible, it is advisable to use one of the first three variants.

Where chemical analysis is used, the expert responsible for the analysis must take care to select methods employing solvents which dissolve only the correct fibre(s), leaving the other fibre(s) intact.

By way of example, a table is given in Chapter 3.VI which contains a certain number of ternary mixtures, together with methods for analysing binary mixtures which can, in principle, be used for analysing these ternary mixtures.

In order to reduce the possibility of error to a minimum, it is recommended that, whenever possible, chemical analysis using at least two of the four abovementioned variants shall be made.

Before proceeding with any analysis, all the fibres present in the mixture must be identified. In some chemical methods, the insoluble component of a mixture may be partially dissolved in the reagent used to dissolve the soluble component(s). Wherever possible, reagents have been chosen that have little or no effect on the insoluble fibres. If a loss in mass is known to occur during the analysis, the result shall be corrected; correction factors are given for this purpose. These factors have been determined in several laboratories by treating, with the appropriate reagent as specified in the method of analysis, fibres cleaned by the pre-treatment. These correction factors apply only to undergraded fibres and different correction factors may be necessary if the fibres have been degraded before or during processing. If the fourth variant, in which a textile fibre is subjected to the successive action of two different solvents, must be used, correction factors must be applied for possible losses in mass undergone by the fibre in the two treatments. At least two determinations shall be made, both in the case of manual separation and in the case of chemical separation.

I. General information on methods for the quantitative chemical analysis of ternary fibre mixtures

Information common to the methods given for the quantitative chemical analysis of ternary fibre mixtures.



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I.1. Scope and field of application

The field of application of each method for analysing binary fibre mixtures specifies to which fibres the method is applicable. (See Chapter 2 relating to certain methods for the quantitative analysis of binary fibre mixtures).

I.2. Principle

After the identification of the components of a mixture, the non-fibrous material is removed by suitable pre-treatment and then one or more of the four variants of the process of selective solution described in the introduction is applied. Except where this presents technical difficulties, it is preferable to dissolve the major fibre component so as to obtain the minor fibre component as final residue.

I.3. Materials and equipment

I.3.1. Apparatus

I.3.1.1. Filter crucibles and weighing bottles large enough to contain such crucibles, or any other apparatus giving identical results.

I.3.1.2. Vacuum flask.

I.3.1.3. Desiccator containing self-indicating silica gel.

I.3.1.4. Ventilated oven for drying specimens at  $105 \pm 3$  °C.

I.3.1.5. Analytical balance, accurate to 0,0002 g.

I.3.1.6. Soxhlet extractor or other apparatus giving identical results.

I.3.2. Reagents

I.3.2.1. Light petroleum, redistilled, boiling range 40 to 60 °C.

I.3.2.2. Other reagents are specified in the appropriate sections of each method.

All reagents used shall be chemically pure.

I.3.2.3. Distilled or deionized water.

I.3.2.4. Acetone.

I.3.2.5. Orthophosphoric acid.

I.3.2.6. Urea.

I.3.2.7. Sodium bicarbonate.

I.4. Conditioning and testing atmosphere

Because dry masses are determined, it is unnecessary to condition the specimen or to conduct analyses in a conditioned atmosphere.

I.5. Laboratory test sample

Take a laboratory test sample that is representative of the laboratory bulk sample and sufficient to provide all the specimens, each of at least 1 g, that are required.

I.6. Pre-treatment of laboratory test sample <sup>(1)</sup>

Where a substance not to be taken into account in the percentage calculations (see Article 17 of this Regulation) is present, it shall first be removed by a suitable method that does not affect any of the fibre constituents.

<sup>(1)</sup> See Chapter 1.1

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For this purpose, non-fibrous matter which can be extracted with light petroleum and water is removed by treating the air-dry test sample in a Soxhlet extractor with light petroleum for one hour at a minimum rate of six cycles per hour. Allow the light petroleum to evaporate from the sample, which is then extracted by direct treatment consisting in soaking the specimen in water at room temperature for one hour and then soaking it in water at  $65 \pm 5$  °C for a further hour, agitating the liquor from time to time. Use a liquor:specimen ratio of 100:1. Remove the excess water from the sample by squeezing, suction or centrifuging and then allow the sample to become air-dry.

In the case of elastolefin or fibre mixtures containing elastolefin and other fibres (wool, animal hair, silk, cotton, flax, true hemp, jute, abaca, alfa, coir, broom, ramie, sisal, cupro, modal, protein, viscose, acrylic, polyamide or nylon, polyester, elastomultiester) the procedure just described shall be slightly modified, in fact light petroleum ether shall be replaced by acetone.

Where non-fibrous matter cannot be extracted with light petroleum and water, it shall be removed by substituting for the water method described above a suitable method that does not substantially alter any of the fibre constituents. However, for some unbleached, natural vegetable fibres (e.g. jute, coir) it is to be noted that normal pretreatment with light petroleum and water does not remove all the natural non-fibrous substances; nevertheless additional pre-treatment is not applied unless the sample does contain finishes insoluble in both light petroleum and water.

Analysis reports shall include full details of the methods of pre-treatment used.

#### I.7. Test procedure

##### I.7.1. General instructions

###### I.7.1.1. Drying

Conduct all drying operations for not less than 4 hours and not more than 16 hours at  $105 \pm 3$  °C in a ventilated oven with the oven door closed throughout. If the drying period is less than 14 hours, the specimen must be checkweighed to determine whether its mass is constant. The mass may be considered as constant if, after a further drying period of 60 minutes, its variation is less than 0,05 %.

Avoid handling crucibles and weighing bottles, specimens or residues with bare hands during the drying, cooling and weighing operations.

Dry specimens in a weighing bottle with its cover beside it. After drying, stopper the weighing bottle before removing it from the oven, and transfer it quickly to the desiccator.

Dry the filter crucible in a weighing bottle with its cover beside it in the oven. After drying, close the weighing bottle and transfer it quickly to the desiccator.

Where apparatus other than a filter crucible is used, drying operations shall be conducted in the oven so as to determine the dry mass of the fibres without loss.

###### I.7.1.2. Cooling

Conduct all cooling operations in the desiccator, placed beside the balance, until the cooling of the weighing bottles is complete, and in any case for not less than 2 hours.

###### I.7.1.3. Weighing

After cooling, complete the weighing of the weighing bottle within 2 minutes of its removal from the desiccator; weigh to an accuracy of 0,0002 g.

##### I.7.2. Procedure

Take from the pre-treated laboratory test sample a test specimen of at least 1 g (in mass). Cut yarn or cloth into lengths of about 10 mm, dissected as much as possible. Dry the specimen(s) in (a) weighing bottle(s) cool it (them) in the desiccator and weigh it (them). Transfer the specimen(s) to the glass vessel(s) specified in the appropriate section of the **Union** method, reweigh the weighing bottle(s) immediately and obtain the dry mass(es) of the specimen(s) by difference; complete the test as specified in the appropriate section of the applicable method. Examine the residue(s) microscopically to check that the treatment has in fact completely removed the soluble fibre(s).

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## I.8. Calculation and expression of results

Express the mass of each component as a percentage of the total mass of fibre in the mixture. Calculate the results on the basis of dean dry mass, adjusted by (a) the conventional agreed allowances and (b) the correction factors necessary to take account of loss of non-fibrous matter during pre-treatment and analysis.

## I.8.1. Calculation of percentages of mass of clean dry fibres disregarding loss of fibre mass during pre-treatment.

## I.8.1.1. - VARIANT 1 -

Formulae to be applied where a component of the mixture is removed from one specimen and another component from a second specimen:

$$P_1 \% = \left[ \frac{d_2}{d_1} - d_2 \times \frac{r_1}{m_1} + \frac{r_2}{m_2} \times \left( 1 - \frac{d_2}{d_1} \right) \right] \times 100$$

$$P_2 \% = \left[ \frac{d_4}{d_3} - d_4 \times \frac{r_2}{m_2} + \frac{r_1}{m_1} \times \left( 1 - \frac{d_4}{d_3} \right) \right] \times 100$$

$$P_3 \% = 100 - (P_1 \% + P_2 \%)$$

$P_1$  % is the percentage of the first clean dry component (component in the first specimen dissolved in the first reagent);

$P_2$  % is the percentage of the second clean dry component (component in the second specimen dissolved in the second reagent);

$P_3$  % is the percentage of the third clean dry component (component undissolved in both specimens);

$m_1$  is the dry mass of the first specimen after pre-treatment;

$m_2$  is the dry mass of the second specimen after pre-treatment;

$r_1$  is the dry mass of the residue after removal of the first component from the first specimen in the first reagent;

$r_2$  is the dry mass of the residue after removal of the second component from the second specimen in the second reagent;

$d_1$  is the correction factor for loss in mass in the first reagent, of the second component undissolved in the first specimen <sup>(1)</sup>;

$d_2$  is the correction factor for loss in mass in the first reagent, of the third component undissolved in the first specimen;

<sup>(1)</sup> The values of  $d$  are indicated in Chapter 2 of this Annex relating to the various methods of analysing binary mixtures

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$d_3$  is the correction factor for loss in mass in the second reagent, of the first component undissolved in the second specimen;

$d_4$  is the correction factor for loss in mass in the second reagent, of the third component undissolved in the second specimen.

I.8.1.2. - VARIANT 2 -

Formulae to be applied where a component (a) is removed from the first test specimen, leaving as residue the other two components (b + c), and two components (a + b) are removed from the second test specimen, leaving as residue the third component (c):

$$P_1 \% = 100 - (P_2 \% + P_3 \%)$$

$$P_2 \% = 100 \times \frac{d_1 r_1}{m_1} - \frac{d_1}{d_2} \times P_3 \%$$

$$P_3 \% = \frac{d_4 r_2}{m_2} \times 100$$

$P_1$  % is the percentage of the first clean dry component (component in the first specimen dissolved in the first reagent);

$P_2$  % is the percentage of the second clean dry component (component soluble, at the same time as the first component of the second specimen, in the second reagent);

$P_3$  % is the percentage of the third clean dry component (component undissolved in both specimens);

$m_1$  is the dry mass of the first specimen after pre-treatment;

$m_2$  is the dry mass of the second specimen after pre-treatment;

$r_1$  is the dry mass of the residue after removal of the first component from the first specimen in the first reagent;

$r_2$  is the dry mass of the residue after removal of the first and second components from the second specimen in the second reagent;

$d_1$  is the correction factor for loss in mass in the first reagent, of the second component undissolved in the first specimen;

$d_2$  is the correction factor for loss in mass in the first reagent, of the third component undissolved in the first specimen;

$d_4$  is the correction factor for loss in mass in the second reagent, of the third component undissolved in the second specimen.

