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### Information and Notices

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## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## EUROPEAN PARLIAMENT

**Transparency in regional policy and its funding**

P7\_TA(2010)0201

**European Parliament resolution of 15 June 2010 on transparency in regional policy and its funding (2009/2232(INI))**

(2011/C 236 E/01)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union, and in particular Articles 174-178 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 Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund <sup>(2)</sup>,
- having regard to Council Regulation (EC) No 284/2009 of 7 April 2009 amending Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund concerning certain provisions relating to financial management <sup>(3)</sup>,
- having regard to Regulation (EC) No 397/2009 of the European Parliament and of the Council of 6 May 2009 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of energy efficiency and renewable energy investments in housing <sup>(4)</sup>,
- having regard to the decision of the European Parliament of 22 April 2008 on discharge in respect of the implementation of the European Union general budget for the financial year 2006, section III – Commission <sup>(5)</sup>,

<sup>(1)</sup> OJ L 210, 31.7.2006, p. 25.<sup>(2)</sup> OJ L 371, 27.12.2006, p. 1.<sup>(3)</sup> OJ L 94, 8.4.2009, p. 10.<sup>(4)</sup> OJ L 126, 21.5.2009, p. 3.<sup>(5)</sup> OJ L 88, 31.3.2009, p. 23.

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- having regard to the decision of the European Parliament of 23 April 2009 on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section III – Commission <sup>(1)</sup>,
  - having regard to its resolution of 19 February 2008 on transparency in financial matters <sup>(2)</sup>,
  - having regard to its resolution of 21 October 2008 on governance and partnership at national and regional levels and a basis for projects in the sphere of regional policy <sup>(3)</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>(4)</sup>,
  - having regard to the study published by the European Parliament entitled ‘The Data Transparency Initiative and its Impact on Cohesion Policy’,
  - having regard to the Commission Green Paper of 3 May 2006 on the European Transparency Initiative (COM(2006)0194),
  - having regard to the Commission’s communication of 21 December 2009 entitled ‘20th annual report on implementation of the structural funds (2008)’ (COM(2009)0617/2),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development (A7-0139/2010),
- A. whereas the European Transparency Initiative (ETI) was adopted by the Commission in 2005, followed by the publication of the Green Paper in 2006 with the aim of improving the transparency, openness and accountability of EU governance, and whereas providing public information on the recipients of EU funds is a cornerstone of the ETI,
- B. whereas, under the shared management system, information on beneficiaries of EU funds is managed at Member State level, and whereas, in the absence of a specific EU obligation or a strong ‘steer’ from the Commission, the level to which such information is made public differs substantially from Member State to Member State, making an EU-wide comparison difficult,
- C. whereas the disclosure of EU fund recipients enables public participation in a meaningful debate about how public money is spent, which is essential for functioning democracies,
- D. whereas no link has been established between the ETI and the more regulated and binding issue of financial controls and auditing,

<sup>(1)</sup> OJ L 255, 26.9.2009, p. 24.

<sup>(2)</sup> OJ C 184 E, 6.8.2009, p. 1.

<sup>(3)</sup> Texts adopted, P6\_TA(2008)0492.

<sup>(4)</sup> Texts adopted, P6\_TA(2009)0165.

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- E. whereas the ETI should have a significant effect in terms of ensuring transparent partnerships in the upstream and downstream phases of the cohesion programming cycle; whereas, however, the regulations do not spell out the specific extent to which partners should be involved in the different programming processes or specify arrangements for such involvement,
- F. whereas there is insufficient prior information about Commission decisions on the funding of major projects, and thus a lack of transparency, and whereas this should be remedied,
- G. whereas the logic of transparency should go hand in hand with the process of simplifying the procedures for obtaining Structural Funds;
1. Considers that transparency in respect of cohesion policy and its programming cycle, allocation of expenditure and access to information for potential beneficiaries of the Structural Funds are key prerequisites for achieving the overall objectives of cohesion policy, and that transparency should therefore be introduced as a guiding cross-sectoral principle in the cohesion programming and decision-making processes;

#### ***Disclosure of data on beneficiaries of cohesion funding***

2. Notes with satisfaction that, in compliance with the ETI requirements, interactive maps providing links to the lists of ERDF and Cohesion Fund beneficiaries available on the respective national or regional websites are published on the website of the Commission's Directorate General for Regional Policy; calls on the Member States to promote, using suitable means, DG REGIO's website with a view to facilitating the widest possible access to that database; notes that it remains, nevertheless, extremely difficult for interested parties to keep track of how public money is being used; invites the Commission to consult these parties to a wide extent on the possible remedies to this situation;
3. Calls on the Commission and the Member States to make these Member State databases fully searchable and compatible, so as to facilitate an EU-wide overview of the data presented, while preserving their local relevance; is of the view that, in this respect, there is an urgent need for dual-language versions (local language(s)- one of the Commission working languages);
4. Stresses that the usefulness of the data provided on beneficiaries needs to be improved in terms of both content and presentation; calls, therefore, on the Commission to define a more detailed and prescriptive format specifying the structure, form and content of the information to be provided; believes that providing the necessary information should also facilitate a criterion-based search with a view to obtaining an immediate picture of the elements sought;
5. Calls for additional essential information to be provided when publishing the lists of beneficiaries and where needed the lists of stakeholders; recommends, therefore, that besides the current minimum requirements, consideration be given to including location, summaries of approved projects, types of support and a description of the project partners as elements of the disclosure of beneficiaries; asks that the data collected should appear and should be managed in a structured, comparable way to ensure its full usability and in the interest of genuine transparency; considers that this can be done without giving rise to additional expenditure;
6. Asks that, for programmes under the European Territorial Cooperation objective, all beneficiaries – and not only the lead beneficiaries – be listed;
7. Underlines that full compliance with the ETI requirements is necessary by means of appropriate regulations, better guidance, a warning mechanism and sanctions in cases of non-compliance as a last resort;

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***Transparency and shared management***

8. Calls on the Commission to clarify how the ETI principles should be put into practice in operational terms at the level of operational programmes and their communication plans; stresses therefore the need to introduce clearer rules regarding the disclosure of information on the beneficiaries of funds under shared management;
9. Underlines the need to formulate regulations and implementing rules in such a way that procedures are transparent, provide better access to the Structural Funds for potential beneficiaries and reduce administrative burdens for participants, particularly via a number of key measures such as making public the guidance notes on implementation agreed upon between the Commission and the Member States; calls on the managing authorities in the Member States to present, in transparent fashion, all stages of projects financed by the Structural Funds; reiterates its view that transparent and clear procedures are factors of good governance, and welcomes in this context the efforts made by the Commission to present simplification proposals;
10. Notes that cross-border and transnational programmes face specific difficulties due to the different administrative culture, national regulations and languages being used in Member States, that affect not just the quantitative, but also the qualitative aspects of such initiatives; considers therefore that development of specific rules regarding transparency in coordination and cooperation among different managing authorities would be most important;
11. Underlines that, according to the EP's study on the ETI and its impact on Cohesion Policy, non-compliance with ETI minimum requirements relates to a lack of administrative capacity on the part of Managing Authorities rather than reluctance to provide such data; in that framework points out the need to assure that the provision of additional data and information does not result in an additional administrative burden for potential beneficiaries, especially for those already having difficulty in complying with the existing administrative and financial requirements for grants and public contracts;
12. Points out that the requirement for additional information and data has to be matched, on the part of the European Commission, by the provision of additional technical support (workshops with the participation of Commission's officials and local/regional staff responsible for the management of structural funds, exchange of best practices between Managing Authorities, publication of concrete guidelines) to potential beneficiaries which do not have the necessary technical capacity; considers this the only way to ensure that the participants' efforts to comply with the additional requirements in terms of data and information provided will not result in a distortion of funds from the project implementation activities as such;
13. Stresses the importance of accurate and timely information delivery by the Member States in the context of the control system, and thus the need to establish a link between the ETI and financial controls and auditing; reiterates its view that the early warning system (EWS) should also work closely with the Central Exclusion Database;
14. Requests the Commission to monitor the utilisation of increased advance payments received by the Member States in accordance with the 2009 simplifications related to Regulation (EC) No 1083/2006;
15. Reiterates its request for the provision of information regarding recoveries and withdrawals under the ETI; urges the Member States to provide this information in full, and the Commission to make it available to the budgetary authority and the public along with information on financial corrections following a confirmed case of fraud, thus ensuring high standards of credibility and responsibility vis-à-vis the European public;
16. Urges auditors to take a tougher line on communication and information requirements, including 'naming and shaming' - particularly if a governmental actor is involved - and the use of financial corrections in confirmed cases of fraud;
17. Welcomes the efforts made by the Commission and the Court of Auditors to harmonise their auditing methodologies;

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**Transparency and partnership**

18. Highlights the fact that minimum standards of consultation are a component of the ETI, and welcomes the fact that these standards have been promoted and applied by the Commission in respect of cohesion policy; calls, however, on the Commission to allow stakeholders to give appropriate feedback on the quality of the consultation process itself; calls on regions and Member States to draw on existing EU experience in consulting interested parties;

19. Reiterates its view that partnership is a prerequisite for transparency, responsiveness, efficiency and legitimacy in all the phases of cohesion programming and implementation, and can increase commitment to, and public ownership of, programme outputs; calls, therefore, on the Member States and managing authorities fully to involve regional and local authorities and other relevant partners more closely in all the phases of cohesion programming and implementation, including through an internet platform at national level providing visibility for existing funds and operational programmes and through good-practice promotion by other means, and to give them full access to all project documentation, with a view to making better use of their experience, knowledge and best practices;

20. Calls for more guidance from the Commission on how to put the partnership clause into practice under current programmes, and for sufficiently binding rules on partnership in future regulatory texts, particularly as regards the involvement of regional and local authorities, i.e. elected bodies, which are essential partners in the whole process;

21. Calls for the provision of better-targeted and regular and timely information to partner organisations, particularly those that are members of the managing structures, and for enhanced use of technical assistance to support partnership, inter alia by giving partner organisations the opportunity to take part in training events organised for delivery bodies; calls for these training events to be accessible in multimedia versions in order to broaden the target audience and to allow ex-post consultation by partner organisations; emphasises the usefulness of such a measure for the partners of the most distant regions of the Union, such as outermost regions;

**Improving transparency in respect of EU funding of major projects**

22. Calls on the Commission to publish online information in good time, and to guarantee direct access to project documentation, including JASPERS projects (application, feasibility study, cost-benefit analysis, environmental impact assessment, etc.) on major projects, as soon as possible after the Commission receives an application for funding from a Member State and before it takes any decision on financing; considers that this Commission webpage should allow the submission of comments regarding such projects;

23. Calls for information on major projects approved or submitted for approval in the 2007-2013 programming period to be published on the internet with retroactive effect;

24. Proposes establishing the circumstances in which unused funds may be reutilised and the responsibility of the institution deciding to reallocate such funds;

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

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## Mandate for the trilogue on the 2011 Draft Budget

P7\_TA(2010)0205

### European Parliament resolution of 15 June 2010 on the mandate for the trilogue on the 2011 draft budget (2010/2002(BUD))

(2011/C 236 E/02)

*The European Parliament,*

- having regard to the draft budget for the financial year 2011 which the Commission adopted on 27 April 2010 (SEC(2010)0473),
  - 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 (IIA) <sup>(1)</sup>,
  - having regard to the Joint Declaration (adopted at conciliation on 18 November 2009) on Transitional measures applicable to the budgetary procedure after the entry into force of the Lisbon Treaty <sup>(2)</sup>,
  - having regard to article 314 of the Treaty on the Functioning of the European Union,
  - having regard to its resolution of 25 March 2010 on priorities for the 2011 budget – Section III – Commission <sup>(3)</sup>,
  - having regard to the Council conclusions of 16 March 2010 on the budget guidelines for 2011,
  - having regard to Chapter 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets and the opinions of the Committee on Development, the Committee on Industry, Research and Energy, the Committee on Agriculture and Rural Development and the Committee on Women's Rights and Gender Equality (A7-0183/2010),
- A. whereas the 2011 budgetary procedure is the first of its kind under the Lisbon Treaty and whereas its single reading calls for increased cooperation and coordination with the other branch of the budgetary authority in order to reach an agreement during the conciliation procedure on all expenditure,
- B. whereas the trilogue to be held in July should aim at clearing the ground before the Council adopts its position on the draft budget, in order to identify the points of agreement in advance,

### **Draft budget for 2011**

#### *General remarks*

1. Notes that the total for the draft budget (DB) for 2011 is EUR 142 576,4 million in commitment appropriations (CA) and EUR 130 147,2 million in payment appropriations (PA), leaving therefore a margin of EUR 1 224,4 million in CA and EUR 4 417,8 million in PA; notes that these total amounts represent respectively 1,15 % and 1,05 % of the EU's forecast GNI for 2011;

2. Is concerned by the fact that the increase in CA is only 0,77 % compared to the 2010 budget as adopted, a difference which is out of step with the widely voiced expectations of the EU budget playing a crucial role in support of Europe's post-crisis economies; notes that PA increases by 5,85 %, but recalls that the abnormally low level of PA in 2010 provides the mathematical explanation for this increase; recalls that the multiannual financial framework (MFF) provides for ceilings of EUR 142 965 million for CA and EUR 134 280 million for PA, in current prices;

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> See Texts adopted, 17.12.2009, P7\_TA(2009)0115.

<sup>(3)</sup> Texts adopted, P7\_TA(2010)0086.



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3. Acknowledges the reduction of the discrepancy between CA and PA as compared with the 2010 budget (EUR 12 429 million compared to EUR 18 535 million), which indicates better implementation of the EU budget, but points out at the same time that the MFF provides for a difference of only EUR 8 366 million between CA and PA for 2011; recalls, in that respect, that these discrepancies create deficits in the long run and should therefore be avoided for the sake of budgetary sustainability and manageability;
4. Points out that the bulk (70 %) of the overall margin of EUR 1 224,4 million in the DB stems from the margin under heading 2 on the preservation and management of natural resources, and that the other headings – in particular headings 1a, 3b and 4 – have very limited margins, thus proportionally reducing the capacity of the EU to react to policy changes and to unforeseen needs while maintaining its priorities;
5. Stresses, furthermore, that the margin under heading 2 might actually be lower, as market conditions may change;
6. Welcomes the publication by the Commission of the report on the functioning of the IIA (COM(2010)0185) and recalls, in this respect, that a proposal for substantial revision is awaited and that the difficulties encountered during previous budgetary procedures in reacting properly and satisfactorily to various challenges that have arisen render the revision of the current MFF unavoidable; recalls that it expects the Commission to make concrete proposals for a revision of the MFF before the end of the first half of 2010;
7. Draws attention to the large number of outstanding procedures with far-reaching budgetary consequences that will need to be concluded by the two branches of the budgetary authority in 2011 (budget review, setting up of the European External Action Service (EEAS), amending budgets, revision of the IIA, revision of the Financial Regulation, etc.);
8. Takes note of the priorities set out by the Commission (namely supporting the EU economy post-crisis and adapting to new requirements, i.e. implementation of the Lisbon Treaty, new financial supervision authorities, financing of the Global Monitoring for Environment and Security (GMES) initiative, implementation of the Stockholm Programme, etc.) and questions whether the modest increase in CA compared to the 2010 budget is enough to address them;
9. Underlines the importance of a strong reaction to the crisis and to the instability of financial markets that should involve greater funding capacity and flexibility for the EU budget; requests, in this regard, the Council and Commission to provide further detailed information on the impact that the European Financial Stabilisation Mechanism decided on at the extraordinary Ecofin Council meeting of 9 and 10 May 2010 might have on the budget of the EU; requests furthermore, in order to avoid future crises, the setting up of an efficient monitoring system including the direct provision of information to Parliament;
10. Deplores the impossibility to clearly identify, from a budgetary point of view, the financial implications in the 2011 DB of the EU 2020 Strategy flagship initiatives, such as 'Innovation Union', 'Youth on the Move', 'Resource efficient Europe', 'New skills and jobs' and 'Industrial policy for the globalisation era', and expresses strong doubts regarding the capacity to ensure, in the context of the present financial framework, adequate funding for these key initiatives;
11. Recalls that, as stated in its resolution of 25 March 2010 on priorities for the 2011 budget, youth is one of the key priorities for the 2011 budget, which should be promoted as an EU cross-cutting theme, developing synergies between different policy areas relating to youth, notably education, employment, entrepreneurship and health, while facilitating and encouraging social inclusion, empowerment, skills development and mobility for young people; points out that 'youth' should be seen as a broad concept encompassing the ability of individuals to change positions and status several times throughout their lives, switching without restriction between settings such as apprenticeships, academic or professional environments and vocational training, and that, to this end, one of the objectives should be to facilitate transition from the education system to the labour market;

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12. Deplores the fact that, in spite of an extremely high profile and a very high implementation rate – reaching between 95-100 % every year over the period 2007-2009 – the increase in appropriations proposed in the DB for the key youth instruments and programmes, such as Lifelong Learning, Youth in Action and Erasmus Mundus, is rather symbolic; considers that this increase does not allow the EU to adequately address this priority and therefore intends to provide further support for these programmes; recalls, in this context, that these programmes have an indisputable European added value and greatly contribute to the creation of a strong European civil society, despite the modest financial allocation that they receive;

13. Calls for further clarification in the breakdown between operational and administrative expenditure, while acknowledging the efforts made as regards the presentation of administrative expenditure outside heading 5; notes that an already substantial amount of what is, in reality, administrative expenditure is financed from operational appropriations;

14. Is determined to tackle the negotiations on the budget for the financial year 2011 in a constructive and open-minded manner, bearing in mind the goals of efficiency and European added value; expects in return that the other branch of the budgetary authority will adopt a cooperative approach ensuring genuine political dialogue and will depart from an 'accounting exercise' in which savings and contributions from Member States are given an excessively prominent place in the negotiations; recalls that the Treaty has not only modified the legal framework for the budgetary procedure, but has also introduced a new method and new deadlines for negotiating and reaching compromises;

15. Underlines the fact that the EU budget is very limited compared to national budgets; recalls therefore the need to create synergies between the EU budget and national budgets in order to implement common EU strategies; stresses that coherence gives European policies greater impact, achieving true European added value while supporting long-term policy objectives; is convinced that the EU budget can be instrumental, in key areas, in supporting long-term investment and jobs; expects the Council to take this duly into consideration when deciding on the EU budget and to refrain from making across-the-board cuts, even if the context for national public finances is extremely difficult;

16. Recalls its priorities as expressed in the above-mentioned resolution of 25 March 2010;

### **Heading 1a**

17. Notes an increase of 4,4 % in CA (to EUR 13 437 million) and of 7 % in PA (to EUR 11 035 million <sup>(1)</sup>), together with a margin of EUR 50,1 million (compared to EUR 37 million in the financial programming), stemming from decreases in appropriations for administrative and technical support expenditure (former 'BA lines') and for decentralised and executive agencies, and from decreases in appropriations for a number of programmes, such as Customs 2013 and CIP-Entrepreneurship and Innovation;

18. Recalls the important role played by SMEs in ensuring recovery and boosting the EU economy; calls for enhanced support for all programmes and instruments aimed at fostering SMEs, and is concerned, in this regard, by the decrease in payment appropriations proposed for CIP-Entrepreneurship and Innovation;

19. Recalls that the new needs to be financed under this heading (Kozloduy decommissioning programme, European financial supervision authorities, ITER, and GMES, including Parliament's request for increased appropriations for its operational phase) were not provided for when the current MFF was adopted; stresses that the financing of these needs should not be detrimental to the financing of other heading 1a programmes and actions which are crucial to the European post-crisis recovery effort;

20. Recalls that the European Economic Recovery Plan (EERP) is partly financed under this heading, as are a large number of multiannual programmes (CIP, FP7, TENS, Galileo/Egnos, Marco Polo II and the Progress programme) which will have reached maturity in 2011; reiterates, therefore, its request to the Commission to present the follow-up report on the implementation of the EERP, including measures entrusted to the EIB;

<sup>(1)</sup> Excluding the EERP energy projects.