I.8.1.3. - VARIANT 3 -

Formulae to be applied where two components (a + b) are removed from a specimen, leaving as residue the third component (c), then two components (b + c) are removed from another specimen, leaving as residue the first component (a):

$$P_1 \% = \frac{d_3 r_2}{m_2} \times 100$$

$$P_2 \% = 100 - (P_1 \% + P_3 \%)$$

$$P_3 \% = \frac{d_2 r_1}{m_1} \times 100$$

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$P_1$  % is the percentage of the first clean dry component (component dissolved by the reagent);

$P_2$  % is the percentage of the second clean dry component (component dissolved by the reagent);

$P_3$  % is the percentage of the third clean dry component (component dissolved in the second specimen by the reagent);

$m_1$  is the dry mass of the first specimen after pre-treatment;

$m_2$  is the dry mass of the second specimen after pre-treatment;

$r_1$  is the dry mass of the residue after the removal of the first and second components from the first specimen with the first reagent;

$r_2$  is the dry mass of the residue after the removal of the second and third components from the second specimen with the second reagent;

$d_2$  is the correction factor for loss in mass in the first reagent of the third component undissolved in the first specimen;

$d_3$  is the correction factor for loss in mass in the second reagent of the first component undissolved in the second specimen.

#### I.8.1.4. - VARIANT 4 -

Formulae to be applied where two components are successively removed from the mixture using the same specimen:

$$P_1 \% = 100 - (P_2 \% + P_3 \%)$$

$$P_2 \% = \frac{d_1 r_1}{m} \times 100 - \frac{d_1}{d_2} \times P_3 \%$$

$$P_3 \% = \frac{d_3 r_2}{m} \times 100$$

$P_1$  % is the percentage of the first clean dry component (first soluble component);

$P_2$  % is the percentage of the second clean dry component (second soluble component);

$P_3$  % is the percentage of the third clean dry component (insoluble component);

$m$  is the dry mass of the specimen after pre-treatment;

$r_1$  is the dry mass of the residue after elimination of the first component by the first reagent;

$r_2$  is the dry mass of the residue after elimination of the first and second component by the first and second reagent;

$d_1$  is the correction factor for loss in mass of the second component in the first reagent;

$d_2$  is the correction factor for loss in mass of the third component in the first reagent;

$d_3$  is the correction factor for loss in mass of the third component in the first and second reagents.

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- 1.8.2. Calculation of the percentage of each component with adjustment by conventional agreed allowances and, where appropriate, correction factors for losses in mass during pre-treatment operations:

Given:

$$A = 1 + \frac{a_1 + b_1}{100} \quad B = 1 + \frac{a_2 + b_2}{100} \quad C = 1 + \frac{a_3 + b_3}{100}$$

then:

$$P_1A \% = \frac{P_1A}{P_1A + P_2B + P_3C} \times 100$$

$$P_2A \% = \frac{P_2B}{P_1A + P_2B + P_3C} \times 100$$

$$P_3A \% = \frac{P_3C}{P_1A + P_2B + P_3C} \times 100$$

$P_1A$  % is the percentage of the first clean dry component, including moisture content and loss in mass during pre-treatment;

$P_2A$  % is the percentage of the second clean dry component, including moisture content and loss in mass during pre-treatment;

$P_3A$  % is the percentage of the third clean dry component, including moisture content and loss in mass during pre-treatment;

$P_1$  is the percentage of the first clean dry component obtained by one of the formula given in I.8.1;

$P_2$  is the percentage of the second clean dry component obtained by one of the formula given in I.8.1;

$P_3$  is the percentage of the third clean dry component obtained by one of the formula given in I.8.1;

$a_1$  is the conventional agreed allowance of the first component;

$a_2$  is the conventional agreed allowance of the second component;

$a_3$  is the conventional agreed allowance of the third component;

$b_1$  is the percentage of loss in mass of the first component during pre-treatment;

$b_2$  is the percentage of loss in mass of the second component during pre-treatment;

$b_3$  is the percentage of loss in mass of the third component during pre-treatment.

Where a special pre-treatment is used the values  $b_1$ ,  $b_2$  and  $b_3$  shall be determined, if possible, by submitting each of the pure fibre constituents to the pre-treatment applied in the analysis. Pure fibres are those free from all non-fibrous material except those which they normally contain (either naturally or because of the manufacturing process), in the state (unbleached, bleached) in which they are found in the material to be analysed.

Where no clean separate constituent fibres used in the manufacture of the material to be analysed are available, average values of  $b_1$ ,  $b_2$  and  $b_3$  as obtained from tests performed on clean fibres similar to those in the mixture under examination, must be used.

If normal pre-treatment by extraction with light petroleum and water is applied, correction factors  $b_1$ ,  $b_2$  and  $b_3$  may generally be ignored, except in the case of unbleached cotton, unbleached flax and unbleached hemp where the loss due to pre-treatment is usually accepted as 4 % and in the case of polypropylene as 1 %.

In the case of other fibres, losses due to pre-treatment are usually disregarded in calculations.

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## I.8.3. Note

Calculation examples are given in Chapter 3.V.

## II. Method of quantitative analysis by manual separation of ternary fibre mixtures

## II.1. Scope

This method is applicable to textile fibres of all types provided they do not form an intimate mixture and that it is possible to separate them by hand.

## II.2. Principle

After identification of the textile components, the non-fibrous matter is removed by a suitable pre-treatment and then the fibres are separated by hand, dried and weighed in order to calculate the proportion of each fibre in the mixture.

## II.3. Apparatus

II.3.1. Weighing bottles or other apparatus giving identical results.

II.3.2. Desiccator containing self-indicating silica gel.

II.3.3. Ventilated oven for drying specimens at  $105 \pm 3$  °C.

II.3.4. Analytical balance accurate to 0,0002 g.

II.3.5. Soxhlet extractor, or other apparatus giving identical results.

II.3.6. Needle.

II.3.7. Twist tester or similar apparatus.

## II.4. Reagents

II.4.1. Light petroleum, redistilled, boiling range 40 to 60 °C.

II.4.2. Distilled or deionized water.

## II.5. Conditioning and testing atmosphere

See I.4.

## II.6. Laboratory test sample

See I.5.

## II.7. Pre-treatment of laboratory test samples

See I.6.

## II.8. Procedure

## II.8.1. Analysis of yarn

Take from the pre-treated laboratory test sample a specimen of mass not less than 1 g. For a very fine yarn, the analysis may be made on a minimum length of 30 m, whatever its mass.

Cut the yarn into pieces of a suitable length and separate the fibre types by means of a needle and, if necessary, a twist tester. The fibre types so obtained are placed in pre-weighed weighing bottles and dried at  $105 \pm 3$  °C to constant mass, as described in I.7.1 and I.7.2.

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II.8.2. Analysis of cloth

Take from the pre-treated laboratory test sample a specimen of mass not less than 1 g, not including a selvedge with edges carefully trimmed to avoid fraying and running parallel with weft or warp yarns, or in the case of knitted fabrics in the line of the wales and courses. Separate the different types of fibres and collect them in pre-weighed weighing bottles and proceed as described in II.8.1.

II.9. Calculation and expression of results

Express the mass of each component fibre as a percentage of the total mass of the fibres in the mixture. Calculate the results on the basis of clean dry mass, adjusted by (a) the conventional agreed allowances and (b) the correction factors necessary to take account of losses in mass during pre-treatment operations.

II.9.1. Calculation of percentage masses of clean dry fibre, disregarding loss in fibre mass during pre-treatment:

$$P_1\% = \frac{100 m_1}{m_1 + m_2 + m_3} = \frac{100}{1 + \frac{m_2 + m_3}{m_1}}$$

$$P_2\% = \frac{100 m_2}{m_1 + m_2 + m_3} = \frac{100}{1 + \frac{m_1 + m_3}{m_2}}$$

$$P_3\% = 100 - (P_1\% + P_2\%)$$

$P_1$  % is the percentage of the first clean dry component;

$P_2$  % is the percentage of the second clean dry component;

$P_3$  % is the percentage of the third clean dry component;

$m_1$  is the clean dry mass of the first component;

$m_2$  is the clean dry mass of the second component;

$m_3$  is the clean dry mass of the third component.

II.9.2. For calculation of the percentage of each component with adjustment by conventional agreed allowances and, where appropriate, by correction factors for losses in mass during pre-treatment: see I.8.2.

III. Method of quantitative analysis of ternary fibre mixtures by a combination of manual separation and chemical separation

Wherever possible, manual separation shall be used, taking account of the proportions of components separated before proceeding to any chemical treatment of each of the separate components.

IV.1. Precision of the methods

The precision indicated in each method of analysis of binary mixtures relates to the reproducibility (see Chapter 2 relating to certain methods for the quantitative analysis of binary textile fibre mixtures).

Reproducibility refers to the reliability, ie the closeness of agreement between experimental values obtained by operators in different laboratories or at different times using the same method and obtaining individual results on specimens of an identical homogeneous mixture.

Reproducibility is expressed by confidence limits of the results for a confidence level of 95 %.

By this is meant that the difference between two results in a series of analyses made in different laboratories would, given a normal and correct application of the method to an identical and homogeneous mixture, be exceeded only in 5 cases out of 100.



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To determine the precision of the analysis of a ternary mixture the values indicated in the methods for the analysis of binary mixtures which have been used to analyse the ternary mixture are applied in the usual way.

Given that in the four variants of the quantitative chemical analysis of ternary mixtures, provision is made for two dissolutions (using two separate specimens for the first three variants and a single specimen for the fourth variant) and, assuming that  $E_1$  and  $E_2$  denote the precision of the two methods for analysing binary mixtures, the precision of the results for each component is shown in the following table:

Component fibre	Variants		
	1	2 and 3	4.
a	$E_1$	$E_1$	$E_1$
b	$E_2$	$E_1+E_2$	$E_1+E_2$
c	$E_1+E_2$	$E_2$	$E_1+E_2$

If the fourth variant is used, the degree of precision may be found to be lower than that calculated by the method indicated above, owing to possible action of the first reagent on the residue consisting of components b and c, which would be difficult to evaluate.

#### IV.2. Test report

- IV.1. Indicate the variant(s) used to carry out the analysis, the methods, reagents and correction factors.
- IV.2. Give details of any special pre-treatments (See I.6).
- IV.3. Give the individual results and the arithmetic mean, each to the 1st decimal place.
- IV.4. Wherever possible, state the precision of the method for each component, calculated according to the table in section IV.1.
- V. Examples of the calculation of percentages of the components of certain ternary mixtures using some of the variants described in point I.8.1.

Consider the case of a fibre mixture which gave the following components when qualitatively analysed for raw material composition: 1. carded wool; 2. nylon (polyamide); 3. unbleached cotton.