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21. Welcomes the increases in appropriations for the main programmes (FP7, 13,8 %; CIP, 4,4 %; Lifelong Learning, 2,6 %; TEN 16,8 %), and stresses that these programmes provide essential leverage in the EU counter-crisis economic strategy;

22. Stresses that heading 1a includes many EU2020 strategy flagship initiatives, such as Innovation Union, Youth on the Move, Resource-efficient Europe, New Skills and Jobs, and Industrial Policy for the Globalisation Era; deplors the fact that it is impossible to identify clearly, from a budgetary point of view, the financial implications of the EU2020 strategy and expresses its doubts regarding the capacity to ensure, in the context of the current financial framework, adequate funding for these initiatives;

23. Recalls that the priorities for 2011, with a view to the EU2020 strategy, will be financed mainly from this heading, and that the EU competences stemming from the entry into force of the Treaty are likely to have budgetary implications; emphasises that space policy, which constitutes a concrete example of an European industrial policy promoting European scientific, technological and environmental progress whilst reinforcing industrial competitiveness, requires both the EU and the Member States to make a further financial effort within the context of the GMES;

24. Welcomes the Commission's Youth on the Move initiative seeking to enhance the performance and international attractiveness of Europe's higher education institutions and raise the overall standard of education and training in the EU; strongly supports the promotion of equal opportunities for all young people, no matter their educational background; wishes to stress the importance of ensuring sufficient funding for an ambitious policy in the area of education and training, including vocational training, which plays a crucial role in the EU2020 strategy; stresses that the EU bring all its resources to bear in meeting this ambitious challenge, which creates an unprecedented momentum for the development of a comprehensive EU youth policy; stresses, nevertheless, that the launch of such an over-arching flagship initiative covering a number of distinct and well-established EU programmes in this area should not lower the profile of the individual programmes;

25. Stresses that the budgetary resources made available in the future for instruments such as the Lifelong Learning programme and cross-cutting skills, such as e-skills, international skills, entrepreneurial skills and multilingualism, should reflect the high European added value brought by those instruments and hence should be given priority in the 2011 budget;

26. Is disappointed that tourism, which indirectly generates more than 10 % of the EU's GDP and which has become a full competence of the EU following the ratification of the Lisbon Treaty, is not clearly identified in the 2011 DB;

27. Notes the inclusion, for the first time, of payment appropriations for the European Globalisation Fund, and considers this an important element in the overall reflection on the management and visibility of this fund; considers, however, that these payment appropriations might not be sufficient to cover the amounts necessary for EGF applications in 2011; reiterates therefore its demand not to finance EGF applications exclusively through transfers from ESF lines and calls on the Commission to identify and use without further delay different budget lines for this purpose; stresses the need for a simplified and speedier procedure for the mobilisation of the fund <sup>(1)</sup>;

28. Takes note of the very modest increase in, or of stagnation (compared to the 2010 budget), commitment appropriations for EURES and for the three budget lines supporting industrial relations and social dialogue; believes that, in the current context of massive layoffs and restructuring due to the crisis, these lines should be reinforced;

### **Heading 1b**

29. Notes that the 2011 DB provides for an increase of 3,2 % in CA to a total of EUR 50 970 million, EUR 39 891,5 million of which are for the Structural Funds (ERDF and ESF) – an amount similar to the 2010 figure – and EUR 11 078,6 million for the Cohesion Fund;

<sup>(1)</sup> As mentioned in the Commission report on the functioning of the IIA on budgetary discipline and sound financial management (COM(2010)0185).

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30. Notes that this proposal is in line with the allocations set out in the MFF, taking into account the technical adjustment to the financial framework for 2011 <sup>(1)</sup> (increase of EUR 336 million), as provided for in point 17 of the IIA; understands in that respect the margin of EUR 16,9 million, stemming mostly from the technical assistance allocation and representing 0,03 % of the heading;

31. Welcomes the 16,9 % increase in PA to EUR 42 541 million proposed for 2011, but is nevertheless concerned that payment needs have been estimated on the basis of the historical payment rates against the corresponding commitment tranches in the 2000-2006 programming period, while programme implementation was much slower at the beginning of the 2007-2013 period and will therefore need to catch up strongly, particularly in 2011;

32. Doubts that the adjustments made, notably through the allocation of delayed payments as a ratio of expected payments in future years, are fully appropriate to address all additional payment needs stemming notably from the following:

- recent legislative changes, which notably aim at facilitating the management of EU funding and accelerating investments;
- 2011 will be the first full year when all Management and Control Systems will be approved, which is a precondition for interim payments, which means that the implementation of programmes will reach cruising speed, projects being already selected for more than 93 billion or 27 % of the total financial volume for the period, as per end of March 2010;
- the closure of the 2000-2006 programmes is expected to continue in 2011, thereby requiring final payments to be made but also freeing up some resources to further speed up implementation of 2007-2013 programmes;

33. Considers moreover that adequate resources for cohesion policy are crucial in order to accelerate the recovery of the European economy and to contribute to the Europe 2020 strategy for the regions; emphasises the synergetic effects of EU macro-regional cooperation in achieving the goals of the Europe 2020 strategy and the need to allocate sufficient resources to the implementation of existing macro-regional strategies; calls, therefore, on the Commission and Council to present and adopt an amending budget without delay, should payment appropriations not be sufficient to cover needs;

34. Requests the Commission to keep on working closely with those Member States with a low absorption rate, in order to further improve the situation regarding absorption on the ground; is aware that a slow absorption rate may jeopardise progressive implementation of EU policies;

35. Asks to Commission also to continue its reflection on how to reshuffle the complex system of rules and requirements imposed by the Commission and/or Member States, in order to focus more on achieving objectives and less on legality and regularity, without departing from the key principle of sound financial management; stresses that such a reflection should also contribute to better drafting of the next programming period's basic regulation; recalls in this context the November 2009 Joint Declaration on simplification and a more targeted use of structural and cohesion funds in the context of the economic crisis;

## **Heading 2**

36. Recalls that one of the main changes introduced by the TFEU is the abolition of the distinction between compulsory and non-compulsory expenditure in the budget procedure, allowing, at last, the two branches of the budgetary authority to negotiate on an equal footing on all annual appropriations; recalls that compulsory expenditure accounted for almost 34 % of the overall budget, with most of it coming under heading 2;

<sup>(1)</sup> COM(2010)0160, 16.4.2010.

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37. Stresses that, over the last few years, the budgetary authority has made use of this heading to reach global agreement on the annual budgets, through use of the margin or redeployment of appropriations for use in other programmes and actions;

38. Notes that, despite the claim that appropriations remain stable, assigned revenue is down by more than 25 % in 2011, that market support is down by almost 22 % (to EUR 3 491 million), and that appropriations for veterinary and phytosanitary measures show a fall of 7,8 %; expresses its concern about the Commission's optimistic assumptions (in view of increased market volatility and the vulnerability of agricultural activity to health hazards) with regard to trends in agricultural markets in 2011, resulting in a reduction of around EUR 900 million in market-related expenditure; urges the Commission and the Council to carefully monitor developments in agricultural markets and to be prepared to react swiftly and effectively with the necessary safety net measures to counter adverse market developments and volatility in market prices; expresses concern also about the planned decrease in appropriations for veterinary and phytosanitary measures, in view of the need to remain vigilant with regard to animal disease eradication;

39. Welcomes the increase in appropriations for decoupled direct aid (9,7 %), the school fruit and vegetables scheme (up 50 % to EUR 90 million), and school milk (5,3 %), as well as the appropriations earmarked for the aid for deprived persons programme; notes with satisfaction the steady decrease in export refunds since 2007 (to EUR 166 million in the 2011 DB);

40. Welcomes the Commission's decision to reallocate funds unspent by several Member States to other Member States successfully implementing the programme;

41. Notes that climate action is a priority, as set out in the Europe 2020 strategy, and notes the change in the heading of Title 07 to 'Environment and climate action'; takes note of the increase in appropriations proposed for the implementation of EU policy and legislation on climate action and a new preparatory action on mainstreaming climate action and adaptation;

42. Welcomes the increase in CA for LIFE+ to EUR 333,5 million (up by 8,7 %) and welcomes the sharp increase in PA (24,3 %, to EUR 268,2 million) in line with improved implementation rates, not least with a view to the follow-up measures to the biodiversity strategy planned in 2010; points out that the vast environmental challenges the EU faces, including water pollution, require an additional financial effort to be made under this programme;

43. Recalls that the specific market-support measure in the dairy sector adopted under the 2010 budget to mitigate the consequences of the dairy crisis was supposed to be a one-off action; asks the Commission to examine how the EUR 300 million in exceptional funding for the dairy sector is being used by the Member States and to forward its evaluation of this measure, together with proposals for a permanent approach and concrete proposals for dealing with price volatility in this sector;

44. Expresses concern at the fact that the political importance of the common fisheries policy(CFP) is not adequately reflected in the draft budget for 2011; points out that the funds proposed for the development of an integrated maritime policy are not sufficient to cover the most important aspects of the launch of this new policy; stresses that a new European Union maritime policy could develop to the detriment of the existing priority areas of the CFP, in so far as their budgetary funding is concerned; stresses that such a policy will require adequate financing under more than one budget line;

### **Heading 3a**

45. Notes that the overall increase in the funds pertaining to this heading (+ 12,8 %) appears to give practical effect to the ambitions in this area expressed in the Treaty of Lisbon and to the Stockholm Programme;

46. Stresses the need to increase appropriations for the improvement of detention conditions; recalls, as stated in the Stockholm Programme, the need to provide for social inclusion measures and social resettlement programmes and to support anti-drug initiatives (involving prevention, rehabilitation and harm reduction);

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47. Takes note, in this respect, of the Commission's communication on an Action Plan to implement the Stockholm Programme, and welcomes, in the field of immigration and support for the integration of immigrants, the proposed increase in CA for the External Borders Fund (EUR 254 million, + 22 %), the European Return Fund (EUR 114 million, + 29 %) and the European Refugee Fund (EUR 94 million, + 1,3 %);

48. Acknowledges that the proposed decrease in appropriations for FRONTEX in 2011, despite its growing workload, stems from an updated evaluation of its unused appropriations and annual surpluses;

49. Welcomes the adoption of the regulation on the establishment of a European Asylum Support Office (EASO) and calls on the Commission to ensure that the EASO commences its operations in good time before 2011 and that enough financial resources are made available for the office to commence its mandate;

50. Deplores the fact that, pending the submission (scheduled for 2013) of the proposal for a regulation on EUROPOL, an EU agency financed under the EU budget since 2010, the volume of appropriations for 2011 (EUR 82,9 million) remains almost unchanged as compared to 2010 (EUR 79,7 million), despite the Stockholm Programme having called for EUROPOL to be strengthened;

51. Notes that, despite the timetable for the development and entry into operation of the Schengen Information System II (SIS II) being uncertain, it is proposed that CA decrease only slightly from EUR 35 million to EUR 30 million, while payment appropriations increase from EUR 19,5 million to EUR 21 million; recalls that the Commission had projected EUR 27,91 million until the entry into operation of SIS II in the fourth quarter of 2011; points out that the development of the SIS II is already behind schedule and will most likely not be completed by the end of 2011; considers it necessary, given that the prospect of a migration to SIS II is growing increasingly unlikely and a replacement option is currently being prepared, to place part of these funds in the reserve, pending further analysis;

52. Emphasises that the financing of the planned agency for the operational management of large-scale IT systems in the area of freedom, security and justice must not lead to the development of additional IT systems before SIS II or an alternative solution and VIS become operable; asks for the costs of this agency and its projects to be clearly specified;

### **Heading 3b**

53. Recalls that heading 3b covers issues of key concern to the citizens of Europe, such as youth, educational and cultural programmes, public health, consumer protection, the civil protection instrument and communication policy; notes, therefore, with great concern that overall appropriations are down for a second consecutive year, with CA being reduced by 0,03 % (to EUR 667,8 million) and PA by 3,1 % (to EUR 638,9 million) as compared to the 2010 budget, leaving a margin of EUR 15,2 million;

54. Notes that the proposed increase for some programmes (Media 2007, Culture 2007, Public Health, etc.) has been made possible by the absence of CA for several pilot projects and preparatory actions; deplores, therefore, the fact that the small margin will afford limited room for manoeuvre when taking decisions on stepping up the funding of priorities directly benefiting citizens and adopting proposals for projects and actions;

55. Reiterates that coordinated and multidisciplinary investment in youth must be started without delay as a cross-policy theme, and that an increase in youth policy instrument funding should accordingly be proposed; deplores the lack of ambition shown by the Commission in failing properly to address this priority and confirms its intention to amend the draft budget in order to provide appropriate funding for this priority;

56. Recalls that encouraging and promoting cooperation in the field of youth and sports is a priority for the 2011 budget and stresses that financial support for special annual events is an important tool to this end; deplores the fact that no CA have been included in the draft budget for 2011 (p.m. in CA and only EUR 2,9 million in PA), as against EUR 9,8 million and EUR 10,25 million respectively in the 2010 budget;

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57. Welcomes the launch of the European Year on Volunteering in 2011, building on the preparatory action introduced under the 2010 budget, and recalls Parliament's and the Council's decision to increase the overall allocation provided for in the relevant legislative act to EUR 8 million;

58. Is concerned by the low level of appropriations – which have even decreased in some cases compared to 2010 – dedicated to programmes promoting European citizenship, communication and information for the media; believes these programmes to constitute an essential element in the shaping of a European identity and in communicating the European project to EU citizens;

59. Regrets the decreased level of commitments for the DAPHNE programme, and points to the possible negative consequences of this on the fight against violence; calls for the continued financing of existing and new effective measures to combat all forms of violence against children, young people and women;

#### **Heading 4**

60. Recalls, once again, the very tight margins available under heading 4, which do not allow the EU to react adequately to recurring and emerging crises and emergencies; points out that the increasing and unbearable discrepancy between this underfinanced heading and the Council's new political commitments on the world stage can only be addressed by a revision of the ceiling under the existing MFF<sup>(1)</sup>;

61. Welcomes the proposed increase in appropriations for ENP South and ENP East, and more specifically for the Eastern partnership dimension of the latter; takes good note of the proposed emptying of the budget line dedicated to the EU Baltic Sea Strategy, but deplores that an equivalent amount is not dedicated to this strategy under ENP East;

62. Calls on the Commission, with a view to fulfilling the objectives and securing effective implementation of the Eastern Partnership, to ensure that extra financial assistance is provided for the new ENPI Multi-Annual Indicative Programmes and National Indicative Programmes for the period 2011-2013 covering Eastern Partnership countries;

63. Is extremely worried by the proposed decrease of more than 32 % in CA for financial assistance to Palestine, the peace process and UNRWA, bearing in mind the recurring need for extra funds; considers that the Commission's statement on 'the exceptionally high allocations of previous years [that] cannot be maintained without jeopardising the funding for other countries in the region' reinforces the urgent need for a substantial revision of financing capacities under heading 4, and should not lead to a decrease in financial assistance which is vital for the Palestinian people, the Palestinian Authority, and UNRWA; reiterates its support for the Palestinian Authority in stepping up its institutional capacities; points out that, even if the EU were to be ready to extend its package of assistance to the Palestinians, this commitment is not open-ended, and insists that, while humanitarian aid must remain unconditional, the EU must play a political role which delivers tangible results in terms of progress towards the creation of a Palestinian state which are consistent with its significant financial assistance and economic influence in the region;

64. Points out, in that respect, that even the use of the entire margin of heading 4 exclusively for financial assistance to Palestine would not suffice to reach the 2010 level of CA (EUR 295 million in 2010, as compared to a hypothetical EUR 270 million in 2011);

65. Takes note of the substantial increase in appropriations (13,2 %) to cover the enlargement process, in which further progress is expected in 2011 (ongoing and potential negotiations with Croatia, Iceland, FYROM, Turkey and Western Balkans);

<sup>(1)</sup> As mentioned in the Commission report on the functioning of the IIA on budgetary discipline and sound financial management (COM(2010)0185).

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66. Considers the proposed increase for DCI to be appropriate, but deplores the misleading presentation by the Commission, which flags up an increase of EUR 65 million for the environment and sustainable management of natural resources as a follow-up to the Copenhagen Accord, whereas that increase is based on the financial programming and not on the 2010 budget (the 2011 DB in fact provides for a decrease of EUR 1,2 million against this line, as compared to the 2010 budget), which is a source of concern; insists that the 'fast start' climate finance package must be additional and not come at the expense of existing development cooperation programmes; expresses concern regarding the coherence and visibility of the EU 'fast start' finance contribution, and calls on the Member States to make information available to the Commission promptly so as to ensure the full transparency and additionality of the EU contribution;

67. Stresses the need to increase the Community budget covering measures designed to address migration phenomena, with a view to improving the management of legal migration, slowing down illegal migration and optimising the impact of migration on development;

68. Recalls its support for the principle of financial assistance for the main ACP banana supplying countries, but reiterates its firm opposition to the financing of Banana Accompanying Measures via the use of the margin; recalls that the limited margin under the heading does not allow the financing of such measures, which were not provided for when the MFF was adopted in 2006; is also firmly opposed to any redeployment from existing instruments within heading 4 that would jeopardise existing priorities; is therefore opposed to the proposal in the draft budget to redeploy for this purpose EUR 13 million from the Development Cooperation Instrument and EUR 5 million from the Civil Protection Financial Instrument;

69. Welcomes the proposal to amend the regulation creating an instrument for industrialised countries (ICI+), but is firmly opposed to its being financed from appropriations programmed for use under the Development Cooperation Instrument; stresses that funds earmarked for development cooperation must target poverty alleviation; is extremely dissatisfied that of the total of EUR 70,6 million in appropriations earmarked for this new instrument in the draft budget, EUR 45 million have been taken from the Development Cooperation Instrument;

70. Reiterates its intention to provide the European External Action Service with the necessary administrative means to fulfil its mission; stresses, however, that the allocation of new resources for the inclusion of personnel originating in the diplomatic services of the Member States and the cost of the necessary infrastructure should be linked to an appropriate increase in the EU budget for external action;

71. Welcomes the increase in appropriations for the CFSP to EUR 327,4 million (CA), as provided for in the financial programming and in line with the ever more ambitious role the EU wishes to play in zones undergoing a stabilisation process or affected by conflicts and crises; takes note of the emptying of the budget line for EU Special Representatives, as provided for in connection with the setting up of the EEAS, and recalls that the specific provisions regarding the CFSP in the IIA will have to be substantially rethought in the framework of the negotiations on a revised IIA and of the adoption of a proposal on the EEAS;

72. Takes note of the proposed increase in the draft budget for 2011, as compared to the budget for 2010, against the macro-financial assistance budget line (01 03 02); recalls that the mobilisation of this instrument for each third country falls under the ordinary legislative procedure and requests the Commission to provide further explanations on its proposed increase;

73. Welcomes the setting up of a preparatory action on a European Voluntary Humanitarian Aid Corps, stemming from the entry into force of the TFEU (Article 214), and in line with the European year for Volunteering in 2011;

#### **Heading 5**

74. Notes that total administrative expenditure for all institutions is estimated at EUR 8 266,6 million, i.e. an increase of 4,5 %, leaving a margin of EUR 149 million;



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75. Stresses that the draft estimates of each institution, together with the amending budgets presented in 2010, should take into account all the additional needs relating to the entry into force of the Lisbon Treaty, notably as regards Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; recalls in this context the Joint Declaration of November 2009 on heading 5, which called on the institutions to make all possible efforts to finance the administrative needs related to their staff's remuneration within the appropriations entered in their respective sections of the 2010 budget;

76. Takes note of the 2,9 % increase in the Commission's share of the administrative budget; notes, however, that not all costs associated with the functioning and the setting up of the EEAS are included at this stage; takes the view that any additional requests in this regard should not impact negatively on the institutions' current activities; strongly emphasises, therefore, the need to arrive at an effective structure, with a clear definition of responsibilities, in order to avoid any overlapping of tasks and unnecessary (administrative) costs to be borne by the budget that could otherwise further worsen the financial situation under this heading;

77. Agrees with the Commission's approach that the 3,7 % salary adjustment proposed in 2009, which could become fully payable should the Court of Justice rule in the Commission's favour, should be budgeted for as a matter of precaution; notes that, even when taking this high level as the basis for the future, the projected salary adjustment for the end of 2010 is still estimated at 2,2 %, in a context of economic and social crisis, and then comes down to 1,3 % for the end of 2011; asks the Commission to justify its calculations;

78. Acknowledges the Commission's efforts not to request any additional posts, but views with scepticism its commitment to meet all its needs, including those relating to new priorities and to the entry into force of the TFEU, merely by means of internal redeployment of existing human resources;

79. Is deeply concerned about the fact that, in general, the Commission's outsourcing tendencies, together with the conversion of posts into appropriations for contract agents, have led to a situation where an increasing number of staff employed by the EU are neither visible in the institutions' establishment plans as adopted by the budgetary authority nor paid under heading 5; is therefore of the opinion that changes in Commission staff numbers should be considered on the basis of not only establishment plan posts but also other staff, including executive and decentralised agency staff where the tasks of those staff have been transferred from the Commission; considers that, although it generates savings on pay, the conversion of establishment plan posts into external staff is likely to have an impact on the quality and independence of the European civil service;

80. Notes the 13 % decrease in the EPSO budget, which is linked to the lower level of expenditure on competitions resulting from the new system proposed in the EPSO Development Programme, but maintains that this decrease should not come at the expense of the quality, transparency, fairness, impartiality and multilingual character of all EU selection procedures; reminds EPSO that under Regulation (EC) No 45/2001 candidates have an inalienable right to access their personal data, including questions and answers, and calls on EPSO to guarantee that right; expects solid guarantees from the Commission in this respect;

81. Welcomes the Commission's achievement of its overall objectives in terms of recruitment of new-Member-State nationals as well as its commitment to close and regular monitoring of EU-12 recruitment in order to ensure compliance with recruitment targets as well as a balanced representation of EU-2 and EU-10 nationals in each function group;

82. Takes note of the increased expenditure on pensions and the European Schools, in view of the generational change in the EU institutions resulting from the wave of retirements of officials born in the 1950s and the recruitment of new staff; expects the Commission to supply a more in-depth analysis of the long-term budgetary consequences of this process;

83. Requests the Commission to specify in the remarks under the relevant budget lines the amounts budgeted for all building projects that have significant financial implications for the budget and are subject to consultation of the budgetary authority under Article 179(3) of the Financial Regulation;

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### ***Pilot projects and preparatory actions***

84. Recalls that, in accordance with point 46(a) of the IIA, the Commission should provide for multi-annual estimates and for margins being left under the authorised ceilings;

85. Stresses the importance of pilot projects and preparatory actions as key tools for the formulation of political priorities and for paving the way for new initiatives that might turn into EU activities and programmes improving the lives of EU citizens; confirms, therefore, already at this stage in the procedure, that it is determined to use all the means at its disposal to ensure the adoption of its proposals regarding pilot projects and preparatory actions for the 2011 budget;

86. Recalls that the pilot projects and preparatory actions were adopted under the 2010 budget accounted for a total of EUR 103,25 million in CA across all headings; stresses that, should the budgetary authority adopt, for 2011, pilot projects and preparatory actions at a similar level and with a similar breakdown among headings, 56 % of the margin under heading 1a (and 33 % of the margin under heading 1b, 59 % under heading 3b, and 37 % under heading 4) would already be used up, even though the total amount earmarked for this purpose in the 2010 budget did not even reach the maximum amount permitted under the IIA (EUR 103,25 million as against EUR 140 million);

87. Intends to forward to the Commission, as provided for in Annex II, part D of the IIA, a first provisional list of potential pilot projects and preparatory actions for the 2011 budget 2011, in order for the Commission to contribute to Parliament's definition of a global and balanced final package on this issue; expects the Commission to provide a well-reasoned analysis of Parliament's indicative proposals; stresses that this first provisional list does not preclude the formal tabling and adoption of amendments concerning pilot projects and preparatory actions during Parliament's reading of the budget;

### ***Agencies***

88. Welcomes the overall stabilisation of EU budget expenditure on decentralised agencies at EUR 679,2 million; is aware of the fact that the establishment of new agencies requires adequate funding, as proposed for the five new <sup>(1)</sup> and three phasing-in <sup>(2)</sup> agencies; stresses that, should the tasks for any decentralised agencies (including the financial supervision authorities) be increased compared to what was originally proposed, the corresponding allocation of appropriations should be modified accordingly; disapproves, as regards the assigned revenue of fee-dependent agencies, of the Commission's approach in increasing margins artificially;

89. Takes note of the fact that, among the 258 new establishment plan posts for agencies, 231 will be allocated to new or starting-up agencies;

90. Wonders why no assigned revenue at all is expected to stem from some agencies' surpluses, and invites the Commission to update the proposed contribution from the EU budget in light of further information received, notably when agencies' final accounts are adopted; is at the same time concerned about the persistent surpluses of some agencies at year-end, which shows poor budgetary and cash management and infringes the provisions of the framework Financial Regulation;

91. Is convinced that the 2011-2013 financial programming for the Chemicals Agency is too optimistic and considers it extremely unrealistic to expect the agency to be self-financing in 2011; points out that the anticipated fee income in 2011 is based on assessments carried out in 2006; asks for provision to be made for precautionary measures which would be applied if necessary;

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<sup>(1)</sup> Agency for the operational management of large-scale IT systems in the area of freedom, security and justice; European Asylum Support Office; European Banking Authority; European Securities and Markets Authority; European Insurance and Occupational Pensions Authority.