#### VARIANT No. 1

Using this variant, that is using two different specimens and removing one component (a = wool) by dissolution from the first specimen and a second component (b = polyamide) from the second specimen, the following results can be obtained:

1. Dry mass of the first specimen after pre-treatment is ( $m_1$ ) = 1,6000 g
2. Dry mass of the residue after treatment with alkaline sodium hypochlorite (polyamide+cotton) ( $r_1$ ) = 1,4166 g
3. Dry mass of the second specimen after pre-treatment ( $m_2$ ) = 1,8000 g
4. Dry mass of the residue after treatment with formic acid (wool+cotton) ( $r_2$ ) = 0,9000 g

Treatment with alkaline sodium hypochlorite does not entail any loss in mass of polyamide, while unbleached cotton losses 3 %, therefore  $d_1 = 1,0$  and  $d_2 = 1,03$ .

Treatment with formic acid does not entail any loss in mass for wool or unbleached cotton, therefore  $d_3$  and  $d_4 = 1,0$ .

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If the values obtained by chemical analysis and the correction factors are substituted in the formula under I.8.1.1, the following result is obtained:

$$P_1 \% (\text{wool}) = [1,03/1,0 - 1,03 \times 1,4166/1,6000 + 0,9000/1,8000 \times (1 - 1,03/1,0)] \times 100 = 10,30$$

$$P_2 \% (\text{polyamide}) = [1,0/1,0 - 1,0 \times 0,9000/1,8000 + 1,4166/1,6000 \times (1 - 1,0/1,0)] \times 100 = 50,00$$

$$P_3 \% (\text{cotton}) = 100 - (10,30 + 50,00) = 39,70$$

The percentages of the various clean dry fibres in the mixture are as follows:

wool	10,30 %
polyamide	50,00 %
cotton	39,70 %

These percentages must be corrected according to the formulae under I.8.2, in order to take account of the conventional agreed allowances and the correction factors for any losses in mass after pre-treatment.

As indicated in Annex IX, the conventional agreed allowances are as follows: carded wool 17,0 %, polyamide 6,25 %, cotton 8,5 %, also unbleached cotton shows a loss in mass of 4 %, after pre-treatment with light petroleum and water.

Therefore:

$$P_{1A} \% (\text{wool}) = 10,30 \times [1 + (17,0 + 0,0)/100] / [10,30 \times (1 + (17,0 + 0,0)/100) + 50,00 \times (1 + (6,25 + 0,0)/100) + 39,70 \times (1 + (8,5 + 4,0/100))] \times 100 = 10,97$$

$$P_{2A} \% (\text{polyamide}) = 50,0 \times (1 + (6,25 + 0,0)/100) / 109,8385 \times 100 = 48,37$$

$$P_{3A} \% (\text{cotton}) = 100 - (10,97 + 48,37) = 40,66$$

The raw material composition of the yarn is therefore as follows:

polyamide	48,4 %
cotton	40,6 %
wool	11,0 %
	100,0 %

**VARIANT No. 4:**

Consider the case of a fibre mixture which when qualitatively analysed gave the following components: carded wool, viscose, unbleached cotton.

Suppose that using variant 4, that is successively removing two components from the mixture of one single specimen, the following results are obtained:

1. Dry mass of the specimen after pre-treatment ( $m_1$ ) = 1,6000 g

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2. Dry mass of the residue after treatment with alkaline sodium hypochlorite (viscose+cotton)

$$(r_1) = 1,4166 \text{ g}$$

3. Dry mass of the residue after the second treatment of the residue  $r_1$  with zinc chloride/formic acid (cotton)

$$(r_2) = 0,6630 \text{ g}$$

Treatment with alkaline sodium hypochlorite does not entail any loss in mass of viscose, while unbleached cotton loses 3 %, therefore  $d_1 = 1,0$  and  $d_2 = 1,03$ .

As a result of treatment with formic acid-zinc chloride, the mass of cotton increases by 4 %, so that  $d_3 = 1,03 \times 0,96 = 0,9888$ , rounded to 0,99, ( $d_3$  being the correction factor for the respective loss or increase in mass of the third component in the first and second reagents).

If the values obtained by chemical analysis and the correction factors are substituted in the formulae given in I.8.1.4, the following result is obtained:

$$P_2 \% (\text{viscose}) = 1,0 \times 1,4166/1,6000 \times 100 - 1,0/1,03 \times 40,98 = 48,75 \%$$

$$P_3 \% (\text{cotton}) = 0,99 \times 0,6630/1,6000 \times 100 = 41,02 \%$$

$$P_1 \% (\text{wool}) = 100 - (48,75 + 41,02) = 10,23 \%$$

As has already been indicated for Variant 1, these percentages must be corrected by the formulae indicated in point I.8.2.

$$P_{1A} \% (\text{wool}) = 10,23 \times [1 + (17,0 + 0,0/100)]/[10,23 \times (1 + (17,00 + 0,0)/100) + 48,75 \times (1 + (13 + 0,0/100) + 41,02 \times (1 + (8,5 + 4,0)/100)] \times 100 = 10,57 \%$$

$$P_{2A} \% (\text{viscose}) = 48,75 \times [1 + (13 + 0,0)/100]/113,2041 \times 100 = 48,65 \%$$

$$P_{3A} \% (\text{cotton}) = 100 - (10,57 + 48,65) = 40,78 \%$$

The raw material composition of the mixture is therefore as follows:

viscose	48,6 %
cotton	40,8 %
wool	10,6 %
	100,0 %

VI. Table of typical ternary mixtures which may be analysed using **Union** methods of analysis of binary mixtures (for illustration purposes)

Mixture No.	Component fibres			Variant	Number of method used and reagent for binary mixtures
	Component 1	Component 2	Component 3		
1.	wool or hair	Viscose, cupro or certain types of modal	cotton	1 and/or 4	2. (alkaline sodium hypochlorite) and 3 (zinc chloride/formic acid)
2.	wool or hair	polyamide 6 or 6-6	cotton, viscose, cupro or modal	1 and/or 4	2. (alkaline sodium hypochlorite) and 4. (formic acid, 80 % w/w)
3.	wool, hair or silk	certain chlorofibres	viscose, cupro modal or cotton	1 and/or 4	2. (alkaline sodium hypochlorite) and 9 (carbon disulphide/acetone 55,5/44,5 w/w)
4.	wool or hair	polyamide 6 or 6-6	polyester, polypropylene, acrylic or glass fibre	1 and/or 4	2. (alkaline sodium hypochlorite) and 4. (formic acid, 80 % w/w)
5.	wool, hair or silk	certain chlorofibres	polyester, acrylic, polyamide or glass fibre	1 and/or 4	2. (alkaline sodium hypochlorite) and 9 (carbon disulphide/acetone 55,5/44,5 w/w)
6.	silk	wool or hair	polyester	2	11. (sulphuric acid 75 % w/w) and 2. (alkaline sodium hypochlorite)
7.	polyamide 6 or 6-6	acrylic	cotton, viscose, cupro or modal	1 and/or 4	4. (formic acid 80 % w/w) and 8. (dymethylformamide)
8.	certain chlorofibres	polyamide 6 or 6-6	cotton, viscose, cupro or modal	1 and/or 4	8. (dymethylformamide) and 4. (formic acid, 80 % w/w) or 9. (carbon disulphide/acetone, 55,5/44,5 % w/w) and 4. (formic acid, 80 % w/w)
9.	acrylic	polyamide 6 or 6-6	polyester	1 and/or 4	8. (dymethylformamide) and 4. (formic acid, 80 % w/w)
10.	acetate	polyamide 6 or 6-6	viscose, cotton, cupro or modal	4	1. (acetone) and 4. (formic acid, 80 % w/w)
11.	certain chlorofibres	acrylic	polyamide	2 and/or 4	9. (carbon disulphide/acetone 55,5/44,5 % w/w) and 8. (dymethylformamide)
12.	certain chlorofibres	polyamide 6 or 6-6	acrylic	1 and/or 4	9. (carbon disulphide/acetone 55,5/44,5 % w/w) and 4. (formic acid, 80 % w/w)
13.	polyamide 6 or 6-6	viscose, cupro, modal or cotton	polyester	4	4. (formic acid, 80 % w/w) and 7. (sulphuric acid, 75 % w/w)
14.	acetate	viscose, cupro, modal or cotton	polyester	4	1. (acetone) and 7 (sulphuric acid, 75 % w/w)
15.	acrylic	viscose, cupro, modal or cotton	polyester	4	8. (dymethylformamide) and 7 (sulphuric acid, 75 % w/w)
16.	acetate	wool, hair or silk	cotton, viscose, cupro, modal, polyamide, polyester, acrylic	4	1. (acetone) and 2. (alkaline sodium hypochlorite)
17.	triacetate	wool, hair or silk	cotton, viscose, cupro, modal, polyamide, polyester, acrylic	4	6. (dichloromethane) and 2. (alkaline sodium hypochlorite)
18.	acrylic	wool, hair or silk	polyester	1 and/or 4	8. (dymethylformamide) and 2. (alkaline sodium hypochlorite)

Mixture No.	Component fibres			Variant	Number of method used and reagent for binary mixtures
	Component 1	Component 2	Component 3		
19.	acrylic	silk	wool or hair	4	8. (dymethylformamide) and 11. (sulphuric acid 75 % w/w)
20.	acrylic	wool or hair silk	cotton, viscose, cupro or modal	1 and/or 4	8. (dymethylformamide) and 2 (alkaline sodium hypochlorite)
21.	wool, hair or silk	cotton, viscose, modal, cupro	polyester	4	2. (alkaline sodium hypochlorite) and 7. (sulphuric acid 75 %)
22.	viscose, cupro or certain types of modal	cotton	polyester	2 and/or 4	3. (zinc chloride/formic acid) and 7 (sulphuric acid 75 % w/w)
23.	acrylic	viscose, cupro or certain types of modal	cotton	4	8. (dymethylformamide) and 3 (zinc chloride/formic acid)
24.	Certain chlorofibres	viscose, cupro or certain types of modal	cotton	1 and/or 4	9. (carbon disulphide/acetone, 55,5/44,5 % w/w) and 3. (zinc chloride/formic acid) or 8 (dymethylformamide) and 3. (zinc chloride/formic acid)
25.	acetate	viscose, cupro or certain types of modal	cotton	4	1. (acetone) and 3 (zinc chloride/formic acid)
26.	triacetate	viscose, cupro or certain types of modal	cotton	4	6. (dichloromethane) and 3 (zinc chloride/formic acid)
27.	acetate	silk	wool or hair	4	1. (acetone) and 11. (sulphuric acid 75 % w/w)
28.	triacetate	silk	wool or hair	4	6. (dichloromethane) and 11. (sulphuric acid 75 % w/w)
29.	acetate	acrylic	cotton, viscose, cupro or modal	4	1. (acetone) and 8. (dymethylformamide)
30.	triacetate	acrylic	cotton, viscose, cupro or modal	4	6. (dichloromethane) and 8. (dymethylformamide)
31.	triacetate	polyamide 6 or 6-6	cotton, viscose, cupro or modal	4	6. (dichloromethane) and 4. (formic acid 80 % w/w)
32.	triacetate	cotton, viscose, cupro or modal	polyester	4	6. (dichloromethane) and 7 (sulphuric acid 75 % w/w)
33.	acetate	polyamide 6 or 6-6	polyester or acrylic	4	1. (acetone) and 4. (formic acid 80 % w/w)
34.	acetate	acrylic	polyester	4	1. (acetone) and 8. (dymethylformamide)
35.	certain chlorofibres	cotton, viscose, cupro or modal	polyester	4	8. (dymethylformamide) and 7. (sulphuric acid 75 % w/w) or 9 (carbon disulphide/acetone, 55,5/44,5 % w/w) and 7. (sulphuric acid 75 % w/w)
36.	cotton	polyester	elastolefin	2 and/or 4	7 (sulphuric acid 75 % w/w) and 14 (concentrated sulphuric acid)
37.	certain modacrylics	Polyester	melamine	2 and/or 4	8 (dimethylformamide) and 14 (concentrated sulphuric acid)