<sup>(2)</sup> European Agency for the Cooperation of Energy Regulators; Body of European regulators for Electronic Communication; European Institute for Gender Equality.

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92. Recalls, as far as procedural aspects of the conciliation committee are concerned, that the institutions involved are supposed to reach agreement at the trilogue scheduled for July; insists that the upcoming Presidency of the Ecofin Council, which will adopt the budget, take part in this trilogue; considers the following points to be of specific interest for the trilogue due to take place on 30 June 2010:

- budgetary implications of the European Stabilisation Financial Mechanism,
- budgetary implications of the EU2020 strategy,
- youth-related programmes,
- financial sustainability and manageability of heading 1a, including the changes made by the Lisbon Treaty,
- heading 4, including the setting up of the European External Action Service,
- the limited margins in the 2011 DB and the need for a revision of the current MFF;

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

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## Derivatives Markets: Future policy actions

P7\_TA(2010)0206

### European Parliament resolution of 15 June 2010 on derivatives markets: future policy actions (2010/2008(INI))

(2011/C 236 E/03)

*The European Parliament,*

- having regard to the Commission communications entitled 'Ensuring efficient, safe and sound derivatives markets: Future policy actions' (COM(2009)0563 and COM(2009)0332),
- having regard to the Commission communication entitled 'European financial supervision' (COM(2009)0252),
- having regard to the Commission proposal for a regulation on Community macroprudential oversight of the financial system and establishing a European Systemic Risk Board (COM(2009)0499),
- having regard to the Commission proposals amending the Capital Directives (2006/48/EC and 2006/49/EC),
- having regard to the Commission communication and recommendation on remuneration policies in the financial services sector (COM(2009)0211),
- having regard to its resolution of 23 September 2008 with recommendations to the Commission on hedge funds and private equity<sup>(1)</sup>,
- having regard to the G20 decisions of 24 and 25 September 2009 in Pittsburgh, which stated that 'all standardized OTC derivative contracts should be traded on exchanges or electronic trading platforms', and the national legislation on derivatives currently being formulated in Europe, the US and Asia,

<sup>(1)</sup> OJ C 8 E, 14.1.2010, p. 26.

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- having regard to the work of the OTC Derivatives Regulators Forum to establish globally consistent data reporting standards for trade repositories,
  - having regard to the CESR and ERGEG advice to the European Commission in the context of the Third Energy Package (Ref.: CESR/08-739, E08-FIS-07-04),
  - 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 opinion of the Committee on Development (A7-0187/2010),
- A. whereas, although derivative instruments can play a useful role in allowing the transfer of financial risks within an economy, they differ considerably depending on product type and underlying asset class with regard to risk, operational arrangements and market participants; and whereas the lack of transparency and regulation in the derivatives market played an exacerbating role in the financial crises,
- B. whereas in the future, too, firms need to be able to manage the risks inherent to their business in a targeted fashion, under their own responsibility and at comprehensible prices, and whereas, taking into account the specificities of small and medium enterprises with regard to bilateral derivatives, firms should be responsible for risk,
- C. whereas the worldwide derivative trading volume has multiplied in the last decade and, as a result, the uncoupling of economic activities and financial market products has advanced considerably,
- D. whereas the basis for international cooperation should be established in order to handle internationally traded derivatives so as to achieve international standards and information-sharing arrangements between CCPs as a minimum,
- E. whereas, at the end of June 2009, notional amounts of all types of OTC contracts stood at US\$605tn, gross market values, which provide a measure of market risk, at US\$25trn and gross credit exposures, which take into account bilateral netting agreement, at US\$3.7trn, and whereas, in a context of excessive leverage, an undercapitalised banking system and the losses resulting from structured finance assets, OTC derivatives have helped to make large market participants mutually dependent even when they are regulated entities,
- F. whereas the huge growth in the trading volume over the past few years has led to an increased assumption of risk without actual investment in the underlying instrument and, consequently, to substantial leverage,
- G. whereas some OTC derivatives have become increasingly complex and counterparty credit risk has not always been correctly assessed and priced, and whereas there are considerable weaknesses in how derivative markets are organised and a lack of transparency, which calls for further standardisation in the legal conditions and economic purpose of instruments,
- H. whereas regulation of central counterparty clearing facilities (CCPs) must ensure non-discriminatory access by trading venues in order to ensure the fair and efficient functioning of markets,
- I. whereas in OTC transactions the identity of the involved actors/parties and the size of their exposure are not clarified,
- J. whereas many OTC derivatives markets, notably the credit default swap market, are subject to very high levels of concentration with a few major firms dominating the market,

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- K. whereas the recent events involving sovereign credit default swaps used by financial speculators led to unjustified high levels of several national spreads; whereas those events and practices highlighted the need for further market transparency and for enhanced European regulation vis-à-vis trading of credit default swaps, in particular those connected to sovereign debts,
- L. whereas in order for trade repositories to play a central role in ensuring transparency for supervisors in derivatives markets, supervisors must have unfettered access to relevant repository data, and repositories must consolidate position and trade data on a global basis by asset class,
- M. whereas Parliament welcomes the Commission's paradigm shift towards greater regulation of OTC derivatives markets, abandoning the prevailing view that derivatives need no further regulation, chiefly because they are used by experts and specialists; calls, therefore, for future legislation to secure not only transparency in the derivatives markets but also sound regulation,
- N. whereas Europe must establish a comprehensive collateralisation strategy for derivatives markets which must take into account the unique situation of business end-users in contrast to major market participants and financial institutions,
- O. whereas most derivatives used by non-financial end-users involve limited systemic risk taken individually, and for the most part serve merely to hedge real transactions, and whereas non-financial institutions are firms that do not come within the scope of the MiFID (non-MiFID firms), such as airlines, car manufacturers and commodity dealers, which have neither created a systemic risk for the financial markets nor been directly harmed by the financial crisis,
- P. whereas resilient derivative markets require a comprehensive collateralisation policy encompassing both central and bilateral clearing arrangements,
- Q. whereas non-financial small and medium-sized enterprises that use derivative instruments solely in the course of hedging their risk when conducting their principal business, should benefit from exemptions from clearing and collateralization concerning capital requirements, provided that the extent to which certain derivatives are used does not create systemic risk (subject to a requirement that the Commission should check this exemption regularly) and that the volume and nature of transactions are proportionate to, and appropriate for, the real risks faced by end users; whereas minimum standards must also be guaranteed as regards tailor-made contracts, in particular where the collateralisation of derivatives and capital requirements are concerned,
- R. whereas OTC derivatives products need proportionate regulation when used by non-financial end-users, but whereas, as a minimum, the necessary detailed transaction data must be given to the trade repositories,
- S. whereas credit default swaps (CDSs), which are financial insurance products, are currently traded without any proper regulation,
- T. whereas the CESR and ERGEG advice to the European Commission in the context of the Third Energy Package (Ref.: CESR/08-739, E08-FIS-07-04) recommends the creation of a tailor-made market integrity and transparency framework for the electricity and gas markets,
- U. whereas all the measures announced will involve close and comprehensive cooperation with the G20 countries and the US authorities in order to prevent regulatory arbitrage opportunities between countries wherever possible and to foster the exchange of information,
- V. whereas systemic risk associated with clearing houses requires robust regulatory and supervisory standards and unfettered real-time access to information on transactions for regulators,
- W. whereas derivatives prices should correspond appropriately to risk and whereas the cost of the future market infrastructure should be borne by market participants,

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- X. whereas the latest dramatic rises in the sovereign bond yields of some Eurozone countries to unsustainable levels has exposed the problematic economic incentives involved in CDS contracts based on sovereign debt, and clearly shown the need to reinforce financial stability and market transparency by demanding full disclosure to regulators and supervisors and banning speculative CDS trades on sovereign debt,
- Y. notes that all transactions in derivative products denominated in an EU currency, relating to an underlying EU entity and to which an EU financial institution is party should be cleared, when eligible, and reported in clearing houses and repositories located, authorized and supervised in the EU which are covered by European laws and data protection; notes that the upcoming new regulation should set clear criteria for assessing the equivalence of CCPs and repositories located in third countries for those trades not cleared or not reported in the EU,
1. Welcomes the Commission's initiative for better regulation of derivatives, and in particular OTC derivatives with a view to reducing the impact of the risks in the OTC derivatives markets for the stability of financial markets as a whole, and backs the calls for legal standardisation of derivatives contracts (inter alia through regulatory incentives in the Capital Requirements Directive (CRD) regarding operational risk), the use of trade repositories and centralised data storage, the use and strengthening of central clearing houses and the use of organised trading venues;
  2. Welcomes the recent work of the OTC Regulators Forum (ORF) in response to the call from the G20 for further action to increase the transparency and robustness of the OTC derivatives markets;
  3. Calls for more transparency on pre-trade transactions for all instruments that qualify for the extensive use of organised trading venues as well as for increased post-trade trade transparency through reporting of all transactions to repositories, to the benefit of both regulators and investors;
  4. Backs the call for the compulsory introduction of CCP clearing between financial institutions for all eligible derivative products with a view to ensuring better assessment of counterparty credit risk, and supports the objective that as many eligible derivative products as possible should be traded on organised markets; calls for provision of incentives that encourage the trading of eligible derivative products on trading venues regulated by MiFID, i.e. on regulated markets and multilateral trading facilities (MTFs); notes that one criterion for clearing eligibility must be liquidity;
  5. Insists that, in future, derivative prices must better reflect risk and that the costs of the future market infrastructure must be borne by market participants and not by taxpayers;
  6. Considers that individually negotiated derivatives are required to hedge special risks and therefore opposes the compulsory standardisation of all derivatives;
  7. Calls on the Commission to use a differentiated approach to the many types of derivative products available, taking account of differing risk profiles, the extent of usage for legitimate hedging purposes, and their role in the financial crisis;
  8. Notes that, as regards regulation, a distinction must be made between derivatives used as a risk management tool for hedging a real underlying risk to which the user is exposed and derivatives used solely for speculation and believes that the making of this distinction is hampered by a shortage of information and specific figures regarding OTC transactions;
  9. Calls on the Commission to look into ways of significantly reducing the overall volume of derivatives so that the volume is proportionate to the underlying securities in order to avoid a distortion of price signals, to reduce the risk to market integrity and to cut down systemic risk;
  10. Considers it important to pay particular attention to corporate derivatives to which a financial institution is a counterparty in order to avoid abusing such contracts not as corporate risk but as financial market instruments;

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11. Calls for risk management and transparency to be strengthened, as the key instruments for greater financial market certainty, without neglecting individual responsibility for taking on risk;
12. Notes that company-specific risks require tailor-made derivatives that can act as efficient risk management instruments adapted to individual needs;
13. Calls on the Commission to enhance bilateral risk management standards as part of the forthcoming legislation on central clearing;
14. Is of the opinion that, through clearing, collateral by adjusting capital requirements and through other regulatory tools counterparty credit risk can be reduced; supports the Commission in proposing higher capital requirements for financial institutions in the case of bilateral derivative contracts that are ineligible for central clearing, based on a risk-proportionate approach and taking into account the effects of netting, collateral, initial margin, daily portfolio reconciliations, daily margining, automated collateral movements and other bilateral counterparty risk management techniques in counterparty risk reduction;
15. Calls for derivatives that do not meet the requirements of IFRS 39 and were therefore not assessed by an auditor to be subject to central clearing by a CCP once they exceed a threshold to be determined by the Commission; calls, furthermore, for the purposes of ensuring a clearer distinction, for checks to be carried out involving the submission of an independent assessment of OTC derivative contracts by an auditor in order to ascertain whether a non-financial institution can continue to conclude bilateral contracts;
16. Calls on the Commission to give a strong role in the authorisation of European clearing houses to the European Securities and Markets Authority (ESMA) and considers it useful that they are supervised by this same Authority because, inter alia, there would be pooling of supervisory expertise in one body and because risk associated with a CCP will be cross-border;
17. Believes that the access of CCPs to central bank money effectively contributes to safety and integrity of clearing;
18. Insists that CCPs must not be organised wholly by users, that their risk management systems must not be in competition with each other, and that regulatory arrangements for clearing costs must be envisaged; calls on the Commission to address these concerns in its legislative proposal and to set governance and ownership rules for clearing houses, with regard inter alia to the independence of directors, membership and close supervision by regulators;
19. Notes that common technical standards relating to issues such as margin calculation and information exchange protocols will form an important part of ensuring fair and non-discriminatory access by authorised trading venues to CCPs; further notes that the Commission must pay close attention to the possible development of technological differences, discriminatory practices and work-flow barriers which are harmful to competition;
20. Calls for conduct-of-business and access rules governing CCPs to ensure non-discriminatory access by trading venues, with the issues to be addressed including discriminatory pricing practices;
21. Backs the introduction of repositories for all derivatives positions, ideally distinguished by asset class and regulated and supervised under ESMA direction; calls for binding procedural rules to be established to prevent distortions of competition and to ensure equal interpretation in the Member States and, furthermore, for ESMA to have supreme decision-making authority in disputes; calls for the Commission to ensure that national supervisory authorities have real-time access to granular data in repositories that relate to market participants based within their jurisdiction and to data that relate to potential systemic risk that might be built up in their jurisdiction, as well as access to aggregate data from all repositories including those held in repositories based in third countries; notes that the service provided by repositories should be priced transparently in light of their utility-like function;

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22. Calls on the Commission to draw up reporting standards for all derivative products consistent with standards being elaborated at an international level, to ensure that they are communicated to central trade repositories, CCPs, exchanges and financial institutions, and to make the data accessible to the ESMA and national regulatory authorities and the ESRB when required;
23. Calls on the Commission to develop measures to ensure that regulators are able to set position limits to counter disproportionate price movements and speculative bubbles;
24. Asks the Commission to ensure in particular that the valuation of all derivatives that are not traded on exchange is conducted in an independent and transparent way, avoiding conflicts of interest;
25. Considers careful clarification of all technical details to be necessary, in close cooperation with national regulators, in particular as regards standards and the distinction between financial-market products and non-financial-market products, and welcomes the fact that the Commission has already addressed this issue; calls on the Commission to involve the Council and Parliament at an early stage;
26. Backs the Commission in its plan to establish CCPs under agreed European standards, overseen by ESMA; and demands that key market participants should not have a controlling influence on the governance and risk management of the CCPs but should be included in the risk management board; takes the view that, additionally, mechanisms to make useful contributions to the risk management process should be proposed;
27. Insists on the need to have regulatory standards to ensure that CCPs remain resilient to a broader set of risks, including multiple participant failures, sudden sales of financial resources and rapid reduction in market liquidity;
28. Believes that the definition of derivative categories, the creation of CCPs, the transparency register, capital charges, the setting up of independent trading venues or use of existing exchanges, exemptions for SMEs and all technical details should be decided in close cooperation with national regulators, international institutions and the future European supervisory authority, the ESMA;
29. Calls, therefore, for clear rules of conduct and the necessary compulsory standards as regards the setting-up of CCPs (involvement of users) and the decision-making procedures and risk management systems used by them; supports the Commission in its intention to propose a regulation governing clearing houses;
30. Backs the Commission in its intention to provide exemptions and lower capital requirements for SMEs' bilateral derivatives if an underlying risk is being hedged, derivatives are non-significant in the balance sheet of the SME and the derived position does not create systemic risks.;
31. Calls, as a matter of priority, for credit default swaps to be made subject to independent central clearing and for as many derivatives as possible to be settled centrally by CCPs; believes that individual types of derivative with cumulative risks should, if necessary, be authorised only conditionally or even, on a case-by-case basis, prohibited; takes the view that, in particular, sufficient capital and reserves should be required to cover CDS in the case of a credit event;
32. Calls on the Commission to urgently and thoroughly investigate levels of concentration in OTC derivatives markets, and in particular in the credit default swap, in order to ensure that there is no risk of market manipulation or conflict of interest;
33. Calls for the European Commission to come forward with appropriate legislative proposals to regulate financial transactions involving naked selling of derivatives in order to ensure financial stability and transparency of prices; takes the view that, pending that, credit-default swaps (CDSs) should be processed through a European CCP in order to mitigate counterparty risks, increase transparency and reduce the overall risks;



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34. Demands that CDS protection should be payable only upon production and proof of an underlying bond exposure and be limited to the amount of this exposure;
35. Is of the opinion that all financial derivatives that concern public finances in the EU (including sovereign debt of Member States and local administration balance sheets) must be standardised and traded on exchange or other regulated trading platforms in order to promote transparency of derivatives markets for the public;
36. Calls for a ban on CDS transactions with no underlying credit which are purely speculative transactions involving bets on credit defaults, thereby leading to an artificial rise in the cost of credit default insurance and, consequently, to increased systemic risks through actual credit defaults; calls, as a minimum, for longer holding periods in the case of short sales of securities and derivatives; calls on the Commission to consider upper risk limits for derivatives, particularly CDSs, and to agree on them with international partners;
37. Considers that the Commission should investigate the use of position limits to combat market manipulation, most particularly at the point when a contract is approaching expiry ('squeezes' and 'corners'); notes that position limits should be viewed as dynamic regulatory tools rather than absolutes, and that they should be applied when necessary by national supervisors following guidelines set by ESMA;
38. Calls for any derivative position, whether taken by financial or non-financial institutions, above a certain threshold, to be specified by ESMA, to be centrally cleared by a CCP;
39. Calls for the planned regulation of derivatives to include rules relating to the banning of purely speculative trading in commodities and agricultural products, and the imposition of strict position limits especially with regard to their possible impact on the price of essential food commodities in developing countries and greenhouse gas emission allowances; calls for the ESMA and the competent authorities to be given the competence effectively to tackle dysfunctions in derivatives markets, e.g. by temporarily banning naked short selling of CDS or by requiring physical settlement of derivatives and by setting position limits in order to avoid undue concentration of dealers on some market segments;
40. Calls for any future legislative proposal on derivatives markets to follow a functional approach whereby similar activities are subject to the same or similar rules;
41. Underlines the need for European regulation of derivatives, and calls on the Commission to coordinate its actions with Europe's partners as far as possible, in order to secure regulation which is as internationally consistent as possible and internationally coordinated; underlines the importance of avoiding regulatory arbitrage through inadequate coordination;
42. Calls for industry initiatives to be supported and their value acknowledged since they can, in some instances, be as appropriate as, and complementary to, legislative action;
43. Calls for a cohesive approach within Europe in order to leverage on each financial centre's strengths and to take the opportunity offered by this crisis to move a step further in the integration and development of an efficient European financial market;
44. Welcomes the Commission's intention to submit legislative proposals on clearing houses and trade repositories as early as mid-2010 and to discuss the technical details with all institutions at national and EU level, in particular the Council-Parliament legislative authority, at an early stage;
45. Welcomes the Commission's intention to submit legislative proposals on CDSs;

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46. Underlines the importance of reviewing regularly the effectiveness of the future legislation, in cooperation with all market participants, and of adapting these regulatory provisions where necessary;
47. Calls for implementation of this resolution as soon as possible;
48. Notes that not only in the case of trading commodities and agricultural products, but also in that of greenhouse gas emission allowances, it must be ensured that the market operates transparently and that speculation is curbed; calls in this regard for upper risk limits to be considered for individual products;
49. Instructs its President to forward this resolution to the Commission, the Council, the national regulatory authorities and the European Central Bank.