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## ANNEX IX

## AGREED ALLOWANCES USED TO CALCULATE THE MASS OF FIBRES CONTAINED IN A TEXTILE PRODUCT

(Article 17(2))

Fibre No	Fibres	Percentages
1—2	Wool and animal hair:	
	combed fibres	18,25
	carded fibres	17,00 <sup>(1)</sup>
3	Animal hair:	
	combed fibres	18,25
	carded fibres	17,00 <sup>(1)</sup>
	Horsehair:	
	combed fibres	16,00
	carded fibres	15,00
4	Silk	11,00
5	Cotton:	
	normal fibres	8,50
	mercerized fibres	10,50
6	Kapok	10,90
7	Flax	12,00
8	True hemp	12,00
9	Jute	17,00
10	Abaca	14,00
11	Alfa	14,00
12	Coir	13,00
13	Broom	14,00
14	Ramie (bleached fibre)	8,50
15	Sisal	14,00
16	Sunn	12,00
17	Henequen	14,00
18	Maguey	14,00
19	Acetate	9,00
20	Alginate	20,00
21	Cupro	13,00
22	Modal	13,00
23	Protein	17,00
24	Triacetate	7,00
25	Viscose	13,00

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Fibre No	Fibres	Percentages
26	Acrylic	2,00
27	Chlorofibre	2,00
28	Fluorofibre	0,00
29	Modacrylic	2,00
30	Polyamide or nylon:	
	discontinuous fibre	6,25
	filament	5,75
31	Aramid	8,00
32	Polyimide	3,50
33	Lyocell	13,00
34	Poly lactide	1,50
35	Polyester:	
	discontinuous fibre	1,50
	filament	1,50
36	Polyethylene	1,50
37	Polypropylene	2,00
38	Polycarbamide	2,00
39	Polyurethane	
	discontinuous fibre	3,50
	filament	3,00
40	Vinylal	5,00
41	Trivinyll	3,00
42	Elastodiene	1,00
43	Elastane	1,50
44	Glass fibre:	
	with an average diameter of over 5 µm	2,00
	with an average diameter of 5 µm or less	3,00
45	Metal fibre	2,00
	Metallised fibre	2,00
	Asbestos	2,00
	Paper yarn	13,75
46	Elastomultiester	1,50
47	Elastolefin	1,50
48	Melamine	7,00

(<sup>1</sup>) The agreed allowances of 17,00 % shall also be applied where it is impossible to ascertain whether the textile product containing wool and/or animal hair is combed or carded.

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## ANNEX X

## CORRELATION TABLES

Directive <b>2008/121/CE</b>	This Regulation
Article 1(1)	Article 4(1)
Article 1(2)	Article 2(2)
Article 2(1)(a)	Article 3(1)(a)
Article 2(1)(b), introductory wording	Article 3(1) introductory wording
Article 2(1)(b)(i)	Article 3(1)(b)(i)
Article 2(1)(b)(ii)	Article 3(1)(b)(ii)
Article 2(2), introductory wording	Article 2(1) introductory wording
Article 2(2)(a)	Article 2(1)(a)
Article 2(2)(b)	Article 2(1)(b) and (c)
Article 2(2)(c)	Article 2(1)(d)
Article 3	Article 5
Article 4	Article 7
Article 5(1)	Article 8(1) and Annex III
Article 5(2)	Article 8(2)
Article 5(3)	Article 8(3)
Article 6(1)	Article 9(1)
Article 6(2)	Article 9(2)
Article 6(3)	Article 9(3)
Article 6(4)	Article 9(4)
Article 6(5)	Article 18
Article 7	Article 10
Article 8(1)	Article 12(1)
Article 8(2)	■
Article 8(3)	Article 13(1) and (2)
Article 8(4)	Article 13(3)
Article 8(5)	—
Article 9(1)	Article 14(1)
Article 9(2)	Article 14(2)
Article 9(3)	Article 15 and Annex IV
Article 10(1)(a)	Article 16(2)



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Directive 2008/121/CE	This Regulation
Article 10(1)(b)	Article 16(3)
Article 10(1)(c)	Article 16(4)
Article 10(2)	Article 16(1) second subparagraph
Article 11	Article 12(2) fourth subparagraph
Article 12	Annex VII
Article 13	Article 17(2)
Article 14(1)	—
Article 14(2)	Article 4(2)
Articles 15 and 16	Article 23
Article 17	—
Articles 19 and 20	—
Annex I No 1 to 47	Annex I No 1 to 47
Annex II No 1 to 47	Annex IX No 1 to 47
Annex III	Annex V
Annex III point 36	Article 3(1)(i)
Annex IV	Annex VI

Directive 96/73/EC	This Regulation
Article 1	Article 1
Article 2	Annex VIII chapter 1 section I (2)
Article 3	Article 17 (2) first subparagraph
Article 4	Article 17 (3)
Article 5 (1)	■
Article 5 (2)	Article 23
Article 6	■
Article 7	—
Article 8	—
Article 9	—
Annex I	Annex VIII chapter 1 section I
Annex II (1) introduction	Annex VIII chapter 1 section II
Annex II (1) sections I, II and III	Annex VIII chapter 2 sections I, II and III
Annex II (2)	Annex VIII chapter 2 section IV

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Directive 73/44/EEC	This Regulation
Article 1	Article 1
Article 2	Annex VIII chapter 1 section I
Article 3	Article 17 (2) first subparagraph
Article 4	Article 17 (3)
Article 5	Article 23 ■
Article 6	—
Article 7	—
Annex I	Annex VIII chapter 3 introduction and sections I to IV
Annex II	Annex VIII chapter 3 section V
Annex III	Annex VIII chapter 3 section VI

### Macro-financial assistance for Ukraine \*\*\*I

P7\_TA(2010)0169

**European Parliament legislative resolution of 18 May 2010 on the proposal for a decision of the European Parliament and of the Council providing macro-financial assistance to Ukraine (COM(2009)0580 – C7-0277/2009 – 2009/0162(COD))**

(2011/C 161 E/31)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0580),
- having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0101/2009),
- having regard to the Commission Communication to the European Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665) and the addendum thereto (COM(2010)0147),
- having regard to Article 294(3) and Article 212 of the Treaty on the Functioning of the European Union,
- having regard to the undertaking given by the Council representative by letter of 17 May 2010 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 55 of its Rules of Procedure,

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— having regard to the report of the Committee on International Trade and the opinion of the Committee on Foreign Affairs (A7-0058/2010),

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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### **P7\_TC1-COD(2009)0162**

**Position of the European Parliament adopted at first reading on 18 May 2010 with a view to the adoption of Decision No .../2010/EU of the European Parliament and of the Council providing macro-financial assistance to Ukraine**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 388/2010/EU.)*

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### **Specific measures for agriculture in the outermost regions of the Union (amendment of Regulation (EC) No 247/2006) \*\*\*I**

P7\_TA(2010)0170

**European Parliament legislative resolution of 18 May 2010 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 247/2006 laying down specific measures for agriculture in the outermost regions of the Union (COM(2009)0510 – C7-0255/2009 – 2009/0138(COD))**

(2011/C 161 E/32)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0510),
- having regard to Articles 36 and 37 and Article 299(2) of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0255/2009),
- having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
- having regard to Article 294(3) and Article 42, Article 43(2) and Article 349 of the Treaty on the Functioning of the European Union,

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- having regard to the opinion of the European Economic and Social Committee of 17 March 2010 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on Regional Development (A7-0054/2010),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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#### **P7\_TC1-COD(2009)0138**

**Position of the European Parliament adopted at first reading on 18 May 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Council Regulation (EC) No 247/2006 laying down specific measures for agriculture in the outermost regions of the Union**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 641/2010.)*

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#### **Estimates of revenue and expenditure for the year 2011 – Section I – Parliament**

P7\_TA(2010)0171

**European Parliament resolution of 18 May 2010 on the estimates of revenue and expenditure of Parliament for the financial year 2011 (2010/2005(BUD))**

(2011/C 161 E/33)

*The European Parliament,*

- having regard to Article 314(1) of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(2)</sup>, and particularly Article 31 thereof,
- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(3)</sup>,

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<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(3)</sup> OJ C 139, 14.6.2006, p. 1.

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- having regard to its resolution of 25 March 2010 on the guidelines for the 2011 budget procedure – Sections I, II, IV, V, VI, VII, VIII and IX <sup>(1)</sup>,
  - having regard to the Secretary-General's report to the Bureau on drawing up Parliament's preliminary draft estimates for the financial year 2011,
  - having regard to the preliminary draft estimates drawn up by the Bureau on 19 April 2010 pursuant to Rules 23(6) and 79(1) of Parliament's Rules of Procedure,
  - having regard to the draft estimates drawn up by the Committee on Budgets pursuant to Rule 79(2) of Parliament's Rules of Procedure,
  - having regard to Rule 79 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A7-0134/2010),
- A. whereas in order to fulfil its tasks under the Treaty the Parliament is aiming to use and develop fully its prerogatives and whereas this will necessitate the strengthening of a number of priority areas while, at the same time, requiring a stringent approach to the use of available resources,
- B. whereas, in this regard, the budgetary situation with respect to heading 5 (administrative expenditure) for 2011 warrants more than ever a careful and disciplined approach to Parliament's budget in order to reconcile the political goals and their financing,
- C. whereas a pilot process of enhanced cooperation between the Bureau and the Committee on Budgets was initiated two years ago and has been maintained for the 2011 procedure,
- D. whereas the prerogatives of the plenary in adopting the estimates and the final budget will be fully maintained in accordance with the Treaty provisions and the Rules of Procedure,
- E. whereas two pre-conciliation meetings between delegations of the Bureau and the Committee on Budgets took place on 24 March 2010 and 13 April 2010 during which a number of key issues were discussed by the two delegations,

### ***General Framework and overall budget***

1. Notes that the level of the 2011 budget, as suggested by the Bureau, amounts to EUR 1 710 547 354, representing 20,32 % of heading 5 of the multiannual financial framework (MFF); notes that the rate of increase suggested is 5,8 % over the 2010 budget, including the Draft amending budget (DAB) No 1/2010;
2. While fully aware of the challenges ahead, takes the view that the growth rate and final level of the budget need to be adjusted in these estimates; decides that at this stage, the overall level of the budget is EUR 1 706 547 354, which represents a rate of increase of 5,5 % and represents a percentage share of 20,28 % of heading 5; also aims to clarify various issues and further examine the measures proposed, as well as to identify savings, before establishing the final budget in autumn 2010;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0087.

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3. Recalls its view that, on the basis of the original MFF references negotiated in 2006 and in force since 2007, its expenditure should be established around the traditional 20 % limit, taking into account the needs of the other institutions and the available margin; notes in this regard the requests by the European Economic and Social Committee and the Committee of Regions for over EUR 10 million for the year 2010 only; reiterates that the European External Action Service may also have an impact on heading 5; confirms its view that the Bureau and the Committee on Budgets have to work together to re-assess this limit before opening an interinstitutional dialogue on the matter; suggest that a working group be set up for this purpose, which should begin its work before the end of July 2010;

4. Seeks clarification on the mid-term financial programming for heading 5 and the projected margins of EUR 109 million for 2011, EUR 102 million for 2012 and EUR 157 million for 2013; considers that it would be helpful to receive information on Parliament's working hypotheses for the sixth report of the secretaries-general (October 2009) in terms of budget and posts compared to the proposal for estimates now at hand; would like to clarify which significant (potential) projects and staff developments are already included in this programming for the next 2-3 years; underlines, at the same time, that the financial programming is only a non-binding indicative planning tool and that the budgetary authority takes the final decisions;

5. While not disagreeing with the principle reasoning of a 1 % share of the budget as a reasonable contingency reserve for unforeseen expenditure, agrees with the Bureau's proposal, taking into account the very restricted situation in heading 5, to set this reserve at EUR 14 million;

6. Understands that, in relation to the case on salaries pending before the Court of Justice, the total 'effect' for Parliament in 2011, which could amount to some EUR 12 million in the event of a ruling in the Commission's favour, is included as a provision, across various budget lines, in the proposal;

7. Recalls its previous demands that a full budget proposal should be presented at the estimates stage in the spring and would consequently expect only minor or technical changes in the so-called 'amending letter' in the autumn;

8. Re-emphasises the importance it attaches to close cooperation between the Bureau and Committee on Budgets in jointly clarifying the budgetary consequences of decisions to be taken; stresses, also, that within each decision-making body, the use of financial statements giving a clear presentation of all the budgetary consequences to members is crucial;

### ***Specific issues***

#### *Lisbon Treaty-related matters*

9. Welcomes and approves the financing of the Bureau's suggestions in relation to these measures, i.e. the creation of a specific reserve for the 18 Members, at EUR 9,4 million;

10. Can agree with the Bureau's focus on reinforcing expertise to contribute to the objective of legislative excellence;

11. In this regard, supports the idea of finding an appropriate mix of in-house and external expertise for the policy departments depending on the type of information required for the specific files under consideration but would like further explanations as to whether and how the staff increases proposed could be used in a flexible way and wishes to receive more information on past implementation rates and demand from committees for such expertise;

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12. Welcomes the fact that the Bureau took into account concerns raised over the ratio of ADs to ASTs, resulting in a decrease of 3 AST posts, compared to the initial proposal; approves the appropriations for the creation of 19 AD5 and 13 AST1 posts for the policy departments as now suggested by the Bureau;

13. Endorses the need for a reinforcement of external studies and welcomes the agreement between the Bureau and the Committee on Budgets to set the additional amount at EUR 1,7 million;

14. Notes the proposal to boost the library by 28 posts, out of which 13 for the briefing service for members (previously contract staff); can endorse the financing and incorporation of these 13 posts into its establishment plan provided an assurance is given that they will be filled following open competitions and that a corresponding saving is made in the financial envelope for contracts; considers that a further strengthening in terms of funds and human resources of the existing information services should go hand in hand with the development of a user-friendly system, which would allow Members to have easy access to all the information produced in the house; decides to enter the appropriations for the 15 additional posts in the estimates but places half of this amount in reserve pending:

— further justifications on how these posts would be used to improve expertise services for Members;

— concrete information about the steps undertaken by the Bureau and administration to put in place an internal Knowledge Management System, including the timetable envisaged for its implementation and any savings resulting from the rationalisation of information sources;

15. Considers that awareness and visibility for the two above indirect support services, including through Parliament's web pages, should be ensured for the benefit of Members;

16. Recalls its resolution on the guidelines in which an evaluation was already called for, including a detailed financial statement of the overall costs that would result from the proposed increase of the assistance allowances; therefore decides to introduce in reserve the corresponding appropriations;

#### *Enlargement*

17. Welcomes the provisions for enlargement to include Croatia and approves the corresponding appropriations and staffing measures;

#### *General establishment plan*

18. Notes that apart from the requests for 68 posts linked to Lisbon and 62 linked to enlargement (including 11 posts for the groups), 17 posts are requested to complete the second year of the three-year plan for DG INLO agreed in the 2010 procedure and 30 posts for other areas that could not be covered even after 20 redeployments had been identified as possible for 2011, bringing the total to 180 new posts; requests more detailed information on the posts redeployed or transferred as from the beginning of the legislature, including estimates of redeployments and transfers for 2010 and, where possible, 2011; decides to enter the appropriations for the creation of these posts in the estimates but places the amount linked to the creation of 30 posts for 'other areas' in reserve pending the analysis of the information requested;

19. Notes that the Bureau proposal now also includes 1 AD5 and 1 AST1 for the Euro Mediterranean Parliamentary Assembly and 3 AD5 and 1 AST1 posts for Risk Management but no longer contains a planned additional EUR 3 million for DG ITEC;

20. Also notes that the Bureau has included a further 56 posts for political groups;

21. Approves the 2011 measures and posts as put forward for the second year of DG INLO's three-year programme agreed last year;

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22. Wishes to receive more information on the allocation of contract agent's appropriations and an overview of net-costs or net-savings to the contract agent's envelope, resulting from granted increases to its establishment plan, especially in relation to internalisation of various functions in the fields of security, ICT and library;

#### *Buildings*

23. Emphasises that a reasonable buildings policy is intimately linked to the 2011 procedure and, also to the general question of a sustainable budget;

24. Welcomes the Bureau Decision of 24 March 2010 that addresses Parliament's request for a medium to long-term property and buildings policy; expresses initial concern about the feasibility of pursuing in parallel all current and planned building operations that could emanate from the medium to long-term building strategy; is not clear over how the multitude of projects fit in with the MFF and asks for the necessary clarifications;

25. Notes in this regard the Bureau's proposal to utilise EUR 85,9 million of assigned revenue (to be used within the area of Parliament's buildings policy) for Members' offices in Brussels; recalls that any building project likely to have significant financial implications for the budget is subject to consultation of the budgetary authority under Article 179(3) of the Financial Regulation; recalls furthermore that with regard to carry-overs the Financial Regulation stipulates that assigned revenue carried over must be used first; welcomes in this context the fact that Parliament, through the reimbursement of EUR 85,9 million by the Belgian State, will be in a position to bring forward new building projects and thus accelerate the implementation of part of its medium-term property strategy;

26. Cannot agree to reserve this assigned revenue for this particular building project;

27. Calls for the resources required for medium-term property planning to be entered in the budget in future; also calls for a separate budget line to be created for large-scale property projects, in order to facilitate medium-term financial planning for building projects and to increase transparency;

28. Notes that a provision for a direct pre-financing of the initial stage of the construction of the new KAD building has been made for an amount of EUR 10,2 million on the budget line for lease payments in the Bureau's proposal; recognises that such a voluntary pre-financing would help reduce the financing costs but, taking into account the extremely tight situation for 2011, decides to enter a lower amount of EUR 6,2 million for this purpose in the estimates; is willing to reassess this amount in autumn 2010 based on an update of the budgetary situation and developments in Parliament's building policy;

#### *Security*

29. Attaches importance to the in-depth review on security policy announced by the Bureau and, in this regard, recalls its attachment to a prudent use of resources and, particularly, a cost-effective balance between internal staff and external agents; asks the Bureau to carefully examine the operational and financial implications of a new strategy, aiming to strike a good balance in the proposals to be made between security concerns on the one hand and accessibility and openness on the other hand; stresses that Parliament should remain as much as possible an open and accessible institution; for this reason wishes to receive more information from the administration concerning the so-called 'Wiertz project' in order to assess its implications relating to the accessibility of Parliament for the public;

#### *ICT Strategy*

30. Welcomes the more structured approach to ICT and the elaboration of a comprehensive strategy in this field; also reiterates its support for a sufficient internalisation of functions to reduce the dependence on external providers; notes, however, that new posts were already given three years in a row; therefore considers this an issue to be clarified;



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31. Notes that EUR 5 million is earmarked for a Members' IT mobility project and, in particular, to cover mobile communications; would like to receive more information given the relatively high amount;

*Environment-related matters*

32. Welcomes the modest increase in funding to implement the EMAS and CO<sub>2</sub> reduction measures, spread across the entire budget, and underlines further the importance it attaches to this issue;

33. Notes the evolution of key performance indicators since 2006 in this respect as included in the Environmental Management Review for the year 2008, notably a reduction in carbon footprint of 12,9 %, a decrease in electricity consumption of 0,8 %, an increase in gas/oil/ heat consumption of 7,4 % in 2008, after a decrease of 17,5 % in 2007, an increase in mobility/ transport emissions of 8,8 %, an increase in the percentage of recycled waste from 49,8 % in 2006 to 55,4 % in 2008, an increase in water consumption of 18,1 % and a decrease of paper consumption of 16,9 %;

34. Welcomes the budgetary annex on environmental management which gives a good technical overview of the budget items involved; would also welcome, in this context and in the same annex, the inclusion in the annual EMAS reports of more information on the differentiated carbon footprint of the Parliament's buildings in Strasbourg, Brussels and Luxembourg as well as on session-related travel and transport, to present the current results of reducing Parliament's carbon footprint and to illustrate the beneficial impact on the environment as a result of these investments, and indeed any savings achieved in the longer term;

35. Expresses support for the pursuit of measures to further reduce Parliament's carbon footprint. Welcomes in this regards the studies underway on energy-saving-related aspects of buildings and ways to implement carbon-offsetting schemes for travel; furthermore supports incentives to use public transport instead of cars and the availability of more bicycles in Strasbourg;

36. Notes that the budget item for Members' travel costs is actually higher than the one for salaries; underlines the need for responsible use of allowances, notably travel allowances, and points out that without changing the current rules and by using, where possible, other means of transport than business class air travel from and to Parliament's places of work, Parliament's carbon footprint can be reduced and costs saved at the same time; calls on the Bureau to present, as agreed during the last pre-conciliation, in time for Parliament's first reading, a study focused on the functioning of the new system and possible solutions for savings to be carried out;