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## Internet of Things

P7\_TA(2010)0207

### European Parliament resolution of 15 June 2010 on the Internet of Things (2009/2224(INI))

(2011/C 236 E/04)

*The European Parliament,*

- 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 of 18 June 2009 on the 'Internet of Things – An action plan for Europe' (COM(2009)0278),
- having regard to the work programme presented by the Spanish Presidency of the EU on 27 November 2009, and in particular the objective of developing the Internet of the Future,
- having regard to the Commission communication of 28 January 2009 on 'Investing today for tomorrow's Europe' (COM(2009)0036),
- having regard to the Commission recommendation on the implementation of privacy and data protection principles in applications supported by radio-frequency identification (C(2009)3200),
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,
- having regard to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector,
- having regard to the European economic recovery plan for a swifter return to economic growth (COM(2008)0800),
- having regard to the report of the Committee on Industry, Research and Energy on a new Digital Agenda for Europe: 2015.eu<sup>(1)</sup>,
- having regard to Rule 48 of its Rules of Procedure,

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<sup>(1)</sup> 2009/2225(INI), Del Castillo report, A7-0066/2010.

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- having regard to the report of the Committee on Industry, Research and Energy, and the opinions of the Committee on International Trade, the Committee on the Internal Market and Consumer Protection and the Committee on Legal Affairs (A7-0154/2010),
- A. whereas the internet has developed rapidly in the last 25 years and this development is forecast to continue in terms of both distribution – with the expansion of broadband – and new applications,
- B. whereas the Internet of Things (IoT) is able to meet the expectations of society and of citizens, and whereas research is needed in order to understand what those expectations are and the areas in which sensitivities about, and concern for, personal privacy and information may block applications,
- C. whereas information and communication technologies (ICT) are important in that they promote social development and economic growth and encourage research, innovation and creativity among European public and private bodies,
- D. whereas the EU should devise a common framework of reference in order to frame and strengthen rules on system governance, confidentiality, information security, ethical management, privacy, the collection and storage of personal data and consumer information,
- E. whereas the term ‘Internet of Things’ refers to the general concept of objects (both electronic artefacts and objects in everyday use) that can be read, recognised, addressed, located and/or controlled remotely through the internet,
- F. whereas the Internet of Things is expected to develop rapidly in the years ahead and thus requires safe, transparent and multilateral governance,
- G. whereas the internet of the future will go beyond the present traditional boundaries of the virtual world by being linked to the world of physical objects,
- H. whereas radio frequency identification (RFID) and other IoT-related technologies have advantages over bar codes and magnetic strips, and have many more applications, which can be interfaced with other networks – such as mobile phone networks – and could be developed still further once interfaced with sensors measuring aspects such as geolocation (e.g. the Galileo satellite system), temperature, light, pressure and g-forces; whereas the widespread introduction of RFID chips should significantly reduce their unit price as well as the cost of the respective readers,
- I. whereas RFID technology may be regarded as a catalyst and accelerator for the economic development of the information and communication industry,
- J. whereas RFID technology and other IoT-related technologies are already being applied in the manufacturing, logistics and supply-chain sectors, offer benefits in terms of product identification and traceability and have promising potential for developments in many other areas, such as health care, transport and energy efficiency, environment, retail and the fight against counterfeiting,
- K. whereas, as with all e-Health systems, the design, development and implementation of RFID-enabled systems require the direct involvement of healthcare professionals, patients and relevant committees (on data protection and ethics, for example),
- L. whereas RFID can help to increase energy efficiency and reduce greenhouse gas emissions, and offer product-level carbon accounting,
- M. whereas RFID technology and other IoT-related technologies can benefit the public in terms of quality of life, safety, security and well-being, provided that facets relating to the protection of privacy and of personal data are properly managed,

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- N. whereas there is a need for sustainable, energy-efficient communication standards that focus on security and privacy and use compatible or identical protocols at different frequencies,
- O. whereas all everyday objects (such as transport cards, clothes, mobile telephones and cars) could ultimately be fitted with RFID chips, which will quickly take on major economic importance owing to the wide range of applications for which they may be used,
- P. whereas the Internet of Things will permit the networking of billions of machines, which will be able to communicate and interact with one another via wireless technologies combined with logical and physical addressing protocols; whereas the Internet of Things should, through the use of electronic identification systems and wireless mobile devices, enable digital entities and physical objects to be identified directly and conclusively so as to allow the data they contain to be retrieved, stored, transferred and continuously processed,
- Q. whereas the miniaturisation of products used in the Internet of Things involves technological challenges, such as in incorporating electronics, sensors and the power supply and RFID transmission system into a chip measuring only a few millimetres,
- R. whereas, although RFID chips will be used in a still-wider range of applications in the future, this technology raises new data-protection issues, the most significant of which is the fact that the chips are totally or well-nigh invisible,
- S. whereas industry standards are very important, whereas RFID standardisation needs to mature and whereas the RFID standard mandate assigned jointly to the CEN and the ETSI (European Standard Organisations) in 2009 will therefore contribute to more innovative products and services using RFID,
- T. whereas it is important to raise European citizens' awareness of new technologies and their applications, including their social and environmental impact, and to promote digital literacy and e-skills among consumers,
- U. whereas the development of the Internet of Things should be inclusive and accessible to all EU citizens, and be supported by effective policies aimed at closing the digital gap within the EU and empowering more citizens with e-skills and a knowledge of their digital surroundings,
- V. whereas the benefits of IoT-related technologies must be strengthened through effective security, which is an essential feature of any development at risk of jeopardising the security of personal data and the public's trust in those who hold information about them,
- W. whereas that the social impact of the development of the Internet of Things is unknown, and may widen the current digital divide or create a new one,
1. Welcomes the communication from the Commission and endorses in principle the broad outlines of the action plan to promote the Internet of Things;
  2. Takes the view that the expansion of the Internet of Things will enhance person-to-thing and thing-to-thing interaction, which can bring tremendous benefits for EU citizens if it respects security, data protection and privacy;
  3. Endorses the Commission's focus on safety, security, the protection of personal data and privacy and governance of the Internet of Things, because respect for privacy and the protection of personal data, together with openness and interoperability, is the only way IoT will gain wider social acceptance; calls on the Commission to encourage all European and international stakeholders to tackle cyber security-related threats; calls on the Commission, in this connection, to encourage the Member States to implement all existing international cyber security provisions, including the Council of Europe Convention on Cybercrime;

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4. Firmly believes that protection of privacy constitutes a core value and that all users should have control over their personal data; calls therefore for the adaptation of the Data Protection Directive to the current digital environment;
5. Appreciates the fact that the Commission is reacting in a timely way to the new developments in this sector, thereby enabling the political system to set rules at an early enough stage;
6. Stresses that a precondition for promoting technology is the introduction of legal provisions to reinforce respect for fundamental values and for the protection of personal data and privacy;
7. Stresses that security and privacy issues should be addressed in the forthcoming standards, which must define different security features ensuring confidentiality, integrity or the availability of services;
8. Calls on the Commission to coordinate its work on the Internet of Things with its overall work on the digital agenda;
9. Calls on the Commission to conduct an assessment of the impact of using the current 'internet' network infrastructure for IoT applications and hardware, in terms of network congestion and data security, in order to determine whether IoT applications and hardware are compatible and appropriate;
10. Takes the view that the development of the Internet of Things and related applications will have a major impact on the daily lives of Europeans and their habits in the years ahead, leading to a broad range of economic and social changes;
11. Believes that it is necessary to build an inclusive Internet of Things, avoiding from the outset the risk – at both Member State and regional level – of unequal development, spread and use of IoT technologies; notes that the Commission's communication does not give enough consideration to these issues, which should ideally be dealt with before the Internet of Things is further developed;
12. Calls on the Commission to take account of less developed regions of the Union in the context of ICT and Internet of Things planning; calls on the Member States to secure co-financing for the implementation of these technologies and other ICT projects in such regions, so as to ensure their participation and prevent them being excluded from common European ventures;
13. Stresses that, while the use of RFID chips can be effective in combating counterfeiting, preventing the abduction of babies from maternity wards and identifying animals, as well as in a range of other areas, it can also be dangerous and create ethical problems for individuals and for society, against which appropriate safeguards will need to be found;
14. Stresses the importance of studying the social, ethical and cultural implications of the Internet of Things, in the light of the potentially far-reaching transformation of civilisation that will be brought about by these technologies; takes the view, therefore, that it is important for socio-economic research and political debate on the Internet of Things to go hand in hand with technological research and its advancement, and calls on the Commission to set up a panel of experts to carry out an in-depth assessment of these aspects and propose an ethical framework for the development of related technologies and applications;
15. Points out that RFID technology and other IoT-related technologies for the intelligent labelling of products and consumer goods, and for things-to-person communication systems, can be used anywhere and in practice are quiet and unobtrusive; calls, therefore, for such technology to be the subject of further, more detailed, assessments by the Commission, covering, in particular:
  - the impact on health of radio waves and other means of enabling identification technologies;
  - the environmental impact of the chips and of their recycling;

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- user privacy and trust;
- the increased cyber security risks;
- the use of smart chips in specific products;
- the right to ‘chip silence’, which provides empowerment and user control;
- guarantees for the public as regards protection during the collection and processing of personal data;
- developing an additional network structure and infrastructure for IoT applications and hardware;
- ensuring the best possible protection for EU citizens and businesses from all kinds of online cyber attacks;
- the impact of electromagnetic fields on animals, especially birds in cities;
- the harmonisation of regional standards;
- the development of open technological standards and interoperability between different systems;

and for it to be the subject of a specific European regulation, if appropriate;

16. Stresses that the consumer has the right to privacy by opt-in and/or privacy by design, notably through the use of automatic tag disablement at the point of sale, unless the consumer expressly agrees otherwise; notes in this regard the opinion issued by the European Data Protection Supervisor; points out that consideration must be given to privacy and security at the earliest possible stage in the development and deployment of any IOT technologies; underlines that RFID applications must be operated in accordance with the rules on privacy and data protection enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union; calls on the Commission to reflect on citizens’ right to choose non IoT-equipped products or to disconnect from their networked environment at any time;

17. Notes that, while passive RFID tags are limited in range, active RFID tags can transmit data at much greater distances; stresses, in this connection, that clear guidelines must be laid down for each individual type of RFID;

18. Calls on the Commission to clarify the issue of who owns and controls data that is automatically collected and interpreted;

19. Calls on manufacturers to secure the right to ‘chip silence’ by making RFID tags removable or otherwise easily disabled by the consumer after purchase; stresses that consumers must be informed about the presence of either passive or active RFID tags, the reading range, the kind of data shared – either received or transmitted – by the devices and the use of those data, and that this information must be clearly marked on any packaging and set out in more detail in any documentation;

20. Calls for RFID application operators to take all reasonable steps to ensure that data does not relate to an identified or identifiable natural person through any means likely to be used by either the RFID application operator or any other person, unless such data is processed in compliance with the applicable principles and legal rules on data protection;

21. Stresses that, given that the chips attached to retail products are not intended for use outside retail outlets, it should be possible for them to be factory-fitted with devices that will deactivate them and thus limit data retention;

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22. Believes that consumers should be given the opportunity to opt-in or opt-out of the Internet of Things, including the ability to opt-out of individual IoT technologies without disabling other applications or a device as a whole;
23. Stresses the need for the highest possible level of device security and secure transmission systems to be included in all IoT technologies in order to prevent fraud and allow proper device identity authentication and authorisation; notes the potential for identification and product fraud through the cloning of IoT tags or the interception of shared data; calls on the Commission, therefore, to ensure the development of a transparent IoT system that takes into consideration the following aspects in particular:
- explicitly mentioning the presence of means of enabling identification and traceability;
  - security measures ensuring that only authorised users can access data;
  - enabling consumers and the assigning authorities to check the readability of data and the functioning of the system;
24. Considers it a priority to ensure a global regulatory framework and specific timescales at European level in order to encourage and facilitate public and private investment in the field of the Internet of Things and in smart networks needed to support the development of new technologies;
25. Notes that, while RFIDs are important, other technologies also form part of the Internet of Things; stresses that research on funding and governance issues should also be directed to these technologies;
26. Calls on the Commission to consider using IoT applications to advance several ongoing EU initiatives such as 'ICT for energy efficiency', 'smart metering', 'energy labelling', 'energy performance of buildings' and 'protection from counterfeit medicinal and other products';
27. Calls on the Commission to monitor possible new threats presented by the vulnerability of highly interlinked systems;
28. Calls on the Commission to make further efforts to ensure that IoT-related technologies include user requirements (e.g. a traceability de-activation option) and respect individual rights and freedoms; recalls in this context the key role played by the European Network and Information Security Agency (ENISA) in ensuring the security of networks and information and, consequently, of the Internet of Things, which will help to build acceptance and trust among consumers;
29. Takes the view that the development of new applications and the actual functioning and business potential of the Internet of Things will be intrinsically linked to the trust European consumers have in the system, and points out that trust exists when doubts about potential threats to privacy and health are clarified;
30. Stresses that this trust must be based on a clear legal framework, including rules governing the control, collection, processing and use of the data collected and transmitted by the Internet of Things and the types of consent needed from consumers;
31. Believes that the IoT encompasses many benefits for people with disabilities and may be a way to meet the needs of an ageing population and provide assertive care services; emphasises in this context that with the assistance of this technology, blind and visually impaired persons can experience their environment more fully through the use of electronic aids; stresses, however, that measures need to be taken to ensure privacy protection, ease of installation and operation and the provision of information to consumers about such services;
32. Stresses that follow-up costs – such as the electricity consumption of the application and the deployment of things – must be transparent to the consumer;

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33. Believes that the Internet of Things and ICT projects in general require broad information campaigns to explain to citizens the purpose of their implementation; stresses that informing and educating society about the potential uses and clear benefits of items such as RFID is crucial in order to prevent the project being misinterpreted and failing to attract citizens' support; underlines that, in order to make full use of the Internet of Things, for both individual and common benefit, users need to be provided with the e-skills necessary to understand these new technologies, and must be motivated and able to make proper use of them;
34. Notes that the Internet of Things will lead to the collection of truly massive amounts of data; calls on the Commission, in this connection, to submit a proposal for the adaptation of the European Data Protection Directive with a view to addressing the data collected and transmitted by the Internet of Things;
35. Believes that a general principle should be adopted whereby IoT technologies should be designed to collect and use only the absolute minimum amount of data needed to perform their function, and should be prevented from collecting any supplementary data;
36. Calls for a significant amount of the data shared by the Internet of Things to be made anonymous before being transmitted, in order to secure privacy;
37. Points out to the Commission that other parts of the world, in particular Asia, are developing faster in this sector, and that a proactive approach and close cooperation with the rest of the world will therefore be necessary when drawing up rules applicable to the political system and laying down technical standards for the Internet of Things;
38. Stresses that, in order to revive the European economy, investment must be made in new information and communication technologies in order to facilitate economic growth by enabling ever-increasing numbers of European citizens and enterprises to gain access to new systems and new applications; emphasises that Europe should be at the cutting edge of the development of internet technologies; proposes that the EU's ICT research budget be doubled and that the budget for ICT take-up be multiplied by four in the next Financial Perspective;
39. Underlines that research will play a key role in creating competition between providers of the computing capacity that is required for IoT applications to function in real time;
40. Calls on the Commission to continue and increase its funding for projects under the Seventh Framework Programme (FP) in the field of the Internet of Things in order to bolster the European ICT sector, and endorses the use of the Competitiveness and Innovation Framework Programme (CIP) to promote its expansion; calls, especially, for the development of pilot projects that may have an immediate positive effect on the everyday lives of European citizens in the areas of e-Health, e-Learning, e-Commerce, e-Accessibility and energy efficiency; is concerned, however, about the red tape associated with the FP and calls on the Commission to eliminate it by re-engineering FP processes and creating a users' board;
41. Believes that the Internet of Things has significant potential in terms of economic and productive development, better-quality services, the optimisation of corporate logistics and distribution chains, inventory management and the creation of new employment and business opportunities;
42. Calls on the Commission to make an assessment of any impact that its proposed strategy might have on the productivity and competitiveness of European enterprises in the international market;
43. Believes that the Internet of Things can contribute to the facilitation of trade flows between the EU and third countries through the expansion of markets and the securing of quality guarantees for the products traded;



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44. Stresses that RFID technologies will, on the one hand, enable European industries to control the volume of goods in circulation (i.e. by producing only when necessary, thereby protecting the environment) and, on the other hand, offer an effective means of combating piracy and counterfeiting, as it will be possible to trace the goods concerned;
45. Believes that applying new technologies to production processes will increase the resource efficiency and market competitiveness of consumer goods;
46. Stresses that intensive international dialogue and joint action plans are needed with respect to the Internet of Things; calls on the Commission to examine the effects of the Internet of Things on international trade;
47. Endorses the Commission's intention to continue to monitor and assess the need for additional harmonised spectrums for specific IoT purposes, taking into consideration the different characteristics and capabilities of various electromagnetic frequency bands, and calls therefore on the Commission, when setting the Union's coordination and harmonisation objectives through the Multiannual Radio Spectrum Policy Programmes, to take into account the needs of the Internet of Things; stresses that such spectrums should remain publicly owned, and that their use should be regulated in such a way as to encourage and help fund more technological research and development in this field; believes that unlicensed spectrum should allow the use of new technologies and services (wireless networking) to emerge so as to foster innovation;
48. Stresses the danger of legal uncertainty in the case of cloud computing;
49. Takes the view that the involvement of all political levels (EU, national and regional) is an essential prerequisite for the effective development and take-up of the Internet of Things; emphasises the key role that regional and local authorities and cities will play in the development of the Internet of Things, moving it beyond the purely private sphere; points also to the extensive use that local authorities can make of the Internet of Things, for example in the organisation of public transport, waste collection, the calculation of pollution levels and traffic management; calls on the Commission to consult all political levels in its work on the Internet of Things, in a spirit of multi-level governance;
50. Notes that the information provided by IoT technologies must be traceable, verifiable, and correctable in the event that a system based on it breaks down; stresses that, as these technologies are incorporated into safety systems, such as traffic control or temperature regulation, misinformation could put lives in danger;
51. Stresses that new technologies are critical in order to simplify transportation chains, improve the quality and efficiency of transportation, support the development of intelligent transport systems and facilitate green corridors, and that RFID can offer innovative ways of conducting business operations while enhancing customer satisfaction;
52. Takes the view that using the Internet of Things in connection with nature can help in the development of green technologies by increasing energy efficiency and hence also environmental protection, and enhance the relationship between ICTs and nature;
53. Calls on the Commission to strive to establish common international norms for the standardisation of RFID and other IoT technologies and their applications, with a view to facilitating interoperability and an open, transparent and technologically neutral infrastructure; emphasises that, without clear and recognised standards such as the TCP5/IP6 in the internet world, the expansion of the Internet of Things beyond RFID solutions cannot reach a global scale;
54. Supports the proposal to adopt as swiftly as possible the Internet Protocol version 6 (IPv6) as a basis for the future expansion and simplification of the internet;

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55. Welcomes the Commission's intention to present, in 2010, a communication on security, privacy and trust in the information society; stresses the importance of that communication and of the proposed measures for strengthening the rules on aspects relating to information security, privacy and the protection of personal data; calls on the Commission actively to involve all relevant stakeholders, including the ENISA and the European Data Protection Supervisor;
56. Believes in the importance of ensuring that all fundamental rights – not only privacy – are protected in the process of developing the Internet of Things;
57. Believes that the Commission should make recommendations concerning the tasks and responsibilities of public administrative, legislative and law enforcement agencies with respect to the Internet of Things;
58. Calls on the Commission to monitor closely the implementation of the European regulations already adopted in this area and to present, by the end of the year, a timetable for the guidelines it intends to propose at EU level for improving the safety of the Internet of Things and of RFID applications;
59. Asks the Commission to initiate a social dialogue regarding the Internet of Things, and to provide information on the positive and negative effects of the new technologies on everyday life; calls on the Commission, therefore, to engage in proactive consultation with the European industry sector, and to encourage it to play a leading role in designing and proposing innovative, standardised and interoperable technologies;
60. Calls on the Commission to involve small and medium-sized enterprises (SMEs) to an adequate extent in the Internet of Things action plan;
61. Also calls on the Commission to keep it regularly updated on developments in the dialogue with operators in this field and with stakeholders, and on the initiatives it intends to take;
62. Believes that the Commission should explore the possibility of further reducing data roaming costs;
63. Stresses that the governance of the Internet of Things must keep 'red tape' to a minimum and involve all relevant stakeholders in the decision-making process, and calls therefore for proper and adequate regulation at EU level;
64. Calls on the Commission to contribute actively to the definition and setting of principles and rules for the governance of the Internet of Things together with its trading partners in international forums such as the World Trade Organisation;
65. Calls on the Commission to clarify which aspects of internet governance it feels need to be regulated at this time in relation to the Internet of Things, and which system will be able to safeguard the general public interest;
66. Calls on the Commission, therefore, to analyse issues relevant to the governance of the Internet of Things with the help of operators in the sector; also considers it vital to analyse aspects relating to Wi-Fi security systems;
67. 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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**Internet governance: the next steps**

P7\_TA(2010)0208

**European Parliament resolution of 15 June 2010 on internet governance: the next steps (2009/2229(INI))**

(2011/C 236 E/05)

*The European Parliament,*

- having regard to the Commission Communication entitled 'internet governance: the next steps' (COM(2009)0277),
- having regard to the Commission Communication entitled 'Protecting Europe from large scale cyber-attacks and disruptions: enhancing preparedness, security and resilience' (COM(2009)0149),
- having regard to its resolution of 14 October 1998 on globalisation and the information society: the need for strengthened international coordination <sup>(1)</sup>,
- having regard to its resolution of 19 February 2001 on the organisation and management of the internet - international and European policy issues 1998-2000 <sup>(2)</sup>,
- having regard to its resolution of 2 April 2001 on the next generation internet: the need for an EU research initiative <sup>(3)</sup>,
- having regard to its resolution of 23 June 2005 on the information society <sup>(4)</sup>,
- having regard to its resolution of 15 December 2005 on human rights and freedom of the press in Tunisia and evaluation of the World Summit on the Information Society in Tunisia <sup>(5)</sup>,
- having regard to its resolution of 6 July 2006 on freedom of expression on the internet <sup>(6)</sup>,
- having regard to its resolution of 17 January 2008 on the second Internet Governance Forum, held in Rio de Janeiro from 12 to 15 November 2007 <sup>(7)</sup>,
- having regard to its recommendation to the Council of 26 March 2009 on strengthening security and fundamental freedoms on the Internet <sup>(8)</sup>,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Culture and Education, the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A7-0185/2010),

<sup>(1)</sup> OJ C 104, 14.4.1999, p. 128.