37. Recalls that the budgets of the European institutions were given earmarked money by the budgetary authority in order to finance a public transport subsidy for staff, as an environmental measure, following an initiative from Mr. Barroso; asks for an update on the situation as regards the Parliament;

38. Asks that, where possible and appropriate, environmental statements be added to the financial statements used within the institution;

39. Believes that public procurement directives need to be better adapted to facilitate, where possible and appropriate, the inclusion of environmental and social clauses;

*Multi-annual projects and other items of expenditure*

40. Welcomes the agreement for an increase of EUR 2,6 million in order to finance 110 annual visitors that Members can invite instead of the current 100; takes the view that it may be appropriate to have some time to evaluate the functioning of the new visitors' centre before considering any further increase; the services responsible for the organisation of the visits should also take into account that Members may wish to split the visitor groups into different sizes over the year;

Tuesday 18 May 2010

41. Approves the EUR 3 million budgeted in relation to the opening of the visitors' centre and the operating costs for a standard full year; points out the need to evaluate the initial year also from a financial point of view, including these running costs;

42. Takes note of the Bureau's decision to introduce allowances for office holders with a budgetary impact of EUR 400 000; notes, however, that the discussion on the principle was controversial; in this regard welcomes the fact that supporting documents have to be provided in order to be reimbursed for extra costs incurred in the performance of their duties;

43. Takes note of the Bureau's proposal to enter EUR 2,5 million for the House of European History, concerning studies following the results of the architect's competition currently under evaluation; recalls its request from last year to receive a clear overview of the costs envisaged for the project as a whole, including administrative costs, at the latest at the stage of the Preliminary draft estimates for the 2011 budget procedure; also recalls the agreement with the Bureau from the pre-conciliation meeting in 2009; highlights that the report of the Committee of experts to the House of European History lists 11 points, which entail further costs: (1) 'academic advisor composed of experts and museum specialists', (2) 'institutional independence of the institution', (3) 'extensive museum-pedagogic offers', (3) 'meeting place for young academics', (5) 'permanent evaluation', (6) 'temporary exhibit and travelling exhibition', (7) 'relevant events with a European reference', (8) 'own publications', (9) 'extensive on-line offers', (10) 'Creation of an own museums collection', (11) 'continuous development of exhibitions and the infrastructure of the museum'; therefore stresses that the global cost of this project must be identified as a matter of urgency;

#### *Horizontal issues*

44. Warmly welcomes the inclusion of an initial analysis identifying fixed and variable costs in the budget proposal; recognises the methodological difficulties involved but is convinced that these concepts should be examined further; in this regard, recalls that it is awaiting a reply from the competent bodies as to how the concept of a zero-based budget policy, utilising this distinction between fixed and variable costs, could be applied in the context of the Parliament's budget procedure; requests deeper examination regarding fixed costs, distinguishing permanent fixed costs, fixed costs for fixed terms and areas where savings could be generated; requests deeper examination regarding variable costs, making a clear link between costs and objectives, policies and actions, and identifying and sorting priorities by importance;

45. Points out that the thresholds for the different public procurement procedures are currently stricter for the European institutions than those stipulated in the relevant European public procurement directives and that this situation leads to additional administrative costs and use of human resources that could be saved by better aligning the thresholds;

46. Supports activities that have a social, cultural or linguistic dimension, for staff and their families, but disapproves of individual subsidies given in that context and consequently modifies the remarks to the relevant budget item;

47. Strongly supports further efforts to make the institution better suited for disabled persons, both as regards the necessary changes to infrastructure and staff measures;

#### *Final considerations*

48. Underlines that a more detailed examination of individual budget items, including an analysis of implementation rates, should take place before the vote on the draft budget in the autumn; will thus examine and take the final budgetary decisions at that time;

49. Adopts the estimates for the financial year 2011 and recalls that the adoption of Parliament's position on the Draft budget, as modified by the Council, will take place in October 2010, according to the voting procedure laid down by the Treaty;

Tuesday 18 May 2010

50. Approves the joint conclusions of the budgetary trilogue of 25 March 2010 annexed hereto;

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\*       \*

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

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ANNEX

**JOINT CONCLUSIONS OF THE BUDGETARY TRILOGUE OF 25 MARCH 2010**

**BUDGETARY TRILOGUE**

**25 March 2010**

*Conclusions*

The European Parliament, the Council and the Commission have taken note of the concerns expressed by the Registrar of the Court of Justice and by the Secretaries General of the Court of Auditors, the Committee of Regions and the Economic and Social Committee in their letter sent to the Secretaries General of the European Parliament, the Council and the Commission on the new budgetary procedure and especially on the Conciliation Committee. They suggest that these institutions are invited to send directly in writing to the Conciliation Committee their remarks on the impact of the Council's position and the European Parliament's amendments.

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Wednesday 19 May 2010

**European Refugee Fund for the period 2008–2013 (amendment of Decision No 573/2007/EC) \*\*\*II**

P7\_TA(2010)0177

**European Parliament legislative resolution of 19 May 2010 on the Council position at first reading for adopting a decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 by removing funding for certain Community actions and altering the limit for funding such actions (16627/1/2009 – C7-0051/2010 – 2009/0026(COD))**

(2011/C 161 E/34)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (16627/1/2009 – C7-0051/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2009)0067),
- having regard to Article 251(2) and Article 63, first paragraph, point (2)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0070/2009),
- having regard to its position at first reading <sup>(1)</sup>,
- having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
- having regard to Article 294(7) and Article 78(2) of the Treaty on the Functioning of the European Union,
- having regard to Rule 72 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A7-0117/2010),

1. Approves the Council’s position;
2. Notes that the act is adopted in accordance with the position;
3. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;
4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> Texts adopted, 7.5.2009, P6\_TA(2009)0375.

Wednesday 19 May 2010

**Labelling and standard product information of the consumption of energy and other resources by energy-related products (recast) \*\*\*II**

P7\_TA(2010)0178

**European Parliament legislative resolution of 19 May 2010 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast) (05247/1/2010 – C7-0094/2010 – 2008/0222(COD))**

(2011/C 161 E/35)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (05247/1/2010 – C7-0094/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2008)0778),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0412/2008),
- having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665) and the addendum thereto (COM(2010)0147),
- having regard to Article 294(7) and Article 194(2) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- having regard to its position at first reading <sup>(1)</sup>,
- having regard to the opinion of the European Economic and Social Committee of 24 March 2009 <sup>(2)</sup>,
- after consulting the Committee of the Regions,
- having regard to Rules 72 and 37 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Industry, Research and Energy (A7-0128/2010),

1. Approves the Council position;
2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
3. Takes note of the Commission statements annexed to this resolution;

<sup>(1)</sup> Texts adopted, 5.5.2009, P6\_TA(2009)0345.

<sup>(2)</sup> OJ C 228, 22.9.2009, p. 90.

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4. Notes that the act is adopted in accordance with the Council position;
5. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;
6. 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*;
7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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ANNEX

**Statements**

**concerning Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast)**

**Statement by the European Parliament, the Council and the Commission on Article 290 TFEU**

'The European Parliament, the Council and the Commission declare that the provisions of Directive 2010/30/EU shall be without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions.'

**Commission statements on certain provisions of Directive 2010/30/EU**

**Art. 1 (2)**

'When setting out the priority list of energy-related products referred to in Recital 7, the Commission will give due attention also to energy-related construction products, taking into account in particular the potential energy savings that could be achieved through the labelling of some of those products, given that buildings account for 40 % of total energy consumption in the EU.'

**Art. 10**

'When preparing delegated acts under Directive 2010/30/EU, the Commission shall ensure that overlapping legislation is avoided and that overall consistency in the EU-legislation on products is maintained.'

**Art. 10 (4)(d)**

Significant proportion of products for the review of label classification

'The Commission considers that the proportion of products in the two highest energy efficiency classes is considered to be significant when it can be estimated that

- either the number of models available on the internal market which achieve class A+++ or A++ is about one third or more of the total number of relevant models available,
- or the share of the annual sales of products in the internal market which achieve class A+++ or A++ is about one third or more,
- or both.'

Wednesday 19 May 2010

**Commission statement on consumer information**

The Commission supports the use of Union instruments such as the Intelligent Energy-Europe Programme to contribute to:

- initiatives that raise end-users' awareness on the benefits of energy labelling
  
- initiatives that monitor the market evolution and the technological development leading to more energy efficient products, in particular by identifying the best performing models in the various product groups and making the information available to all interested parties, such as consumer organisations, industry and environmental NGOs with the view of large dissemination towards consumers.

Such monitoring could also serve as an indicator for the review of Labelling and/or Ecodesign measures under Directives 2010/30/EU and 2009/125/EC.'

**Commission statement on recess periods**

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

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**Amending budget No 1/2010: Section I - Parliament**

P7\_TA(2010)0179

**European Parliament resolution of 19 May 2010 on the Council's position on Draft amending budget No 1/2010 of the European Union for the financial year 2010, Section I – European Parliament (09807/2010 – C7-0125/2010 – 2010/2045(BUD))**

(2011/C 161 E/36)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union and in particular Article 314 thereof,
  
- having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources <sup>(1)</sup>,
  
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(2)</sup>,
  
- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(3)</sup>, and in particular the Multiannual Financial Framework (MFF) provided for in Part I thereof and set out in Annex I thereto,

<sup>(1)</sup> OJ L 163, 23.6.2007, p. 17.

<sup>(2)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(3)</sup> OJ C 139, 14.6.2006, p. 1.

**Wednesday 19 May 2010**

- having regard to the general budget of the European Union for the financial year 2010, as finally adopted on 17 December 2009 <sup>(1)</sup>,
  - having regard to the draft estimates adopted by Parliament on 25 February 2010 <sup>(2)</sup>,
  - having regard to Draft amending budget No 1/2010 drawn up by the Commission on 19 March 2010 (COM(2010)0107),
  - having regard to the Council's position on Draft amending budget No 1/2010 established on 18 May 2010 (09807/2010),
  - having regard to Rules 75b and 75e of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A7-0158/2010),
- A. whereas it was agreed, during the 2010 budget procedure, that any expenditure related specifically to the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community would be dealt with, if necessary, through existing budgetary instruments, such as an amending budget, after the adoption of the original 2010 budget,
- B. whereas it was emphasised that, in such a case and to the fullest possible extent, reorganisation of existing resources should be fully examined before any call for additional resources was made,
- C. whereas it was particularly stressed that the adopted original level of its budget amounting to 19,87 % of the authorised expenditure under heading 5 (administrative appropriations) of the MFF did not include any adaptations in the light of the Treaty of Lisbon, particularly in the legislative area,
- D. whereas, at the same time, it was acknowledged that, due to the limited margins available, further savings and redeployment would be required to enable additional requirements to be fulfilled,
1. Welcomes the Commission's Draft amending budget No 1/2010, drawn up in full conformity with the Parliament's estimates of 25 February 2010;
  2. Notes the Council's position of 18 May 2010, approving the proposal without amendment, in full respect of the Gentlemen's Agreement;
  3. Emphasises that an extensive political debate and analysis of the measures put forward already took place during the estimates stage in January and February 2010;
  4. Approves Council's position on Draft amending budget No 1/2010 without amendment and instructs its President to declare that Amending budget No 1/2010 has been definitely adopted and arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>(1)</sup> OJ L 64, 12.3.2010.