<sup>(2)</sup> OJ C 343, 5.12.2001, p. 286.

<sup>(3)</sup> OJ C 27 E, 31.1.2002, p. 84.

<sup>(4)</sup> OJ C 133 E, 8.6.2006, p. 140.

<sup>(5)</sup> OJ C 286 E, 23.11.2006, p. 495.

<sup>(6)</sup> OJ C 303 E, 13.12.2006, p. 879.

<sup>(7)</sup> OJ C 41 E, 19.2.2009, p. 80.

<sup>(8)</sup> Texts adopted, P6\_TA(2009)0194.

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- A. whereas the internet is a critical global means of communication with a tremendous impact on society as whole,
- B. whereas internet governance involves issues relating to protection and guarantee of fundamental rights and freedoms, access to and use of the internet and its vulnerability to cyber attack, etc.,
- C. whereas cybercrime is posing an increasing threat to societies that rely on ICT, and whereas incitement to commit terrorist attacks, hate-based crimes, and child pornography have increased and are endangering individuals including children,
- D. whereas the intersection between cybercrime, internet jurisdiction and cloud computing as an emerging internet governance aspect at the European level is of great importance,
- E. whereas aspects of internet governance concern internet addressing and other predominantly technical issues, in which areas entities such as the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Assigned Numbers Authority (IANA), the Internet Engineering Task Force (IETF), the Regional Internet Registries and other entities are active,
- F. whereas, in connection with internet governance, the private sector has so far had a prevailing and positive guiding role; whereas, however, the role of public bodies should be strengthened when defining overall strategy,
- G. whereas governments have an important role regarding broader governance aspects in defence of the public interest, in particular to protect and guarantee fundamental rights and freedoms, as well as regarding the security, integrity and resilience of the internet, while the private sector assumes a crucial role in providing the necessary investment, expertise and entrepreneurial initiative,
- H. whereas the global Internet Governance Forum (IGF) and various national and regional fora are important arenas for multi-stakeholder internet policy dialogue,
- I. whereas the European Parliament and the other European institutions have a long-standing commitment to the internet as an open global public good,
  - 1. Considers that the internet is a global public good and as such its governance should be exercised in the common interest;
  - 2. Recognises that the internet is essential for the practical exercise of freedom of expression, cultural diversity, media pluralism and democratic citizenship, as well as for education and access to information, thus constituting one of the principal vectors for the dissemination of democratic values in the world;
  - 3. Recalls that the internet has become an indispensable tool for promoting democratic initiatives, political debate, digital literacy and the dissemination of knowledge; reiterates that access to the internet both guarantees and depends upon the exercise of a number of key fundamental rights including, but not limited to, respect for private life, data protection, freedom of expression, speech and association, freedom of the press, political expression and participation, non-discrimination, education and cultural and linguistic diversity; underlines that institutions and stakeholders at all levels therefore have a general responsibility to assist in ensuring that everyone can exercise their right to participate in the information society - particularly the elderly, who face more problems in familiarising themselves with the new technologies - while simultaneously attacking the twin challenges of e-illiteracy and democratic exclusion in the electronic age;
  - 4. Underlines especially the need to enhance the evolution of 'bottom-up' approaches and of e-democracy, while simultaneously ensuring that significant safeguards are established against new forms of surveillance, control and censorship by public or private actors, so that the freedom of internet access and the protection of private life are real and not illusory;

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5. Underlines the need to protect and promote the European cultural heritage, including through the internet; takes the view that the internet plays a vital role in stimulating innovation and reducing the digital, social and cultural divide in Europe by comparison with other parts of the world; welcomes the fact that the Commission understands the importance of 'bridging the digital divide' and the development issues involved in internet governance; considers, however, that the focus must also be on the many older citizens in both the developed and developing world who often feel left behind in this new online world; notes that the internet can be an effective tool of social inclusion and that our older citizens must be included; urges that action be taken to promote education on the use of the resources offered by the internet and the selection of criteria on how to use those resources;
6. Recognises that the intensified use of the internet by citizens, consumers, companies and authorities implies that this communication instrument is becoming one of the fundamental elements of the completion of the internal market within the EU; stresses in this context the need for appropriate protection of consumers and intellectual property rights holders on the internet; also stresses that internet users' civil rights and freedoms must be guaranteed; recognises the importance of the internet as a way of providing information on and promoting consumers' rights;
7. Emphasises that internet governance should facilitate e-commerce and cross-border transactions by decentralising the self-regulatory roles, especially in setting entry conditions for new competitors;
8. Calls for easier access to and development of the internet in newer Member States, particularly in rural areas, and in developing countries, through programmes funded by the European Union; further calls for these countries to be granted greater influence in shaping internet governance policy;
9. Considers that, to safeguard the EU interest in maintaining the internet as a global public good, internet governance should be based on a broad, balanced public-private sector model, avoiding dominance by any individual entity or group of entities and attempts by state or supra-national authorities to control the flow of information on the internet, while interacting with multi-stakeholder processes on internet governance which continue to provide an effective mechanism for promoting global cooperation;
10. Underlines that the values on which the Union is founded, as expressed in Article 2 of the Treaty on European Union, are core values and end goals of the European Union; calls on the European Commission and the Member States therefore to ensure that all activities related to internet governance comply with these values and goals, in particular in those global internet governance fora where countries whose values differ greatly from those of Europe take part; considers that, in the interest of avoiding conflict, international dialogue should be stepped up with these countries in the area of internet regulation;
11. Considers that governments should focus on issues vital to global internet public policy as private sector leadership needs to be based on respect for public policy principles and existing legislation and otherwise adhere to a principle of non-intervention, except as may be necessary in exceptional circumstances, and that even then their action should respect fundamental human rights and the proportionality principle;
12. Considers that governments should avoid involvement in day-to-day internet management, abstain from harming innovation and competition by unnecessary, burdensome and restrictive regulation and not try to control what is and should remain a global public property;
13. Calls on governments to desist from imposing restrictions on internet access by way of censorship, blocking, filtering or otherwise, and from requiring private entities to do so; insists on safeguarding an open internet, where users are able to access and distribute information or run applications and services of their choice as provided for by the reformed electronic communications regulatory framework;

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14. Stresses that any restrictions deemed indispensable should be limited to the minimum necessary in a democratic society, should be based on law, and should be effective and proportionate; stresses that protection of minors must be guaranteed, and invites Member States to also take measures, for example using the public interest notice system available under Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC, Directive 2002/58/EC and Regulation (EC) No 2006/2004 as regards users' rights (Citizens' Rights Directive) <sup>(1)</sup> to enable minors to make responsible use of internet and on-line information services, and to improve the level of awareness of potential threats posed by new services;
15. Calls for more initiatives to strengthen the safe exploration of the internet by children, to disseminate best practices worldwide, and to reinforce international cooperation in the fight against harmful and illegal content online, particularly with regard to the sexual abuse of children on the internet;
16. Takes also into consideration the special need to protect vulnerable persons, particularly minors, through a joint action by public and private stakeholders; reiterates that when combating cybercrime and child pornography, criminal content should be deleted at the source before considering websites being blocked;
17. Considers that, in addition to the governance principles set out by the Commission, governments should also implement the following principles:
- (i) transparency, multilateralism, democracy and protection of fundamental rights and freedoms meeting EU standards;
  - (ii) respect for an open, interoperable, technologically neutral and 'end-to-end' nature of internet infrastructure,
  - (iii) external public accountability of private-sector entities managing global internet resources on a day-to-day basis,
  - (iv) promotion of global internet governance through interaction with and further encouragement of multi-stakeholder processes, also addressing the need to improve the participation of developing countries;
  - (v) protection of the integrity of the global internet and freedom of communication by avoiding any regional measures, such as revocation of IP addresses or domain names in third countries;
18. Stresses that the EU should develop a consensus implementation of the fundamental principles of internet governance and defend it firmly in international fora and bilateral relations;
19. Welcomes the internet governance aspects of the Spanish Presidency's 'Granada Strategy', and the provisions of Parliament's report on a new Digital Agenda for Europe: 2015.eu <sup>(2)</sup> on drawing up a European Charter of Citizens' and consumers' rights in the digital environment and developing a 'Fifth Freedom' that enables the free circulation of content and knowledge;
20. Notes the US government's new 'internet Policy 3.0' announced on 24 February 2010;
21. Stresses that the EU should address three critical public policy issues:
- (i) protection of internet infrastructure to safeguard openness, availability, security and resilience against cyber attacks,

<sup>(1)</sup> OJ L 337, 18.12.2009, p. 11.

<sup>(2)</sup> Texts adopted, P7\_TA(2010)0133.

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- (ii) European dependencies on dominant market solutions and associated public security risks, and
- (iii) protection of data and privacy, in particular as regards the establishment of effective international mechanisms for dispute resolution; calls on the Commission to submit a proposal for the adaptation of the Data Protection Directive to the current digital environment;
22. Calls on Member States, in coordination with the Commission, to ensure protection of internet infrastructure against threats and incidents through a harmonised EU approach and by completing the establishment of national emergency response teams and cooperation mechanisms between them;
23. Calls on the Commission and Member States to step up their efforts towards increasing the security of cyberspace within the EU as well as adequately participating in the international cooperation on this issue and stresses the need for a multi-stakeholder approach to provide a better understanding and awareness of cybercrime jurisdiction and cloud computing, based on an equal level basis and the establishment of clear obligations and responsibilities for each of the stakeholders;
24. Stresses the importance of the security of electronic services, especially of electronic signatures, and of the need for the creation of the Public Key Infrastructure (PKI) at Pan-European level, and calls on the Commission to set up a European Validation Authorities Gateway in order to ensure the cross-border interoperability of electronic signatures and to increase the security of transactions carried out using the internet;
25. Calls on the Commission to provide clear guidance to Member States that have not ratified and implemented the Council of Europe Convention on Cybercrime in order to engage all Member States in a cooperative effort to fight cybercrime and spam, to enhance users' confidence and to secure the European Union's cyberspace against all kinds of crimes and offences; urges all Member States to ratify and implement the Council of Europe Convention on Cybercrime;
26. Calls on all Member States to ratify and implement the Council of Europe Convention on the Prevention of Terrorism which would allow the development of a basis for international cooperation in countering the terrorist use of the internet in the form of large-scale attacks on and through computer systems which threaten national security, public safety or economic well-being;
27. Recommends in addition that the Commission and Member States work towards enhanced security and stability of the internet through measures aimed at increasing network and system diversity through the application of competition law, EU standards and procurement policy, as well as by:
- (i) supporting ICANN's work on security and stability of the domain name system,
- (ii) supporting work in international fora such as the Organisation for Economic Co-operation and Development, the United Nations and the Council of Europe on improved legislative frameworks and national coordination;
28. Stresses that the success of social networks, together with the internet's technical capacities in terms of memory and data processing, is giving rise to problems of data retention and the use of archived data; deplores the fact, in this respect, that there is currently no 'right to forget' on the internet;
29. Stresses the need to find a suitable balance between protecting users' privacy and recording personal data;
30. Deplores the fact that increasing use of internet networks does not yet go hand in hand with rules allowing users to manage the personal data they put on those networks;

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31. Observes that transparent and responsible internet management can play an important part in supervision of the way in which search engines handle information worldwide;
32. Calls on the Commission to present a proposal to extend the application of Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) <sup>(1)</sup> to include violations of data protection and privacy, and on the Council to authorise negotiations with a view to concluding an international agreement enabling effective redress by EU individuals in case of violations of their rights under EU law to data protection and privacy;
33. Supports the promotion of the 'privacy by design' principle, according to which privacy and data protection requirements should be introduced as soon as possible in the life cycle of new technological developments, assuring citizens a safe and user-friendly environment;
34. Points out that website security certification is becoming necessary to give consumers greater confidence in accessing online information and services;
35. Stresses that EU institution, bodies and Member States should coordinate their approach to internet governance in the various International bodies that deal with it, such as ICANN and its advisory bodies including the Government Advisory Committee (GAC);
36. Stresses the role of the European Network and Information Society Agency (ENISA) in the creation of a single European information space; notes that ENISA can play an important role, in particular with respect to preventing, addressing and responding to network and information security problems, and welcomes the Commission's forthcoming proposal for modernising ENISA;
37. Underlines the need to further increase the effectiveness of ENISA by:
- identifying the research priorities, on a European level, in the areas of networking resilience and in network and information security, and offering knowledge of industry needs to potential research institutions;
  - drawing the attention of decision-makers to new technologies in security-related areas;
  - developing forums for information-sharing and provide support to Member States;
38. Emphasises that ENISA's support is focused on Member States with particular needs and recommends that ENISA continues developing forums for sharing of information between Member States and others;
39. Considers that the Commission has a central role to play in initiating and coordinating all aspects relating to the internal EU organisation to ensure a coherent EU approach, including with respect to the IGF;
40. Suggests the Commission should build capacity for genuine European civil society representation in international internet governance fora and internet standards organisations or consortia;
41. Requests the Commission to facilitate the adoption of a coherent and comprehensive EU approach at IGF and other major internet governance events by submitting a draft EU position document well in advance of each such event to the European Parliament and Council for debate;

<sup>(1)</sup> OJ L 199, 31.7.2007, p. 40.



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42. Supports the continuation and development of the IGF model on a global, regional - including EuroDIG - and national level, by preserving its main characteristics as a non-binding multistakeholder process and remaining as open fora for dialogue and exchange of best practices between governments, civil society and the private sector and a new form of participatory democracy;
43. Stresses the importance of co-opting Asian actors in talks on internet governance, taking account of the specific nature of the Asian market;
44. Stresses the need also to involve end consumers in the process of creating a model of governance, placing the emphasis on cooperation between universities and the business world at local, regional and national level;
45. Recommends improving the IGF in the following ways:
- (i) increased participation of developing countries, with attention paid to funding of their participation,
  - (ii) heightened visibility in the media,
  - (iii) more efficient organisation of meetings, e.g. by a reduction in the number of simultaneous meetings, the establishment of a stable platform to facilitate global participation, and greater multilingualism,
  - (iv) better coordination and cooperation between global, regional and national internet governance fora, and
  - (v) deepened cooperation between the European Parliament and national parliaments by using all technological means available such as video-conferences as well as the Inter-parliamentary EU-Information Exchange (IPEX);
46. Supports the work of the Commission and the Spanish and Belgian Presidencies as regards the Vilnius IGF meeting in September 2010, and calls for an increased participation of the European Parliament;
47. Supports in general the Commission's position in favour of the current ICANN management model based on private-sector leadership;
48. Recognises that ICANN has succeeded in guaranteeing the stability of the Domain Name System;
49. Supports the continuation of the recently started process by ICANN to assign domain names in alphabets different from the Latin alphabet;
50. Calls for a new generic top-level domain for cultural organisations, outlets, media and artists, for example, '.culture' or '.art';
51. Calls for greater accountability of private companies which register and distribute domain names, carrying out a service which society has become largely dependent upon; considers in this context that there is a need to establish a common set of criteria to follow, with a view to increasing transparency and ensuring that such companies take on increasing responsibilities;
52. Calls on the.eu registrar EURid to conduct a thorough media and on-line campaign to promote the.eu domain across the Member States to facilitate the development of a European on-line environment based on the values, characteristics and policies of the European Union;

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53. Underlines the importance of the GAC in ICANN's policy-making process and recommends that the effectiveness of the GAC is strengthened among other things through the establishment of a secretariat with adequate support capabilities; and considers it important for each EU Member State to take an active part in the work of this committee;

54. Considers that improvements to ICANN should be made by:

- (i) the introduction - while reviewing the performance of existing dispute resolution mechanisms (Independent Review Panel and ICANN Ombudsman) - of an alternative, external dispute resolution mechanism allowing interested parties effective, neutral, timely and affordable review of ICANN decisions,
- (ii) a gradually implemented diversified funding structure, with funding from any one entity or sector capped, in order to prevent undue influence over ICANN's activities by any individual entity or group of entities,
- (iii) appropriate representation of all interested parties in ICANN,
- (iv) ensuring that ICANN's board and top management represent a range of interests and regions,
- (v) use of a reasonable part of its reserve fund in order to boost civil society's participation to internet governance fora (especially from developing countries);

55. Endorses the Commission's view that IANA arrangements should include mechanisms for multilateral accountability, and affirms that in future no single government should exercise a dominant influence over IANA, this function instead being subject to progressive internationalisation leading to multilateral oversight;

56. Considers that the 2009 'affirmation of commitments' can constitute a positive basis for further development of ICANN, while emphasising that:

- (i) the EU, primarily through the Commission, should play an active part in implementation, including through the review panels and by ensuring that the members of those panels are independent, have no conflicts of interest and represent different regions,
- (ii) following public comment, recommendations by the review panels should be implemented by ICANN and reasons given in the event that it does not do so;

57. Requests the Commission to provide the European Parliament and Council with yearly reports on internet governance-related events during the preceding year, with the first such report to be provided by March 2011;

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

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## Community innovation policy in a changing world

P7\_TA(2010)0209

### European Parliament resolution of 15 June 2010 on Community innovation policy in a changing world (2009/2227(INI))

(2011/C 236 E/06)

*The European Parliament,*

- having regard to the Commission Communication entitled 'Reviewing Community innovation policy in a changing world' (COM(2009)0442),
- having regard to the Commission Communication entitled 'Preparing for our future: developing a common strategy for key enabling technologies in the EU' (COM(2009)0512),
- having regard to the Commission Communication entitled 'A new partnership for the modernisation of universities: the EU Forum for University Business Dialogue' (COM(2009)0158) and its resolution of 20 May 2010 <sup>(1)</sup> on university – business dialogue,
- having regard to the Council conclusions of 4 December 2009 entitled 'Towards a competitive, innovative and eco-efficient Europe – a contribution by the Competitiveness Council to the post-2010 Lisbon agenda',
- having regard to the Commission Communication entitled 'Moving the ICT frontiers - a strategy for research on future and emerging technologies in Europe' (COM(2009)0184),
- having regard to its resolution of 10 March 2009 on the Small Business Act <sup>(2)</sup>,
- having regard to its resolution of 22 May 2008 on the mid-term review of industrial policy: a contribution to the EU's Growth and Jobs Strategy <sup>(3)</sup>,
- having regard to Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology <sup>(4)</sup>,
- having regard to the conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 22 May 2008 on promoting creativity and innovation through education and training <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 5 July 2006 on implementing the Community Lisbon Programme: more research and innovation – investing for growth and employment: a common approach <sup>(7)</sup>,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0187

<sup>(2)</sup> Texts adopted, P6\_TA(2009)0100

<sup>(3)</sup> Texts adopted, P6\_TA(2008)0226.

<sup>(4)</sup> OJ L 97, 9.4.2008, p. 1.

<sup>(5)</sup> OJ C 141, 7.6.2008, p. 17.

<sup>(6)</sup> OJ C 102 E, 24.4.2008, p. 455.

<sup>(7)</sup> OJ C 303 E, 13.12.2006, p. 640.

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- 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>(1)</sup>,
  - having regard to Decision 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007-2013) <sup>(2)</sup>,
  - having regard to the Commission proposal for a Council regulation on the Community patent (COM(2000)0412),
  - having regard to the Community framework for state aid for research and development and innovation <sup>(3)</sup>,
  - having regard to the Commission Communication entitled 'Towards a more effective use of tax incentives in favour of R&D' (COM(2006)0728),
  - having regard to the Commission staff working document 'Assessing Community innovation policies in the period 2005-2009' (SEC(2009)1194),
  - having regard to the Commission Communication entitled 'A strategy for ICT R&D and Innovation in Europe: Raising the Game' (COM(2009)0116),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0143/2010),
- A. whereas the Commission has, in its Communication 'Reviewing Community innovation policy in a changing world', announced a revised innovation strategy in the form of an action plan,
- B. whereas this future innovation strategy will have to be closely linked with the EU 2020 Strategy,
- C. whereas in its Communication 'Moving the ICT frontiers - a strategy for research on future and emerging technologies in Europe', the Commission announced a new strategy for research into future and emerging technologies (FET) with the launch of flagship initiatives,
- D. whereas, in developing a European innovation policy, it is necessary to take into account all three sides of the knowledge triangle – research, innovation and education,
- E. whereas companies' ability to innovate depends to a great extent on access to adequate financial resources, and the credit crunch caused by the current economic crisis threatens drastically to curtail corporate capacity for innovation, in particular for small and medium- sized enterprises (SMEs),
- F. whereas innovation is the key to successfully meeting the EU's current grand societal and environmental challenges and realising its strategic political goals in areas including enterprise, competitiveness, climate change, employment, demographic change and an inclusive society,
- G. whereas the European Union will not meet its energy and climate goals for 2020, and in particular its target to reduce greenhouse gas emissions by 20 %, increase energy efficiency by 20 % and reach a share of at least 20 % of energy produced from renewable sources, without accelerating the development and widespread application of clean, sustainable and efficient energy technologies; whereas future innovation strategy should fully integrate this dimension,

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

<sup>(2)</sup> OJ L 310, 9.11.2006, p. 15.

<sup>(3)</sup> OJ C 323, 30.12.2006, p. 1.

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- H. whereas research into emerging and future technologies (such as quantum technologies, ICT technologies inspired by biology and nanotechnologies) is a springboard for innovation through its impact on long-term competitiveness, and whereas it creates entirely new areas of economic activity, while encouraging new industries and high-technology SMEs,
- I. whereas the promotion and development of sustainable technologies are not only essential for achieving the EU climate and energy targets but will also be of tremendous value to the Union in terms of future jobs and economic growth,
- J. whereas an uneven distribution of scarce resources can hinder innovation; whereas the EU's policy on raw materials should address the key challenges with regard to ensuring fair access,
- K. whereas, in times of increasingly scarce resources, promoting sustainable, energy-efficient technologies will improve the EU's energy supply security,
- L. whereas demographic change will be one of the main challenges of the future, requiring, inter alia, new technological responses,
- M. whereas the EU needs to pool its resources and reinforce its strengths in those sectors of industry in which it is well placed to compete and ensure a global level playing-field,

#### ***A broad approach to innovation***

1. Believes that opportunities exist for closer links between research and innovation in Europe; calls on the Commission and the Member States to adopt an integrated approach to science and innovation;
2. Advises the EU Commission that future EU innovation policy must be broad in scope, fundamentally embracing innovation in every form – not only technological innovation (affecting products and processes) but also administrative, organisational, social and work-related innovation, including innovative new business models and innovations in service provision, while taking account of the other two sides of the knowledge triangle (research and education);
3. Stresses that innovation means first and foremost novelties that address consumers' and market needs; asks the Commission, therefore, to ensure better recognition of the primacy of consumers' demands as a driving force for innovation; points out that in order to counter the emergence of new forms of inequality in society, innovations should in future be measured not only in terms of their environmental and economic benefits but also by the yardstick of social added value;
4. Underlines the fact that strengthening entrepreneurs as the drivers of innovation in Europe is a necessary prerequisite for the effective functioning of a competitive internal market based on the elimination of trade barriers and a high level of consumer protection and social cohesion;
5. Calls on the Commission to set ambitious innovation benchmarks focusing on grand societal challenges and to cut the current fragmentation of different European initiatives;
6. Wholeheartedly supports the Commission's assertion that key enabling technologies and research on future and emerging technologies are vital prerequisites for enhancing the EU's global competitiveness in a sustainable way; joins the Commission in calling on the Member States to reach agreement on the importance of using key enabling technologies in the EU; stresses in that regard that (i) key enabling technologies, such as microelectronics and nanoelectronics, photonics, biotechnology and nanotechnology, (ii) new materials, and (iii) new and future technologies can offer considerable potential for innovation and can contribute to the transition to a knowledge-based, low carbon economy;

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7. Stresses that innovation must be centred on the individual and welcomes efforts to step up the dialogue between universities and the business world, which is substantially helping to promote research and innovation, as well as the more effective use of knowledge imparted by the private sector within the universities, and to enrich academic course material in line with present-day social and business requirements;
8. Points out that current key enabling technologies and new and future technologies must be identified in cooperation with the business world, at local, regional and national level, including SMEs, and that regional economic-policy objectives must also be taken into account; calls on the EU to ensure that the contribution of the proposed High Level Expert Group to the identification, ratification and implementation of concrete short, medium and long-term measures in support of those technologies are taken into account;
9. Welcomes these innovation policy measures as complementing the national industrial strategies at Community level and in cross-sectoral terms, and urges the Commission to pursue that approach further;
10. Calls on the Commission and the Member States to combine the roll-out of next generation digital networks and smart grids with innovation activities in order to fully reap their benefits; stresses in this context that sufficient funding needs to be provided, including from the Structural Funds;
11. Stresses that investment in high-speed online networks and greater broadband penetration are basic conditions for increased and more effective dissemination of innovatory achievements and hence a narrowing of the innovation gap between EU regions;
12. Calls on the Commission and the Member States to strengthen innovation convergence policies in order to reduce the differences between Member States;
13. Supports the fact that a 'European Innovation Act' is currently being prepared by the Commission, in order to work towards a more coherent innovation strategy;
14. Stresses the importance of ecological innovation and green enterprise, which can play a major role in linking innovation policy with sectors of key importance for the EU, resulting in major comparative advantages for the European economy;
15. Stresses the important role played by eco-innovation, particularly in the context of raising resource efficiency;
16. Emphasises the important role that innovation clusters will play in future EU innovation policy and stresses the potential offered in particular by knowledge clusters; welcomes the creation of special innovation and enterprise belts around universities, research institutes and scientific and technological parks; calls for consideration to be given to the possibilities of creating a uniform simplified funding and operational framework for the new innovation belts;
17. Stresses that existing clusters – including world leaders in some fields – must be further developed, through the concerted efforts of the EU, the Member States and the regions, so that they can sustain and build on their role;
18. Emphasises, in that regard, that any cluster-policy measures should be taken on a basis that takes account of companies' needs, including those of SMEs, especially those of innovating SMEs, given that innovation has a key role to play in promoting enterprise;
19. Calls on the bodies involved at Member State and EU level to improve the framework conditions for cross-border inter-cluster cooperation;
20. Stresses the central role played by SMEs both as partners in value chains and as independent providers of innovative products;

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***Increasing and focusing EU financial support for innovation***

21. Calls for a strengthened European approach to financing innovation and to prevent the current fragmentation and short-termism; considers that the provision of adequate financial resources is vital to the development of innovation and that the EU budget for innovation should therefore be substantially increased; calls for this to be reflected in the upcoming revision of the current financial framework and in the planning process in connection with the 2014-2020 Financial Perspective; points out in that regard that the rules for eligibility for R&D funding regarding preindustrial and/or experimental R&D should be reviewed at the same time; calls on the Member States to increase their R&D funding in order to achieve the goal set in Barcelona in 2002 of spending 3 % of GDP on R&D by 2010; emphasises the importance of research and innovation funding in times of economic crisis, as this will enhance job creation in the long run; stresses the need to earmark an increased proportion of R & D programmes for innovation;

22. Takes the view that EU expenditure on research and innovation must focus on objectives such as providing incentives for the commercial application of research findings, as well as more comprehensive information concerning funding sources and possibilities; stresses the importance of keeping transparency and equal opportunities in accessing funds on the basis of open calls for research proposals; calls on the Commission and the Member States to use structural funds to incentivise large scale innovation; highlights the need to develop social innovation financing schemes with an increased focus on social returns;

23. Stresses that, along with bigger budgets, it is essential to achieve a critical mass; recommends the use of public procurement for this purpose and emphasises in particular that funding should be directed to those areas where the leverage effect is greatest, such as key enabling technologies and flagship initiatives for emerging and future technologies in order to generate added value for Europe; emphasises in that regard the need to capitalise on the synergies between the Framework Programmes for Research and Innovation and the Structural Funds; stresses in that regard that the different bodies managing FP7, CIP and the Structural Funds have to be aware of the possibilities offered by each of those instruments; regrets that opportunities for existing synergies in funding are still not well known; calls on regions and Member States to step up efforts to improve communication in that regard;

24. Welcomes the creation of the European Institute of Innovation and Technology (EIT) that has been established to stimulate and deliver world-leading innovation by bringing together higher education, research and business around a common goal; stresses the major contribution which can be made by the EIT in providing incentives for innovation programmes and the important role it can play in that respect; urges the Commission to draw up the budget of the EIT in such a way as to ensure that the funding allocated, together with funds from other sources, can achieve the critical mass necessary in order to meet and fully investigate the essential challenges facing EU societies;

25. Stresses the need for guidelines to guarantee the competitive allocation and prompt utilisation of funding and the introduction of an award scheme for projects which have a major immediate economic impact;

26. Emphasises that Europe should be at the cutting edge in the development of internet technologies and ICT low-carbon applications; proposes that the EU ICT research budget be doubled in the next Financial Perspective;

***Improving programme governance structures***

27. Underlines the point that innovation policy should be coordinated with other EU and national policies (including industrial, environmental and consumer policy), bearing in mind that the approaches identified should be flexible enough to be adapted to different national and regional circumstances;

28. Regrets that efforts to simplify EU research and innovation instruments have not been successful, and that procedures are still far too complex and time-consuming, which particularly hampers participation by SMEs in these programmes;

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29. Considers that, in the interests of user-friendliness and transparency, it is necessary to prevent overlap and duplication of effort between support programmes, resulting from poor coordination of the various operational levels; calls on the Commission to investigate whether the EU aid instruments for SMEs could in future be combined under the umbrella of one Directorate-General such as DG Enterprise; considers that this would make them easier to project and would offer potential beneficiaries a one-stop shop;

30. Calls, likewise, on the Commission to ensure that the EU regulatory framework supports innovation rather than constituting a barrier to change and that there is effective cooperation among the relevant internal services and directorates-general with the help of a structure such as the envisaged task force in order to give coherent and comprehensive consideration to innovation issues; insists that this should lead to less fragmented EU instruments in the field of innovation policy;

31. Calls likewise on the Member States effectively to coordinate initiatives by the national bodies responsible;

32. Emphasises that the EU bodies' joint efforts should be directed at bridging the gaps between research and innovation and between product marketability and commercialisation; stresses that the framework programmes need interfaces with each other or cross-programme connectivity between research and innovation-related measures;

33. Calls on the Commission to develop new innovation indicators which are better suited to increasingly knowledge-based service economies, and to adapt the existing ones, so that the European innovation scoreboard does not just give a comparative analysis of the Member States' innovation capacity but can also identify the strengths and achievements as well as weaknesses of EU innovation measures;

34. Stresses the importance of more comprehensive information concerning suitable funding channels and sources and of reliable data concerning alternative forms of funding, such as licensing agreements, so as to make undertakings more willing to invest;

#### ***Encouraging private-sector financing***

35. Emphasises that, alongside public funding, more stimulus must be provided for financing from the private sector;

36. Emphasises the importance of the better harmonisation of access to EU funds for all participants in order to improve participation by SMEs in the governance structures and activities of Joint Technology Initiatives;

37. Calls on the Commission to put forward, in the action plan for innovation, practical measures to improve innovative companies' access to financing; emphasises in that regard the need to take into account the differing funding requirements and innovation intensity of companies during their different start-up and growth phases;

38. Emphasises the need to create conditions whereby risk capital will be more readily available, taking into account the needs of SMEs, and to extend the EIB's risk-sharing finance facility (RSFF); calls on the Commission to investigate what steps can be taken to achieve a risk-sharing arrangement that is acceptable for all the actors involved and thus stimulate private investment in the field of innovation;

39. Calls on the relevant Member-State and EU bodies to develop proven SME financing tools such as microcredits, venture capital for people seeking to invest in innovative enterprises, business angels to sponsor business projects by e.g. young researchers, loans and guarantees and to create tax, financial, business and administrative incentives for investment, since this would reduce the risk of company relocation because of unfavourable framework conditions for state aid and motivate companies to employ human resources for purposes of research and innovation, thus boosting the development of new products and services;



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40. Stresses the importance of providing for a minimum allocation of funds for SMEs in the open calls published under the Research and Innovation initiatives, following the same commitment adopted for the FP7 (15 % of the resources in the Cooperation programme);

***Improving the framework conditions for businesses, especially SMEs***

41. Calls on the Commission, in accordance with the principles of the single market, to adjust the existing EU rules on state aid so as to support investment in urgently needed new technologies and to secure the Union's long-term competitiveness and a global level playing field; particularly urges the Council and the Commission to take into consideration the key enabling technologies initiative while revising the EU rules on state aid and thus make it possible for the Member States to create national incentive systems to promote key enabling technologies;

42. Stresses the importance of Joint Technology Initiatives satisfying certain criteria in terms of size and governance structures and of carrying out a periodical impact assessment of approved JTIs in terms of their contribution to the competitiveness of the European industry;

43. Welcomes, in that context, the fact that the Community framework for State aid for research and development and innovation is to be reviewed in 2010;

44. Considers that enhanced support for innovation must always be accompanied by a reduction in the red tape confronting applicants; calls on the Commission to eliminate red tape by re-engineering Framework Programme processes and by creating a users' board;

45. Calls on the relevant EU bodies to improve – especially for SMEs – the framework conditions for protection of intellectual property, especially patents, their cost as well as their quality being a key factor in innovation;

46. Regrets, in this connection, the lack of a true internal market for innovations in the EU, and calls on the Commission and the Member States to coordinate their efforts in this area, notably where prompt agreement on a Community patent and a single patent court system are concerned, and stresses the importance of standardisation for the development of innovative products;

47. Recommends the promotion of modern IP policies that foster innovation, such as patent pooling, common patent platforms, and full rights licences;

48. Emphasises, in that regard, the significance for the European economy of developing an SME-friendly Community patent, in tune with the Union's policies on innovation;

49. Notes the increasing use of patents as securities for bank financing, but that banks often lack the technical knowledge to be able to correctly assess the value of patents when lending; calls therefore on the Commission to investigate whether the EU should provide support for the development of valuation standards;

50. Stresses the importance of programmes to encourage SMEs to make use of technological developments and research staff;

51. Stresses that the three sides of the knowledge triangle – education, research and innovation – must not be separated; calls, to that end, for investment in training and further training for skilled staff not to be cut, as this investment is crucially important given the impact of innovation capacity on EU competitiveness; emphasises the need to make conditions as attractive as possible to researchers and their skilled workers, also in relation to their mobility, so that the EU can hold its own in global competition; stresses that this goes along with improving the working conditions of female researchers;

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

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**Progress towards the achievement of the Millennium Development Goals: mid-term review in preparation of the UN high-level meeting in September 2010**

P7\_TA(2010)0210

**European Parliament resolution of 15 June 2010 on progress towards the achievement of the Millennium Development Goals: mid-term review in preparation of the UN high-level meeting in September 2010 (2010/2037(INI))**

(2011/C 236 E/07)

*The European Parliament,*

- having regard to the United Nations Millennium Declaration of 8 September 2000,
- having regard to the European Council meeting on 17 and 18 June 2010 focusing on the MDGs,
- having regard to the commitments on aid volume, aid to sub-Saharan Africa and aid quality made by the G8 at the 2005 Gleneagles Summit and all subsequent G8 and G20 meetings,
- having regard to the G20 summit held in Pittsburgh on 24 and 25 September 2009 and the G20 summit held in London on 2 April 2009,
- having regard to the G8 summit held in L'Aquila, Italy, from 8 to 10 July 2009,
- having regard to the European Consensus on Development <sup>(1)</sup> and the EU Code of Conduct on Complementarity and Division of Labour in Development Policies <sup>(2)</sup>,
- having regard to the Monterrey Consensus, adopted at the International Conference on Financing for Development held in Monterrey, Mexico, from 18 to 22 March 2002,
- having regard to the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action,
- having regard to the Addis Call to Urgent Action for Maternal Health, the Berlin Call to Action and the Strategic Options for NGOs, the latter two documents having been issued to mark the 15th anniversary of the International Conference on Population and Development (ICPD/15),
- having regard to Article 208 of the Treaty on the Functioning of the EU, which stipulates that 'the Union 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 the Commission communication of 12 April 2005 on policy coherence for development <sup>(3)</sup>,
- having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation <sup>(4)</sup> (the 'Development Cooperation Instrument' (DCI)),

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

<sup>(2)</sup> Council Conclusions 9558/2007, 15 May 2007.

<sup>(3)</sup> COM(2005)0134 final.

<sup>(4)</sup> OJ L 378, 27.12.2006, p. 41.

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- 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 the ILO Decent Work Agenda and to the ILO Global Jobs Pact adopted by global consensus on 19 June 2009 at the International Labour Conference,
  - having regard to the July 2009 report by the UN Secretary-General on the implementation of the Millennium Declaration,
  - having regard to the UNDP report entitled 'Beyond the Midpoint: Achieving the Millennium Development Goals', published in January 2010,
  - having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled 'A twelve-point EU action plan in support of the Millennium Development Goals' <sup>(1)</sup>,
  - having regard to the Council conclusions on Progress on the European Programme for Action to confront HIV/AIDS, Malaria and Tuberculosis through External Action (2007-2011),
  - having regard to the Court of Justice judgment of 6 November 2008 on the external lending activities of the European Investment Bank (EIB) <sup>(2)</sup>,
  - having regard to its resolution of 6 April 2006 on aid effectiveness and corruption in developing countries <sup>(3)</sup>,
  - having regard to its resolution of 20 June 2007 on 'the Millennium Development Goals – the midway point' <sup>(4)</sup>,
  - having regard to its resolutions of 4 September 2008 on maternal mortality <sup>(5)</sup>, of 24 March 2009 on MDG contracts <sup>(6)</sup> and of 25 March 2010 on the effects of the global financial and economic crisis on developing countries and on development cooperation <sup>(7)</sup>,
  - 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 (A7-0165/2010),
- A. whereas reducing and eradicating poverty is the EU's primary development policy objective under the Lisbon Treaty, as well as being both a moral obligation and in the EU's own long-term interests,
- B. whereas both the EU, as the world's largest donor, and its Member States need to play a leading role at the September MDG meeting and adopt an ambitious, united position that can work as a driving force with a view to achieving the MDGs on time,
- C. whereas the EU is currently some EUR 20 billion short of its MDG spending commitments,

<sup>(1)</sup> COM(2010)0159 final.

<sup>(2)</sup> Case C-155/07, European Parliament v Council of the European Union, OJ C 327, 20.12.2008, p. 2.

<sup>(3)</sup> OJ C 293 E, 2.12.2006, p. 316.

<sup>(4)</sup> OJ C 146 E, 12.6.2008, p. 232.

<sup>(5)</sup> OJ C 295 E, 4.12.2009, p. 62.

<sup>(6)</sup> OJ C 117 E, 6.5.2010, p. 15.

<sup>(7)</sup> Texts adopted, P7\_TA(2010)0089.

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- D. whereas some EU Member States are scaling back their aid budgets,
- E. whereas the value of global financial transactions has attained 70 times world GNI,
- F. whereas unpredictable aid can be detrimental to recipient countries, and whereas better quality aid could release an extra EUR 3 billion a year for the development budgets of the EU and of its Member States <sup>(1)</sup>,
- G. whereas 82 % of new IMF lending has gone to European-area countries, while least-developed countries (LDCs) would benefit from receiving a greater amount of new IMF lending,
- H. whereas, although the G20 is more representative than the G8, the UN remains the most inclusive forum for addressing global governance issues,
- I. whereas inconsistencies in EU policies must not undermine the impact of development funding,
- J. whereas remittances contribute at least USD 300 billion a year to developing countries' economies <sup>(2)</sup>,
- K. whereas, although there has been encouraging progress on some MDGs, all eight MDGs are currently off-target and only a resolute display of political will can enable the MDGs to be met in the five years remaining before the 2015 deadline,
- L. whereas some LDCs are on track to meet no MDGs,
- M. whereas the recent food and fuel crises, coupled with the global economic downturn and climate change, have led to set-backs in relation to the last decade's progress on poverty reduction,
- N. whereas land ownership creates incentives for individuals, families and communities to take control of their own development and ensure food security at a local level,
- O. whereas mitigating climate change in developing countries could cost around USD 100 billion a year by 2020 <sup>(3)</sup>, and the economic downturn at least as much again <sup>(4)</sup>,
- P. whereas the situation in 'middle-income' developing countries should not be overlooked when reviewing the MDGs, since these countries continue to require assistance on the way to reaching their full development potential,
- Q. whereas industrialised nations are mainly responsible for climate change and the financial and economic crisis,
- R. whereas the numbers of working poor and those in vulnerable jobs are on the rise,
- S. whereas a lack of peace and security, democracy and political stability often prevents poor countries from fulfilling their full development potential,
- T. whereas corruption destroys productivity, creates instability and deters foreign investment,

<sup>(1)</sup> 'Aid Effectiveness Agenda: Benefits of a European Approach', European Commission, October 2009.

<sup>(2)</sup> 'Migration and Remittance Trends 2009', World Bank, November 2009.

<sup>(3)</sup> 'Stepping up international climate finance: A European blueprint for the Copenhagen deal', COM(2009)0475.

<sup>(4)</sup> Swimming Against the Tide: How Developing Countries are Coping with the Global Crisis, World Bank, March 2009.