<sup>(2)</sup> Texts adopted, P7\_TA(2010)0038.



Wednesday 19 May 2010

**Standards of quality and safety of human organs intended for transplantation \*\*\*I**

P7\_TA(2010)0181

**European Parliament legislative resolution of 19 May 2010 on the proposal for a directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation (COM(2008)0818 – C6-0480/2008 – 2008/0238(COD))**

(2011/C 161 E/37)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2008)0818),
  - having regard to Article 251(2) and Article 152(4)(a) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0480/2008),
  - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
  - having regard to Article 294(3) and Article 168(4) of the Treaty on the Functioning of the EU,
  - having regard to the opinion of 10 June 2009 of the European Economic and Social Committee <sup>(1)</sup>,
  - after consulting the Committee of Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Legal Affairs (A7-0106/2010),
1. Adopts the position at first reading hereinafter set out;
  2. Approves the statement of the European Parliament, the Council and the Commission and takes note of the Commission statement annexed hereto, which will be published in the *Official Journal of the European Union* together with the final legislative act;
  3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 306, 16.12.2009, p. 64.

Wednesday 19 May 2010

**P7\_TC1-COD(2008)0238**

**Position of the European Parliament adopted at first reading on 19 May 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2010/53/EU)*

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ANNEX

**Statement of the European Parliament, the Council and the Commission on Article 290 TFEU**

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

**Statement of the European Commission (Urgency)**

The European Commission undertakes to keep the European Parliament and the Council fully informed on the possibility of a delegated act being adopted under the urgency procedure. As soon as the Commission's services foresee that a delegated act might be adopted under the urgency procedure, they will informally warn the secretariats of the European Parliament and of the Council.

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Thursday 20 May 2010

**Community financial assistance with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria 'Kozloduy Programme' \***

P7\_TA(2010)0188

**European Parliament legislative resolution of 20 May 2010 on the proposal for a Council regulation on Community financial assistance with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria - 'Kozloduy Programme' (COM(2009)0581 - C7-0289/2009 - 2009/0172(NLE))**

(2011/C 161 E/38)

(Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0581),
  - having regard to Article 30 of the Act concerning the conditions of Accession of the Republic of Bulgaria and Romania and the adjustments to the treaties on which the European Union is founded, concerning Reactors 1 to 4 of the Kozloduy nuclear power plant in Bulgaria,
  - having regard to the Communication from the Commission to the Council and the European Parliament entitled 'Nuclear safety in the European Union' (COM(2002)0605),
  - having regard to Article 203 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C7-0289/2009),
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Budgets and the Committee on the Environment, Public Health and Food Safety (A7-0142/2010),
1. Approves the Commission proposal as amended;
  2. Considers that the proposal for a Council regulation is compatible with the ceiling for subheading 1a of the multiannual financial framework (MFF) for 2007-2013 but that the margin remaining in subheading 1a for 2011-2013 is very limited; stresses that the funding of new activities must not jeopardise existing programmes and initiatives under subheading 1a;
  3. Reiterates its call, therefore, for the presentation of a multiannual strategy for the Kozloduy decommissioning programme, as well as for other political priorities under subheading 1a, in the context of the mid-term review of the current MFF, accompanied by concrete proposals to adjust and revise it before the end of the first semester of 2010 by using all mechanisms available under the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup> (IIA of 17 May 2006), particularly those in points 21 to 23 thereof;
  4. Points out that the annual amount for the Kozloduy decommissioning programme will be determined during the annual budgetary procedure in accordance with the provisions of point 38 of the IIA of 17 May 2006;
  5. Calls on the Commission to alter its proposal accordingly, pursuant to Article 106a of the Euratom Treaty and Article 293(2) of the Treaty on the Functioning of the European Union;

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

Thursday 20 May 2010

6. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
7. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
8. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 1**  
**Proposal for a regulation**  
**Recital 1**

(1) Bulgaria **committed itself** to the closure of Units 1 and 2 and Units 3 and 4 of the Kozloduy Nuclear Power Plant by 31 December 2002 and 31 December 2006, respectively and to the subsequent decommissioning of these units. The European Union expressed its willingness to continue to provide financial assistance up to 2009 as an extension of the pre-accession aid planned under the Phare programme in support of Bulgaria's decommissioning efforts.

(1) **During the accession negotiations in 2005**, Bulgaria **agreed** to the closure of Units 1 and 2 and Units 3 and 4 of the Kozloduy Nuclear Power Plant by 31 December 2002 and 31 December 2006, respectively and to the subsequent decommissioning of these units. The European Union expressed its willingness to continue to provide financial assistance up to 2009 as an extension of the pre-accession aid planned under the Phare programme in support of Bulgaria's decommissioning efforts. **The European Union also gave assurances at that time that the financial assistance would be considered as part of an overall review of Community support for the period 2007-2013.**

**Amendment 2**  
**Proposal for a regulation**  
**Recital 2**

(2) The 2005 Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, and in particular Article 30 of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, established in view of Bulgaria's commitment to close Unit 3 and Unit 4 of the Kozloduy Nuclear Power Plant an assistance programme (hereinafter referred to as 'Kozloduy Programme') with a budget of EUR 210 million for the period 2007 to 2009.

(2) The 2005 Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, and in particular Article 30 of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, established in view of Bulgaria's commitment to close Unit 3 and Unit 4 of the Kozloduy Nuclear Power Plant an assistance programme (hereinafter referred to as 'Kozloduy Programme') with a budget of EUR 210 million for the period 2007 to 2009. **That programme includes assistance to cover the capacity loss as a consequence of the closure of Kozloduy nuclear power plant.**

**Amendment 3**  
**Proposal for a regulation**  
**Recital 2 a (new)**

(2a) **The principles of Union solidarity and equal treatment require an even-handed approach to be taken, now as in the past, to Member States in need of support funding for nuclear decommissioning, following commitments to close nuclear power plants units, as laid down in their Accession Treaties or in attached Protocols.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 4****Proposal for a regulation****Recital 4**

(4) The Union recognises the effort made and the good progress achieved by Bulgaria in the decommissioning preparation stage of the Kozloduy Programme utilising the *community* funds put in place until 2009, and the need for further financial support beyond 2009 in order to continue the progress with the actual dismantling operations.

(4) The Union recognises the effort made and the good progress achieved by Bulgaria in the decommissioning preparation stage of the Kozloduy Programme utilising the *Community* funds put in place until 2009, and the need for further financial support beyond 2009 in order to continue the progress with the actual dismantling operations **in accordance with the 2005 Accession Treaty, whilst applying the highest safety standards.**

**Amendment 5****Proposal for a regulation****Recital 5**

(5) It is equally important to use the Kozloduy Nuclear Power Plant's own resources, as this contributes to the availability of the necessary expertise and at the same time mitigates the social and economic impact of the early closure by continuously employing the staff from the closed nuclear power plant. The continued financial support is therefore important to maintain the required safety **standard**.

(5) It is equally important to use the Kozloduy Nuclear Power Plant's own resources, as this contributes to the availability of the necessary expertise, **enhances know-how and skills, and** at the same time mitigates the social and economic impact of the early closure by continuously employing the staff from the closed nuclear power plant. The continued financial support is therefore important to maintain the required safety, **health and environmental standards.**

**Amendment 6****Proposal for a regulation****Recital 6**

(6) The Union recognises also the need for financial support to progress further **with mitigating measures in the energy sector given the extent of the capacity loss by the closure of the nuclear units and its impact on the security of supply in the region.**

(6) The Union recognises also the need **and the necessity** for financial support to progress further **towards a more energy-efficient economy which will have a positive impact on the security of supply, on electricity prices and on the volume of greenhouse gas emissions in Bulgaria. As more progress is needed in Bulgaria with regard to the final disposal of irradiated fuel elements and highly radioactive waste, and as the final disposal of all radioactive substances resulting from the closure of Kozloduy nuclear plant is a highly important process which needs to be carefully planned, the Union should assist the Bulgarian Government in the process of identifying the final disposal solutions, if appropriate on the basis of a study by the Bulgarian Government relating to the safe final disposal of all radioactive substances involved in the decommissioning.**

**Amendment 7****Proposal for a regulation****Recital 6 a (new)**

(6a) **The loss of generating capacity due to the early closure of Units 1 to 4 of the Kozloduy Nuclear Power Plant has led to a significant additional volume of greenhouse gas emissions, estimated at 15 TWh for the period 2011-2013 with a CO<sub>2</sub>-equivalent of some 1,2 Gg/GWh, and has resulted in about 18 000 Gg or 18 000 kt CO<sub>2</sub>-equivalent additional effect for Bulgaria, thus necessitating additional CO<sub>2</sub> reductions.**

Thursday 20 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 8****Proposal for a regulation****Recital 6 b (new)**

*(6b) The Union recognises the need to mitigate the effect of increased environmental damage and emissions due to the replacement capacity coming mostly from increased use of lignite plants.*

**Amendment 9****Proposal for a regulation****Recital 6 c (new)**

*(6c) Mitigation measures to reduce the socio-economic impact of the closure of Units 1 to 4 of the Kozloduy Nuclear Power Plant, such as programmes for retraining affected personnel to use their skills in other sectors, for example industrial research or renewable energy, could require EU financial assistance.*

**Amendment 10****Proposal for a regulation****Recital 7**

(7) **Consequently**, provision should be made for a sum of EUR 300 million from the general budget of the European Union to fund the decommissioning of the Kozloduy Nuclear Power Plant over the period from 2010 to 2013.

*(7) Recognising the inadequate decommissioning and radioactive waste treatment funds from operating profits*, provision should be made for a sum of EUR 300 million from the general budget of the European Union to fund the decommissioning of **Units 1 to 4 of** the Kozloduy Nuclear Power Plant over the period from 2010 to 2013. **Of this sum, EUR 180 million should be used to support the decommissioning programme and the remaining EUR 120 million to fund both energy efficiency and savings measures.**

**Amendment 11****Proposal for a regulation****Recital 7 a (new)**

*(7a) In view of the Commission Ex Ante Evaluation of 27 October 2009 <sup>(1)</sup>, EUR 180 million of the funds is intended to assist the following projects: (1) project management, technical assistance for the support of the implementation of the decommissioning programme; (2) the provision of salaries for experts (operation, maintenance, technical support, project management) at the Kozloduy site, working for the decommissioning of Units 1-4; (3) contribution to the construction of the National Radioactive Waste Disposal Facility, crucial for the implementation of the decommissioning programme, in particular for the storage of low and intermediate level waste in the first 10 years of implementation; (4) site infrastructure and treatment of dismantled waste (including additional allocation for projects already in the tendering process). The improvement of site infrastructure referred to as part of project 4 may only comprise measures relating to the decommissioning of Units 1-4.*

<sup>(1)</sup> SEC (2009) 1431.