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- U. whereas illicit capital flows from developing countries are estimated at USD 641 billion to USD 941 billion, and whereas these outflows undermine developing countries' capacity to generate their own resources and allocate more funds to poverty reduction <sup>(1)</sup>,
- V. whereas, although major progress has been made towards some of the health MDGs, the three health MDGs – and in particular maternal mortality – are the most off track,
- W. whereas 13 % of all maternal deaths in developing countries are due to unsafe abortions, and whereas this figure is much higher in Africa <sup>(2)</sup>,
- X. whereas funding for family planning on a per-woman basis has fallen away sharply over the last decade,
- Y. whereas, even if we achieve all the MDGs, there will still be poverty-related challenges and suffering in poor countries,
- Z. whereas failing to meet our MDG promises will mean continued suffering for millions of poor people, and will seriously erode trust between north and south,

#### **I. Funding**

1. Expects the June 2010 European Council to agree on an ambitious, united EU position ahead of September's UN MDG meeting, and to lead to new, results-oriented, additional, transparent and measurable commitments;
2. Calls on the Member States to meet the obligations to which they agreed as part of the European Consensus on Development;
3. Points out that achieving the MDGs must remain a key objective for the European Union; emphasises that poverty reduction through the achievement of the MDGs must be recognised unambiguously as the overarching framework for EU development policy and that this must be reflected clearly in all relevant policy – including trade policy – and legislative proposals; believes that the MDGs should not be seen as a technical matter which will be resolved simply by providing more money or trade opportunities without identifying and tackling the underlying causes of poverty;
4. Stresses that the figures given in the recent UN report entitled 'Rethinking Poverty' are not only alarming, but a clear indication that the risk of not meeting the Millennium Development Goals is real;
5. Calls on all the Member States to meet their 0,7 % aid promises by 2015 at the latest;
6. Calls on the EU and the Member States to introduce enhanced accountability measures concerning their commitment to give 0,7 % of GNI as aid by 2015, including setting up an 'ODA Peer Review' process which would, within the Foreign Affairs Council, assess progress towards the 0,7 % target by 2015, culminating in a report to the European Council and the European Parliament;
7. Calls on all the Member States to introduce development aid measures and issue multiannual timetables for meeting the MDG targets; asks the Commission to ensure that official development assistance (ODA) is fully transparent, and accordingly asks it to publish the amounts spent on ODA by the Member States;
8. Calls on the EU and the OECD not to broaden the definition of development aid (ODA) or count debt cancellation or other non-ODA financial flows as aid spending;

<sup>(1)</sup> Professor Guttorm Schjelderup, European Parliament hearing, 10 November 2009.

<sup>(2)</sup> Facts on Induced Abortion Worldwide, World Health Organization and Guttmacher Institute, 2007.

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9. Calls on all the Member States actively to crack down on tax havens, tax evasion and illicit financial flows, within the G20 and UN framework, and to promote greater transparency, including systematic disclosure of profits made and taxes paid and a country-by-country reporting system to enable developing countries to keep their own resources for their development;
10. Calls on the EIB to review its policy on offshore financial centres on the basis of more stringent criteria than the Organisation for Economic Co-operation and Development (OECD) listing for the definition of prohibited and monitored jurisdictions, and to ensure its implementation and provide annual reports on progress;
11. Calls on all the Member States and the international community to take action to make remittances cheaper;
12. Calls on all the Member States to support UN initiatives and take measures to increase lender and borrower responsibility in the context of sovereign debt transactions;
13. Calls on all Member States and the international community to make renewed efforts to ease the debt burden of LDCs with a track record of accountability, transparency and good governance;
14. Calls on the EU to provide significant funding to help poor nations fight the effects of climate change and the economic crisis; insists that these funds be genuinely additional to existing aid commitments;
15. Calls on all the Member States to commit to allotting significantly more resources to development cooperation and emergency aid under the next Financial Perspective and European Development Fund;
16. Calls on the European Commission to use its existing instruments of cooperation with developing countries, including the ENP Action Plans, the Eastern Partnership, GSP and GSP+, further to define and implement practical steps designed to facilitate the achievement of the MDGs;
17. Calls on all the Member States significantly to increase the amount of aid provided through budget support, particularly via MDG contracts, but insists that democracy, human rights, governance and other essential criteria be met and that there be more and better monitoring and audits;
18. Calls on all the Member States to ensure that the EU continues to work through a wide array of existing financial instruments at global and country levels in addition to budget support, including the Global Fund to Fight AIDS, Tuberculosis and Malaria, and through other relevant organisations and mechanisms, in particular civil society organisations and communities;
19. Calls on all the Member States to continue to improve donor coordination by untying all their aid, in accordance with the Paris and Accra declarations, thereby reducing the over-fragmentation of aid budgets qui est impératif à la cohérence et au déliement de l'aide; also recognising that different Member States can offer expert knowledge in various geographical areas and development sectors;

## II. Policy coherence for development

20. Calls on the European Commission and the Member States to ensure that primary responsibility for programming development funds and setting priorities remains within the remit of the Development Commissioner in the EU's new institutional set-up;
21. Calls on the EU to take concrete action against poverty by adopting a coherent policy encompassing the areas of trade and development cooperation as well as its common agricultural and fisheries policies, in order to avoid direct or indirect negative impacts on developing countries' economies;

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22. Calls on the EU to uphold the principle of food security in developing countries and to urge all players to comply with this principle during the current WTO negotiations;
23. Believes that achieving the Millennium Development Goals requires measures to foster access to land, water and biodiversity resources and measures to foster a policy of local support for sustainable small-holding agriculture;
24. Calls on the EU to 'development-proof' its fisheries agreements so that they take full account of social and economic impacts on local communities, notably through long-term EU sectoral support and a mechanism whereby ship-owners cover a fair share of the costs of access for the EU fleet;
25. Calls on the EU not to pressure poor countries, through its trade policy, into opening up vulnerable market sectors when their level of development precludes them from competing fairly on the global stage, while enhancing the pro-poor focus of the EU Aid for Trade policy;
26. Calls on the EU to fight for a timely, development-focused conclusion to the Doha WTO round;
27. Calls for a climate change risk assessment to be systematically incorporated into all aspects of policy planning and decision-making, including trade, agriculture and food security; demands that the result of this assessment be used to formulate clear guidelines on sustainable development cooperation policy;
28. Stresses that there is a need for an effective global response to the problem of climate change, whereby industrialised countries shoulder their responsibility and take the lead in combating greenhouse gas effects, which will threaten the MDGs if not addressed;
29. Calls on the EU and the Member States, which are parties to the Protocol on Strategic Environmental Assessment to the Espoo Convention, to comply fully with the Protocol's provisions when helping to develop programmes and public projects in developing countries;
30. Is convinced that trade may be a powerful engine for economic growth, although trade alone cannot solve development problems; believes that the slow progress of the Doha Round negotiations is hampering the international trading system's contribution to the MDGs; stresses that a positive conclusion of the Doha Round could contribute to delivering an economic stimulus package at global level; takes note of the host of studies by UNCTAD and other institutions showing that extensive trade liberalisation in the LDCs has seldom translated into sustained and substantial poverty reduction, and has contributed to a decline in developing countries' terms of trade, in particular those of African countries;
31. Stresses the importance of efforts to facilitate the integration of developing countries into the world economy; reiterates that openness to trade and support for supply capacity are important elements in any coherent development strategy, and that trade-related technical assistance initiatives represent an additional tool for tackling poverty eradication and underdevelopment;
32. Recalls that improving the trade capacity of developing and least-developed countries may help them to acquire the trade-related skills and infrastructure needed to implement and benefit from WTO agreements, expand their trade, take advantage of new and existing trade opportunities, implement new agreements and adapt to a changing external trading environment;
33. Welcomes existing initiatives at EU and WTO level in the area of trade with developing countries, in particular the Everything But Arms (EBA) initiative, GSP and GSP +, as well as the principle of asymmetry and transitional periods negotiated in all existing European Partnership Agreements (EPAs), and asks the Commission to consolidate this policy strategy; points out that the GSP system provides more stability, predictability and trading opportunities for its users; notes that additional preferences are granted (through the GSP regime) to countries that have ratified and effectively implemented key international conventions on sustainable development, social rights and good governance;

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34. Calls on the Commission to enhance the development content of current WTO and bilateral FTA negotiations;

35. Recalls that the Aid for Trade strategy is aimed at supporting poor and vulnerable countries in developing the basic economic infrastructure and tools they need to harness trade as an engine of economic growth and development; welcomes the Commission's statements that the EU has already met its target of committing EUR 2 billion to trade-related assistance (TRA) by 2010, since total support for TRA from the EU and its Member States reached EUR 2,15 billion in 2008 (EUR 1,14 billion from the Member States and EUR 1,01 billion from the EU), and notes that important results have also been achieved in respect of the wider Aid for Trade Agenda – including transport and energy, the productive sectors and trade-related adjustment; calls on the Commission, nevertheless, to present detailed information (including figures) on the budget lines used to finance trade-related assistance and Aid for Trade;

36. Urges the Commission and the Member States to pay more attention to, and to support, the LDCs in order to increase total EU funding for Aid for Trade, which has not seen substantial increases recently; takes the view that, as regional integration becomes increasingly important in the context of the EU Aid for Trade agenda, efforts to complete the ACP regional Aid for Trade packages should be stepped up; takes the view that there is room for improvement in aid effectiveness by increasing joint analysis, joint response strategies and joint delivery of Aid for Trade measures;

37. Takes the view that the South-South dimension is becoming a fast-growing component of world trade, may become increasingly relevant in ensuring the development of the poorest countries and should be encouraged and supported;

### **III. Priority MDG targets**

38. Calls on the EU to maintain an integrated, comprehensive approach to the MDGs, recognising that all individual goals and targets are interlinked and establishing minimum requirements for the achievement of poverty eradication;

#### ***Health and education***

39. Calls on all the Member States and the Commission to allocate at least 20 % of all development spending to basic health and education, to increase their contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria and increase their funding for other programmes designed to strengthen health systems, and to prioritise maternal health and efforts to combat infant mortality;

40. Calls on developing countries to spend at least 15 % of their national budgets on health care and to enhance their health care systems;

41. Calls on the EU and developing countries to promote free access to health and education;

42. Calls on all the Member States and the Commission to reverse the worrying decline in funding for sexual and reproductive health and rights in developing countries and to support policies on voluntary family planning, safe abortion, treatment of sexually transmitted infections and the provision of reproductive health supplies consisting of life-saving drugs and contraceptives, including condoms;

43. Asks the Commission, the Member States and developing countries to address MDG 5 (on improving maternal health), MDG 4 (on child mortality) and MDG 6 (on HIV/AIDS, malaria and tuberculosis) in a coherent and holistic way, along with MDG 3 (on gender equality and women's empowerment);

44. Demands that Country and Regional Strategy Papers emphasise the need for legislation combating violence and discrimination against women, encourage women's participation in the decision-making process and further highlight the need for gender-sensitive policies;



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45. Reiterates that the EU should support those developing countries which use the so-called flexibilities built into the TRIPS Agreement in order to be able to provide medicines at affordable prices under their domestic public health programmes; stresses that those agreements which guarantee access to generic medicines must not be undermined by free-trade agreements;

#### ***Vulnerable groups***

46. Calls on the EU to channel at least half its aid into the LDCs and to target the neediest groups in those countries, focusing especially on women, children and people with disabilities, and to mainstream more effectively the interests of vulnerable groups in its development strategies;

47. Supports, in this context, the Commission's proposal to reallocate funding to the most off-track countries in the framework of the 2010 mid-term review of ACP programmes;

48. Calls on the EU and developing countries to pay particular attention to the rights of minorities and insists that the EU insert non-negotiable human rights and non-discrimination clauses into its international agreements, inter alia with regard to discrimination based on gender, racial or ethnic origin, religion or belief, disability, age, sexual orientation and towards people living with HIV/AIDS;

#### ***Freedom from hunger***

49. Calls on the EU and partner governments to increase investment in farming and food security to levels that guarantee freedom from hunger for all, looking particularly at urgent hunger needs, small-scale farming and social protection programmes;

50. Calls on the Commission to promote land ownership as a tool for reducing poverty and guaranteeing food security, by strengthening property rights and facilitating access to credit for farmers, small businesses and local communities;

#### ***Decent work***

51. Expresses deep concern about the current acquisition of farmland (particularly in Africa) by government-backed foreign investors, which may undermine local food security and have serious, far-reaching consequences in developing countries; urges the UN and the EU to address the adverse impact of farmland acquisition (including the expropriation of small farmers and unsustainable use of land and water), by recognising the population's right to control farmland and other vital natural resources;

52. Calls on the Member States and the Commission to step up their efforts to combat child labour, both by supporting specific programmes and through guidelines on development policies and international trade;

53. Calls on EU and developing country governments robustly to support the ILO's Global Jobs Pact and to apply effectively all aspects of the Decent Work Agenda;

54. Calls on the Commission to monitor workers' social protection, social dialogue and core labour standards in developing countries and, where necessary, to offer incentives and apply sanctions through trade agreements and all other available instruments;

#### **IV. Governance**

55. Calls on the World Bank and the IMF to allocate a fairer share of voting rights to under-represented nations, ensuring that borrowers and lenders have equal shares of votes in the short term, and that lending does not undermine principles of ownership, as committed to in Paris and Accra;

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56. Calls on the IMF to increase low-income countries' levels of access to its concessional facilities, and to increase Special Drawing Rights allocations for LICs according to their needs;
57. Intends, when codeciding the upcoming revision of the European Investment Bank's external mandate, to ensure that it fulfils its development obligations, and to gear its resources more closely to the needs of developing countries, including mutually effective pro-poor lending facilities;
58. Calls on all the Member States and the international community to ensure that the UN remains the forum of choice for addressing issues relating to global governance and poverty issues;
59. Calls on EU and AU authorities to invest renewed political will in the Africa-EU strategic partnership, and to commit the specific resources that will enable it to achieve its full potential;
60. Calls on the EU and the international community to promote and support democracy, peace, the rule of law and corruption-free administration in developing countries;
61. Calls on the EU and the international community to make an exceptional effort to support public administration in developing countries, with the specific aim of fighting corruption and creating an administrative environment that is transparent, impartial and fair, while also recognising the essential role of non-state actors and of civil society;
62. Calls on all developing countries urgently to sign the UN Convention against Corruption, to take practical steps to implement its provisions effectively, and to establish mechanisms for monitoring progress;
63. Recognises the need for developing countries to improve international accounting standards in order to prevent tax avoidance and tax evasion practices, thereby achieving better global fiscal governance;
64. Calls on developing countries to involve parliaments, local government, civil society and other non-state actors at all stages of policy formulation and implementation;
65. Calls on developing countries, especially those benefiting most from EU aid, to strengthen their good governance in all public matters, especially management of the aid received, and urges the Commission to take all necessary steps to ensure transparent and efficient aid implementation;
66. Recognises the vital link between security and development, and notes with concern the lack of progress made in achieving peaceful solutions to frozen conflicts in the EU's neighbourhood and beyond, urging the EU to review its efforts in this area;
67. Calls on the EU to enter into an ambitious, constructive dialogue with all traditional and emerging donors in order to ensure that the MDGs are achieved and that poverty reduction remains at the top of the global agenda;

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68. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Secretary-General of the United Nations.
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**EU 2020**

P7\_TA(2010)0223

**European Parliament resolution of 16 June 2010 on EU 2020**

(2011/C 236 E/08)

*The European Parliament,*

- having regard to the informal European Council of 11 February 2010,
  - having regard to the public consultation on EU 2020 launched by the Commission, and its outcome (SEC(2010)0116),
  - having regard to the Commission's evaluation of the Lisbon Strategy (SEC(2010)0114),
  - having regard to the European Council document entitled 'Seven steps to deliver on the European strategy for growth and jobs',
  - having regard to its resolution of 10 March 2010 on EU 2020 <sup>(1)</sup>,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas, considering the persisting gravity of the financial, economic and social crisis, the expectations regarding the new EU 2020 strategy to be approved by the European Council in June 2010 are very high,
- B. whereas many Member States are still facing rising unemployment, which may eventually affect up to 28 million people in the EU in the absence of an adequate policy response over the medium term, thereby generating immense social and human difficulties; whereas the crisis has been wiping out millions of jobs and has aggravated employment insecurity,
- C. whereas a more sustainable pattern of production, distribution and consumption is a fundamental requirement in the face of climate change, the loss of biodiversity and the depletion of natural resources,
- D. whereas the Commission communication and the Council statements on aspects of the content of the EU 2020 strategy, such as the headline targets, flagship proposals, bottlenecks and indicators, have been of a very general nature and the Commission therefore urgently needs to come forward with more detailed plans to clarify how these initiatives will be implemented successfully, and to present such plans to Parliament,
- E. whereas, in order to achieve results, European tasks and responsibilities must be shared in a well orchestrated way between European, national, regional and local levels of governance, all levels of governance must be of the highest quality and accountability, and all the important drivers of change – businesses and universities working in partnership with local and regional authorities and civil society – should play a key role in the new delivery mechanism,
- F. whereas it is important to consider the demographic crisis and its consequences, and future generations ought not to be sacrificed to maintain the established benefits of a previous generation,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0053.

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### **General remarks**

1. Expresses its disappointment at the main elements of the new EU 2020 strategy agreed by the European Council on 26 March 2010; urges the European Council to draw lessons from the current crisis and to define a truly far-sighted, ambitious and coherent strategy;
2. Calls for the EU 2020 strategy to pursue a broad political concept for the future of the EU as a competitive, social and sustainable Union putting people and the protection of the environment at the centre of policy making;
3. Takes the view that Member States should step up their economic performance by introducing structural reforms in order to optimise public expenditure, decrease bureaucracy, empower citizens, encourage entrepreneurship and innovation, make legislation more SME-friendly and provide people with the opportunity to maximise their potential;
4. Recognises that, to prevent the responses to the euro crisis resulting in a lengthy period of economic stagnation, the Union should, at the same time, implement a strategy to accelerate sustainable economic growth, alongside reforms aimed at restoring and improving competitiveness;
5. Deplores the fact that the European Council conclusions do not take into account the need to reflect the current fragile recovery process fully in a new 2020 strategy, by formulating a coherent policy agenda and comprehensively integrating macroeconomic policy into the strategy to ensure that it is not undermined by necessary budgetary consolidation;
6. Deplores the fact that Parliament, as a representative institution of the citizens of Europe, has not been consulted on the indicators that are the basis of the EU 2020 National Reform Programme; urges the Council to endorse the key elements of the EU 2020 strategy at its June meeting but insists that it should not adopt final decisions on the key instruments, targets and indicators of the EU 2020 strategy without having properly consulted Parliament as soon as possible; in the same spirit, takes the view that national parliaments, regions, municipalities, the social partners and NGOs should be actively involved in defining and implementing the strategy;

### **Bottlenecks and headline targets**

7. Notes the five headline targets agreed by the European Council on employment rate, research and development, greenhouse gas emissions, education levels and social inclusion; stresses that these headline targets should be formulated in the framework of a consistent and coherent sustainable development strategy combining the economic, social and environmental policy agendas;

### **Relaunching the single market**

8. Emphasises that the single market is one of the main drivers of European growth and that it still needs to be fully completed; points out, too, that the persistence of certain obstacles to the free circulation of people, goods, services and capital calls for a further effort on the part of all European institutions so as to create a fair, better, more competitive and more effective single market;
9. Emphasises that it is important to keep free trade and access to the global market at the core of policy making and to eschew any movement towards protectionism, as innovative entrepreneurs and companies can thrive in a free and global market;
10. Stresses that bolder initiatives are needed to complete the single market and to win greater public acceptance for it; therefore welcomes the report drafted by Mario Monti, which, like Parliament's resolution of 20 May 2010 <sup>(1)</sup>, contains interesting proposals for building consensus and delivering a stronger single market;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0186.