Thursday 20 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 12**  
**Proposal for a regulation**  
**Recital 8**

(8) The appropriations of the general budget of the European Union for decommissioning should not lead to distortions of competition in relation to power supply companies on the energy market in the Union. These appropriations should also be used to finance measures **to compensate the loss of production capacity** in line with the acquis.

(8) The appropriations of the general budget of the European Union for decommissioning should not lead to distortions of competition in relation to power supply companies on the energy market in the Union. These appropriations should also be used to finance **energy efficiency and savings** measures in line with the acquis **and the rules of the functioning of the common European energy market**.

**Amendment 13**  
**Proposal for a regulation**  
**Recital 10**

(10) The tasks of the EBRD include managing the public funds allocated to the programmes for decommissioning nuclear power **plants and** monitoring the financial management of these programmes so as to optimise the use of public money. In addition, the EBRD carries out the budget tasks entrusted to it by the Commission in line with the requirements of Article 53**quinquies** of the Financial Regulation.

(10) The tasks of the EBRD include managing the public funds allocated to the programmes for decommissioning **those** nuclear power **units that were subject to accession-linked closure agreements**. **The EBRD is** monitoring the financial management of these programmes so as to optimise the use of public money. In addition, the EBRD carries out the budget tasks entrusted to it by the Commission in line with the requirements of Article 53**d** of the Financial Regulation.

**Amendment 14**  
**Proposal for a regulation**  
**Recital 11**

(11) In order to ensure the highest possible efficiency, the decommissioning of the Kozloduy Nuclear Power Plant should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the units to be shut down.

(11) In order to ensure the highest possible efficiency **and to minimise possible environmental consequences**, the decommissioning of **Units 1 to 4 of** the Kozloduy Nuclear Power Plant should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the units to be shut down.

**Amendment 15**  
**Proposal for a regulation**  
**Recital 11 a (new)**

**(11a) In order to ensure access to information, public participation and transparency, all appropriate measures should be taken during the decommissioning of the Kozloduy Nuclear Power Plant to fulfil the obligations laid down in international conventions that already provide for the necessary requirements in national, international, or trans-boundary contexts, such as the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters of 25 June 1998 <sup>(1)</sup>.**

<sup>(1)</sup> OJ L 124, 17.5.2005, p. 1.

Thursday 20 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 16****Proposal for a regulation****Recital 12**

(12) The decommissioning of the Kozloduy Nuclear Power Plant will be carried out in line with the legislation on the environment, particularly Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment.

(12) The decommissioning of **Units 1 to 4 of** the Kozloduy Nuclear Power Plant will be carried out **in accordance with Bulgaria's national law and licensing arrangements, and** in line with the legislation on the environment, particularly Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment.

**Amendment 17****Proposal for a regulation****Recital 12 a (new)**

*(12a) The activities related to the decommissioning of the Kozloduy Nuclear Power Plant will be carried out in line with the fundamental objective of protecting workers and the general public from the harmful effects of ionising radiation, as laid down in existing legislation, particularly Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation<sup>(1)</sup>, thus ensuring the highest level of safety and protection for workers and the general public's health. The mitigation measures in the energy sector through energy efficiency and renewable energy should be supported by a specific Bulgarian national strategy.*

<sup>(1)</sup> OJ L 159, 29.6.1996, p. 1.

**Amendment 18****Proposal for a regulation****Recital 12 b (new)**

*(12b) Principles of economy, efficiency and effectiveness in respect of the allocated funds should be ensured through evaluation and performance audits of the previously financed programmes.*

**Amendment 19****Proposal for a regulation****Recital 13 a (new)**

*(13a) Articles 53d, 108a and 165 of Council Regulation (EC,Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>(1)</sup>, and Articles 35 and 43 of Commission Regulation (EC,Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC,Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>(2)</sup> lay down the conditions to be considered under the joint management budget implementation method.*

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(2)</sup> OJ L 357, 31.12.2002, p. 1.



Thursday 20 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 20****Proposal for a regulation  
Recital 13 b (new)**

*(13b) The Kozloduy case should serve as an example, and a complete and precise budget of decommissioning should be drawn up by the Commission for analysis and forecasting of costs of the future decommissioning of nuclear power plants.*

**Amendment 21****Proposal for a regulation  
Article 1**

This Regulation establishes the programme laying down detailed rules for the implementation of Community's financial contribution to address the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant and the consequences of their closure in Bulgaria (hereinafter referred to as 'Kozloduy Programme').

This Regulation establishes the programme laying down detailed rules for the implementation of *the* Community's financial contribution to address *the further process of* the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant and the consequences, *with regard to the environment, economy and security of supply in the region,* of their early closure in Bulgaria (hereinafter referred to as 'Kozloduy Programme').

**Amendment 22****Proposal for a regulation  
Article 2**

The Community contribution to the Kozloduy Programme shall be granted for the purpose of providing financial support for measures connected with the decommissioning of the Kozloduy Nuclear Power Plant, measures for environmental upgrading in line with the acquis and for modernising *conventional* production capacity to replace the production capacity of the four reactors at the Kozloduy Nuclear Power Plant and other measures which stem from the decision to close and decommission *this plant* and which contribute to the necessary restructuring, upgrading of the environment and modernisation of the energy production, transmission and distribution sectors in Bulgaria as well as to enhancing security of supply *and* energy efficiency in Bulgaria.

The Community contribution to the Kozloduy Programme shall be granted for the *primary* purpose of providing financial support for measures connected with the decommissioning of *Units 1 to 4 of* the Kozloduy Nuclear Power Plant. *It shall also be directed at* measures for environmental upgrading in line with the acquis and for modernising production capacity to replace the production capacity of the four reactors at the Kozloduy Nuclear Power Plant and other measures which stem from the decision to close and decommission *those units* and which contribute to the necessary restructuring, upgrading of the environment and modernisation *and strengthening* of the energy production, transmission and distribution sectors in Bulgaria as well as to enhancing security *and a higher standard* of supply, energy efficiency *and use of renewable energy* in Bulgaria, *while encouraging energy-saving measures and promoting renewable energies. Financial support can also be provided in order to mitigate the socio-economic transition in the affected communities, for example through developing new sustainable jobs and industries.*

**Amendment 23****Proposal for a regulation  
Article 3 – paragraph 1**

1. The financial reference amount necessary for the implementation of the Kozloduy programme for the period from 1 January 2010 to 31 December 2013 shall be EUR 300 million.

1. The financial reference amount, *within the meaning of point 38 of the IIA of 17 May 2006, that is* necessary for the implementation of the Kozloduy programme for the period from 1 January 2010 to 31 December 2013 shall be EUR 300 million.

Thursday 20 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 24****Proposal for a regulation  
Article 3 – paragraph 2**

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives **and according to the requirements of the decommissioning process.**

**Amendment 25****Proposal for a regulation  
Article 3 – paragraph 3**

3. The amount of the appropriations allocated to the Kozloduy Programme **may** be reviewed in the course of the period from 1 January 2010 to 31 December 2013 to take account of the progress made with the implementation of the programme and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

3. The amount of the appropriations allocated to the Kozloduy Programme **shall** be reviewed in the course of the period from 1 January 2010 to 31 December 2013 to take account of the progress made with the implementation of the programme, **and to take account of the long-term impacts on, and consequences for, the environment, economy and security of supply as a result of the early closure of Units 1 to 4 of the Kozloduy Nuclear Power Plant**, and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

**Amendment 26****Proposal for a regulation  
Article 5 – paragraph 2**

2. Measures under the Kozloduy Programme shall be adopted in accordance with Article 8(2).

2. Measures under the Kozloduy Programme shall be adopted in accordance with Article 8(2). **They shall comply with EU rules on public procurement.**

**Amendment 27****Proposal for a regulation  
Article 6 – paragraph 1**

1. The Commission may have an audit of the use made of the assistance carried out either directly by its own staff or by any other qualified outside body of its choice. Such audits may be carried out throughout the duration of the agreement between the Community and the EBRD on making Community funds available to the Kozloduy International Decommissioning Support Fund and for a period of five years from the date of payment of the balance. Where appropriate, the audit findings may lead to recovery decisions by the Commission.

1. The Commission **shall monitor, and** may have an audit of the use made of the assistance carried out either directly by its own staff or by any other qualified outside body of its choice. Such audits may be carried out throughout the duration of the agreement between the Community and the EBRD on making Community funds available to the Kozloduy International Decommissioning Support Fund, **in accordance with the rules of the International Atomic Energy Agency and the International Energy Agency**, and for a period of five years from the date of payment of the balance. Where appropriate, the audit findings may lead to recovery decisions by the Commission. **The funding of such audits and any other assessments falls outside the scope of the budget for decommissioning assistance.**

**Amendment 28****Proposal for a regulation  
Article 6 – paragraph 2 - subparagraph 1**

2. Commission staff and outside personnel authorised by the Commission shall have appropriate right of access, particularly to the beneficiary's offices and to all the information, including information in electronic format, needed in order to conduct such audits.

2. Commission staff and outside personnel authorised by the Commission shall have appropriate right of access, particularly to the beneficiary's offices and to all the information, including information in electronic format, needed in order to conduct such audits. **The audits shall also cover the stage reached in the issuing of permits for decommissioning.**

Thursday 20 May 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 29****Proposal for a regulation****Article 6 – paragraph 2 – subparagraph 2**

The Court of Auditors shall enjoy the same rights, especially of access, as the Commission.

The Court of Auditors **and the European Parliament** shall enjoy the same rights, especially of access, as the Commission.

**Amendment 30****Proposal for a regulation****Article 7**

The Commission shall ensure the implementation of this Regulation and shall report at regular intervals to the European Parliament and the Council. It shall carry out a mid-term **review**, as provided for in Article 3(3).

The Commission shall ensure the implementation of this Regulation and shall report at regular intervals to the European Parliament and the Council **on the use of funds and the activities carried out**. It shall carry out a mid-term **evaluation and an ex-post evaluation**, as provided for in Article 3(3) **and report on them both to the European Parliament**.

*The ex-post evaluation shall contain a complete and precise budget of the costs for decommissioning a nuclear power plant so as to plan for future decommissioning expenditure. It shall also analyse the economic, social and environmental costs, focusing on the impact of residual free-radiation and consequences for security of supply.*

**Amendment 31****Proposal for a regulation****Article 7 a (new)****Article 7a**

*The Commission shall perform a compliance assessment, in line with the internationally accepted standards of, at least, the EBRD accounting, audit, internal control and procurement procedures, before the signing of the contribution agreement.*

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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
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(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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