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11. 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 designed to create a highly competitive social market economy;

*SMEs in a social market economy*

12. Emphasises that the EU should stimulate and encourage SMEs and entrepreneurship, which are crucial to job conservation and creation, that it should reduce administrative and regulatory burdens and simplify rules so that SMEs can grow more rapidly by freely commercialising their products/services to the 500 million consumers who make up the EU single market, and that it must further reduce red tape; likewise, stresses the importance of achieving full implementation of the Small Business Act through political efforts at all levels;

13. Underscores the fact that SMEs are the backbone of the social market economy, creators of jobs and essential players in reinvigorating sustainable economic growth, and that priority should therefore be given to further efforts in the area of reform, such as SME-friendly legislation, creating a vibrant environment for start-ups, encouraging entrepreneurship and improving access to finance; is furthermore of the opinion that the EU 2020 strategy should include targets and initiatives to encourage increased average levels of equity and venture capital in companies;

14. Points out that micro-businesses can often help in combating unemployment, and setting up a business is often a way to succeed despite social inertia, that the first pre-condition for the development of SMEs is their ability to raise adequate funds for their activities, and that maintaining guarantee mechanisms for SMEs, dynamic second markets and a banking sector that promotes economic activity in Europe are prerequisites for the development of SMEs;

*Employment target*

15. Reiterates that high-quality employment should be a key priority in a 2020 strategy and that a stronger focus on properly functioning labour markets and on social conditions is vital to improve employment performance; calls, therefore, for a new agenda to promote decent work, ensure workers' rights throughout Europe and improve working conditions;

16. Believes that the new strategy must put more emphasis on decent work, including the fight against undeclared work, and on ensuring that people who are currently excluded from the labour market can gain access to it;

17. Believes that the new strategy should encourage labour markets which improve incentives and conditions for people at work while, at the same time, increasing the incentives for employers to recruit and retain staff;

*Research target*

18. Urges the Commission and the Member States to retain the overall target of 3 % of GDP for R&D; calls on the Member States to make better use of the potential for synergy between cohesion-policy funding and R&D funding and to ensure that these instruments translate into innovation that delivers real benefits to society;

19. Emphasises that major R&D projects, key energy infrastructure investments and the new EU competence on space policy, as well as EU innovation policy, require solid, credible and sustainable EU financial support if the Union's key 2020 objectives are to be met;

20. Points out that Europe must further strengthen its potential in terms of skilled workers, science, research and technology, and thus its capacity to innovate, as key aspects of competitiveness, and that the knowledge triangle must remain at the heart of the EU 2020 strategy;

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21. Takes the view that, to make European research more efficient, it is crucial that existing structures are better streamlined and that a more research-friendly and innovation-friendly investment climate is created in both the public and the private sector; calls on the Commission to put forward practical measures to improve access to financing, and especially the availability of risk capital;

*Climate/energy targets*

22. Deplores the fact that the European Council's headline targets on greenhouse gas emissions, renewables and energy efficiency lack ambition and, in this respect, are not geared towards leadership in a world which is facing climate change and serious natural resource depletion and where global ecosystems are on the verge of collapse; calls, therefore, for the immediate and simultaneous adoption of the following binding targets for the EU:

- (a) a domestic greenhouse gas reduction target of 30 % for 2020 and substantial further reduction in the long run provided that other countries are also ready to commit themselves to taking adequate action;
- (b) a resource-efficiency improvement target;
- (c) a 20 % reduction target for energy consumption and an increase in the share of renewable energies to at least 20 % by 2020, while removing technical and non-technical barriers to the further development of sustainable renewable energies, as a first step towards creating, by 2050, a non-CO<sub>2</sub>-emitting, highly efficient economy mostly based on renewable energies;
- (d) measurable targets geared towards halting the loss of biodiversity and ecosystem services and restoring them where possible by 2020;

*Education target*

23. Notes the headline target on improving education; deplores the absence of numerical targets and urges the European Council to set a 100 % target for secondary education, as well as clear qualitative targets and indicators for primary and secondary education;

24. Asks Member States to adopt the ambitious targets set out in the Commission's communication on EU 2020 so that, by 2020, school drop-out rates should be below 10 % of the age cohort and at least 40 % of the population should have completed tertiary or equivalent education;

25. Stresses the need for robust lifelong-learning policies whereby training opportunities should be encouraged and should be available to individuals throughout their professional life; points out that it will be necessary to maintain the number of active people on the labour market and to strengthen social inclusion;

*Poverty target*

26. Insists that the EU 2020 strategy should include a target for reducing poverty in the EU by half, and points out that a majority of Europeans currently living in poverty, or at risk of poverty, are women, in particular older women, migrant women, single mothers and carers;

27. Welcomes the European Council proposals on social inclusion, particularly and as a priority through the reduction of poverty, and stresses the need for clear targets and initiatives; considers this goal as one of the main objectives of the EU 2020 strategy; calls for an ambitious long-term strategy against poverty, with far-reaching targets for poverty reduction, social inclusion – including for women, children and the elderly – and for combating in-work poverty; stresses the need for a target for reducing the number of jobless households;

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*Gender equality*

28. Deplores the fact that the headline targets defined by the European Council do not include gender equality; calls for a programme for gender equality to eradicate the existing pay gap between men and women and to ensure full participation by women in the labour market and in politics, while promoting women's career opportunities; stresses the need for better conditions with a view to reconciling work and family life;

**Flagship initiatives***Flagship initiative: 'Innovation Union'*

29. Considers that successful implementation of the new flagship 'Innovation Union' initiative is vital in order to boost the knowledge-based economy; calls on the Commission to increase the total financial envelope earmarked for research and innovation in the Community budget;

30. Underlines the importance of simplifying research and development funding and cutting red tape, so that knowledge-driven businesses can maximise their effectiveness and new employment opportunities can be encouraged;

31. Urges the Commission to improve conditions for innovation, e.g. by introducing the single EU patent; argues that well-intended programmes aimed at boosting competitiveness and shaping a sustainable economy are not working properly, and believes that SMEs, universities and businesses should be encouraged to participate in European programmes;

32. Considers that explicit targets should be set for SME-compatible funding tools, to guarantee digital interoperability and accessibility, and that they should clearly include EU targets for eco-innovation;

33. Considers that there is significant untapped potential for promoting innovation via public procurement; therefore urges the Commission and Member States to emphasise the importance of innovative public procurement in helping to meet R&D goals, the role it plays in encouraging research-based SMEs and the potential it has in terms of delivering high-quality public services and meeting climate change goals;

*Flagship initiative: 'Youth on the Move'*

34. Emphasises that Parliament has also identified youth as a key priority for the 2011 budget and has clearly expressed its intention to afford further financial support to all major programmes in that field;

35. Stresses that, to address the issue of high youth unemployment, more emphasis should be placed on ensuring training and job opportunities for every young person, on lowering the thresholds for young people to enter a first job and on setting up EU programmes to promote entrepreneurship among young people at all stages of education;

36. Considers that higher education is a major driver for economic and social development, innovation and growth, and that greater emphasis should therefore be put on the follow-up to the Bologna Process and the implementation by Member States of the agreed principles across the European Higher Education Area;

*Flagship initiative: 'A Digital Agenda for Europe'*

37. Welcomes the recent ambitious proposals by the Commission on the Digital Agenda and urges the Member States to fully implement these initiatives;

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38. Stresses the immense job potential of the ICT sector and its key role in making Europe a resource-efficient and energy-efficient economy; points out that competition in the sector fosters innovation, and highlights the need for competitive markets, open to new players, to facilitate the deployment of new, innovative technologies; stresses the importance of continuing efforts to afford ubiquitous high-speed access to fixed and mobile broadband, on fair terms and at competitive prices for all citizens and consumers, irrespective of their whereabouts; calls on the Commission and the Member States to promote all available policy instruments to achieve broadband access for all European citizens, including national targets for broadband and high-speed coverage and special programmes to increase children's computer literacy through the use of computers in schools;

39. Notes that Europe's Digital Agenda will impact crucially on the fields of culture, media and education and that an integrated, rather than a compartmentalised, approach is therefore required; considers it vital to devote attention to the impact of new media, e.g. through a commitment to fostering e-skills, and to the question of online content, alongside internal-market, economic and technical considerations, in all policy initiatives relating to the Digital Agenda;

40. Notes, however, that the free movement of digital services is currently impeded by fragmented rules at national level;

41. Considers that the creative industry also plays an important role within the digital environment in fostering cultural diversity in the EU;

*Flagship initiative: 'Resource-efficient Europe'*

42. Considers that the environmental aspects of the EU 2020 strategy are generally too weak and need to be strengthened; urges that clear and measurable environmental goals be built into the main targets of the strategy, with emphasis on halting the loss of biodiversity;

43. Considers that the EU 2020 strategy should be geared towards meeting the Union's long-term goals of cutting greenhouse gas emissions by 80 % by 2050, in particular by increasing energy efficiency and cutting waste to improve Europe's competitive position and reduce costs;

44. Takes the view that enhancing resource efficiency should be a priority throughout the strategy, and that particular attention must be paid to the effects of ever-increasing oil prices and to the limited supply of precious metals vital to electronics generally and to battery production for electric cars in particular;

45. Considers that innovation needs to be vigorously pursued in order to achieve the goals of environmental improvement, resource-use efficiency and cost reduction, and that the setting of legal targets and the introduction of regulatory measures are the most effective means of promoting such innovation;

46. Believes that the rules for distribution of the EU structural funds should be adjusted to take account of the need to promote innovation that reduces costs and improves resource use;

*Flagship initiative: 'Clean and efficient energy'*

47. Underlines that sustainable production processes, coupled with resource efficiency and an integrated energy policy, and the further development of renewable energy sources will enable the EU not only to meet its climate and energy targets but also to maintain a strong manufacturing base in Europe and to boost competitiveness, growth and employment;

48. Deplores the lack of any ambition, in the EU 2020 strategy, to develop a truly common European energy policy; stresses that, although a functioning internal market is a key goal for Europe – and the third energy package needs to be implemented rapidly – overemphasis on this aspect of Europe's energy policy is to the detriment of the other two objectives of 'sustainable development' and 'security-of-supply'; recalls that the internal market cannot be dealt with separately from the external dimension, and that Europe needs a common European energy policy in order to have a real effect on security of energy supply, climate change and affordability of energy;



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49. Highlights the fact that not only is energy efficiency the most cost-effective way of reducing greenhouse gas emissions and enhancing energy security, but it could also create a significant number of jobs by 2020; calls, therefore, on the Commission and the Member States to put energy efficiency at the top of the EU agenda, including in budgetary terms; more specifically, calls for the implementation of existing legislation to be stepped up and for a timely and ambitious proposal for the new European Efficiency Action Plan, including revision of the energy services directive and the introduction of a binding energy efficiency target;

50. Notes that, to tackle the climate challenge, substantial investments in energy infrastructure will be needed before 2020 and beyond, including investment in the upgrading of Europe's energy networks, a truly European, smart energy super-grid, green corridors, interconnections, completing the Galileo project, green technology, e-health, the Trans-European Transport Network (TEN-T) programme and free and equitable access to ICT and broadband; further points out that it is essential to complete the internal energy market and to encourage Member States to implement rapidly the third energy package in order to stimulate economic growth, market opening and the improvement of consumer rights and to enhance the EU's security of energy supply; considers it essential to pursue these initiatives, in order to stimulate the internal energy market and integrate an increasing share of renewable sources of energy, and also to develop further major infrastructure projects in third countries, notably in the Mediterranean and Eurasian regions; notes that renewable energy sources are the best indigenous energy resources of our continent, and calls, therefore, for ambitious implementation measures to meet Member States' renewable-energy obligations;

51. Points out that the Union needs to invest more efficiently in existing transport infrastructures, such as TEN-T, to boost job creation, improve social and territorial cohesion and create a sustainable and interoperable transport system; calls for an interplay between transport modes and the smart use of logistics, since de-carbonising the transport sector and making it sustainable will require innovation, new technologies and financial resources;

*Flagship initiative: 'An industrial policy for the globalisation era'*

52. Strongly supports an industrial policy for creating the best environment to maintain and develop a strong, competitive and diversified industrial base in Europe; welcomes, and highlights, the fact that such a policy covers the industrial sector in its entirety and that its main objective is to create appropriate framework conditions;

53. Calls for a transformation of European industry through a European sustainable industrial policy geared towards the creation of sustainable jobs and the amelioration of resource efficiency and resource use; believes that the sustainable development of European industry requires intensive dialogue with employees and workers; reiterates that this transition will require measures to help workers make the transition towards a new environmentally sustainable economy;

54. Makes the point that EU 2020 should disclose the costs and benefits of the conversion to a sustainable, energy-efficient economy and notes that facilitating industry's adjustment to structural change is an objective of the Union and the Member States;

55. Reiterates its request that adequate financing be secured to support clean, sustainable and efficient low-carbon energy technologies, amounting to total spending from the EU budget of at least EUR 2 billion annually, in addition to FP7 and CIP, from 2010 onwards; calls, in this context, for the Commission and the Member States to establish a timetable for their funding commitments, as a matter of urgency, to ensure that funds start flowing from 2010 for the various initiatives of the SET plan, as well as complementary initiatives;

*Flagship Initiative: 'An agenda for new skills and jobs'*

56. Considers it important to look at Europe's diminishing competitiveness on a global scale, and that, bearing in mind projected long-term labour shortages, it is also important to look beyond the crisis and to explore European schemes offering scope for knowledge migration and the prevention of a European 'brain drain';

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57. Believes that tackling youth unemployment and fostering an effective matching of skills and market needs should be focal points of policy and, to that end, there is a need to facilitate cross-border mobility for students and researchers, via exchanges, and to boost internships in order to enhance the international attractiveness of Europe's higher education institutions; considers that Europe's commitment to education should find practical expression in the EU 2020 strategy, and welcomes the Commission's initiative to include numerical targets for education in the strategy;

58. Calls on the Member States, the Council and the Commission, with Parliament, to adopt by the end of the year an ambitious green jobs strategy, setting out the framework conditions for tapping the employment potential of a more sustainable economy based on skills and innovation, and ensuring that the transition towards such an economy is supported by training, lifelong learning and social security for all;

*Flagship initiative: 'European Platform against Poverty'*

59. Welcomes the Commission's proposal for a platform against poverty but stresses that the fight against poverty must be stepped up; in this regard, considers that the EU 2020 strategy should explicitly include ambitious targets for reducing inequality and, more specifically, the gap between rich and poor; considers, therefore, that poverty must be measured as 'relative poverty' to help identify those at risk of exclusion;

60. Believes that the choice of indicators for poverty and social inclusion should reflect the need to reduce poverty by getting individuals, in particular women, involved in the labour market; calls, therefore, for the development of new instruments for measuring the link between exclusion from the labour market and poverty at individual level; stresses that social services are crucial to the pursuit of social inclusion;

*Cohesion policy*

61. Considers that a strong and well-financed cohesion policy, embracing all European regions, should be fully in line with the EU 2020 strategy and that such a policy, with its horizontal approach, is a precondition for successful attainment of the EU 2020 goals, as well as for achieving social, economic and territorial cohesion; urges, therefore, that the rules for implementing cohesion policy should be further simplified in the interests of user-friendliness, accountability and a more responsive approach to future challenges and to the risk of economic crises;

62. Considers that the global crisis should be used as an opportunity to re-found our European social market economy as a model of society based on sustainability, solidarity, knowledge, a decisive decrease in poverty and the creation of jobs, and that the EU 2020 strategy should develop the employment potential of the transition towards a sustainable economy;

*Common Agricultural Policy*

63. Points out that CAP reform by 2013 and a sustainable forestry strategy should be considered within the framework of the EU 2020 strategy; is convinced that, with the right policy framework and adequate budgetary resources, agriculture and forestry can play an important role in an overall European strategy to secure economic recovery, while at the same time contributing to EU and global food security, preserving the rural landscape, which accounts for 90 % of the EU's territory, ensuring the protection of jobs in rural areas, securing environmental benefits and making an important contribution to the search for alternative resources;

*External action by the European Union*

64. Stresses that more attention should be paid to the external dimension of the EU 2020 strategy; urges the Commission to take a broader and more comprehensive approach in its external action, in line with the EU concept of policy coherence for development; calls on the Commission to use its trade strategy for EU 2020 to promote the Union's core values, such as the promotion of human rights, democracy, the rule of law and fundamental freedoms and the defence of the environment;

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65. Emphasises that the Commission should shape its trade strategy for EU 2020 so as to transform EU trade policy into a genuine vehicle for job creation and sustainable development worldwide, and that it should envisage, at an early stage, an open dialogue with Parliament and civil society on the EU priorities for the post-Doha era, in particular social and environmental standards and WTO reform;

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66. Instruct its President to forward this resolution to the European Council and the Commission.

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## Economic governance

P7\_TA(2010)0224

### European Parliament resolution of 16 June 2010 on economic governance

(2011/C 236 E/09)

*The European Parliament,*

- having regard to the informal European Council of 11 February 2010,
  - having regard to its resolution of 10 March 2010 on EU 2020 <sup>(1)</sup>,
  - having regard to the meeting of the Heads of State and Government of the eurozone countries and of the Ecofin Council on the European Financial Stabilisation Mechanism,
  - having regard to the Commission communication of 12 May 2010 on reinforcing economic policy coordination (COM(2010)0250),
  - having regard to the six reports adopted in its Committee on Economic and Monetary Affairs on 10 May 2010,
  - having regard to the work of its Special Committee on the Financial, Economic and Social Crisis,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the current financial and economic crisis shows that stronger economic and monetary governance is necessary,
- B. whereas the EU 2020 strategy should promote economic growth and create jobs, and whereas the 4 % drop in GDP, falling industrial production and a total of more than 23 million unemployed women and men represent an important social and economic challenge,

#### ***A European Financial Stabilisation Mechanism to guarantee the stability of the euro as an important first step***

1. Considers that the agreement reached on 9 May 2010 to establish a European Financial Stabilisation Mechanism to help both eurozone and non-eurozone countries in financial difficulty represents a crucial moment in European history; deplores the fact that European policymakers did not take decisive action earlier, despite the deepening financial crisis;

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<sup>(1)</sup> Texts adopted, P7\_TA(2010)0053.

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2. Reminds the Commission and the Member States that Parliament will have to give its approval should the Commission and Council seek to apply the European Financial Stabilisation Mechanism on the international capital markets;

3. Considers the agreement to be an important first step towards giving the European Union a more robust and sustainable economic and monetary policy framework;

4. Stresses that the recent events show that the eurozone is in need of bolder economic governance and that a monetary pillar without a social and economic pillar is doomed to fail;

***The European Union needs to reform its system of economic governance to be better prepared for future crises***

5. Underlines that in order to restore sound growth rates and achieve the objective of sustainable economic development and social cohesion priority should be given to dealing with persistent and significant macroeconomic imbalances and disparities in competitiveness; welcomes the recognition of this necessity by the Commission in its communication on economic policy coordination;

6. Calls on the Task Force established by the European Council in March 2010 to speed up its work and, before September 2010, to come forward with concrete proposals, based on the Community method, on deeper and broader economic coordination;

7. Points out that the long-term sustainability of public finances is essential for stability and growth; welcomes the Commission proposals to strengthen the management of the eurozone in the medium and long term, which are designed to prevent any repetition of the current currency crisis, and shares its view that the Stability and Growth Pact requires more effective incentive and penalty mechanisms;

8. Deplores the fact, however, that in its proposals on European economic governance the Commission has not come forward with solutions for more targeted economic policy coordination geared towards the development of a common budgetary strategy, in the framework of a comprehensive Europe 2020 strategy, in order to restore and safeguard long-term economic growth rates;

9. Stresses the fact that achieving sustainable public finances requires not just responsible spending, but also adequate and fair taxation, more effective collection of taxes by national tax authorities and a more intensive fight against tax evasion; in that connection, calls on the Commission to propose a set of measures to help Member States restore the balance of their public accounts and to finance public investment by tapping innovative financial sources;

10. Stresses the need for European financial supervisors to work closely together, at both micro and macro levels, to ensure effective oversight;

11. Considers that Eurostat's powers should be enhanced, including through the conferral of investigative powers; considers that open and transparent statistical information should be a precondition for obtaining Structural Fund support; takes the view that the Commission must assume responsibility for evaluating the statistics provided by the Member States;

12. Calls for the creation of a 'European Monetary Fund' (EMF) to which eurozone countries would contribute in a manner proportionate to the size of their GDP and through fines determined on the basis of their excessive debt and deficit levels; any Member State would be able to draw from the EMF funds up to the amount it had deposited previously; however, should a country need additional resources or guarantees, it would have to accept a tailor-made reform programme, the implementation of which the Commission would supervise;

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13. Asks the Commission to come up with a macroeconomic impact assessment of the package of measures to preserve financial stability in the European Union and to publish a communication on the feasibility, risks and advantages of issuing Eurobonds;

***The European Union needs to reform its system of economic governance to ensure the successful implementation of its forthcoming Europe 2020 strategy***

14. Believes that the governance structure of the Europe 2020 strategy should be strengthened to ensure that, unlike the Lisbon Strategy, it achieves its objectives; therefore deeply deplores the fact that the Commission and the Council have not come forward with proposals in this respect, despite the strong call Parliament made in its resolution of 10 March 2010 on Europe 2020;

15. Stresses the importance of establishing a stronger link between the instruments of the Stability and Growth Pact, macroeconomic instruments and the Europe 2020 National Reform Programmes by presenting them in a coherent way, thereby also making for enhanced comparability of national budgets as regards spending in different categories; Member States should not only view their respective economic policies as a matter of national interest, but also as a matter of common interest, and should formulate their policies accordingly; reminds the Member States of the enhanced role of the Broad Economic Policy Guidelines;

16. Considers that, rather than the continuing to rely on the open method of coordination in the economic policy field, broader use of binding measures is necessary to make the new strategy a success;

17. Believes that the Europe 2020 strategy does not focus sufficiently closely on key issues for Member States to tackle, and stresses that there are major problems regarding the content and management of the 'flagships' and 'targets';

18. Reiterates its earlier calls for a single, integrated development strategy for Europe laying down long-term guidelines for economic growth with a view to building a better, fairer and more sustainable economy providing prosperity for all;

19. Reiterates its call to integrate overlapping strategies such as the Europe 2020 strategy, the Sustainable Development Strategy and the Stability and Growth Pact; deplores the fact that the European Council has rejected this approach, leaving the problem of policy incoherence unresolved;

20. Believes that effective economic governance implies endowing the Commission with proper, stronger management responsibility, thereby enabling it to use both existing tools and the new tools provided for by the Lisbon Treaty, such as Articles 121, 122, 136, 172, 173 and 194, which confer on the Commission the task of coordinating reform plans and measures and establishing a common strategy;

21. Urges the European Council and the Commission to adopt a 'carrot and stick' approach and use compliance mechanisms in the framework of Article 136 of the Treaty, such as economic incentives (e.g. extra EU funds) and penalties aimed at supporting enhanced EU economic governance and, more specifically, enhanced governance under the Europe 2020 strategy;

22. Believes that strengthening economic governance must go hand in hand with reinforcing the democratic legitimacy of European governance, which must be achieved through the closer and more timely involvement of the European Parliament and of national parliaments throughout the process; calls, in particular, on the Council and the Commission to make proper use of the provisions of the Lisbon Treaty with regard to Parliament's active involvement in the economic policy field, as defined in Article 121(5) and (6), and calls on the Commission to make detailed proposals establishing regular political and legislative interinstitutional dialogue in this crucial policy area;

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***The European budget and national reform plans should be consistent with the goals of the Europe 2020 strategy to foster sustainable growth and development***

23. Insists that, if the Europe 2020 strategy is to be credible, greater compatibility and complementarity is needed between the national budgets of the 27 EU Member States and the EU budget; emphasises the greater role the EU budget should play by pooling resources;

24. Stresses the importance of long-term public or private investments in financing the infrastructure required to implement the flagship initiatives proposed in the Europe 2020 strategy, and invites the Commission to propose measures to adapt the European regulatory framework in order to promote cooperation among long-term investors;

25. Stresses that the Europe 2020 strategy can only be credible if it is adequately funded and wants to see a more ambitious approach taken in the 2011 draft budget with a view to implementing the Europe 2020 strategy successfully; deplores the fact that 2011 draft budget fails to provide the flagship programmes of the Europe 2020 strategy with sufficient funding; emphasises that greater European Investment Bank (EIB) involvement and greater reliance on Public Private Partnerships (PPP) can be an effective approach, without being a 'one-size-fits-all' solution; deplores the fact that this issue has not been addressed either by the European Council or by the Commission;

26. Calls on the Commission to clarify the relationship between Union budget lines and the relevant Europe 2020 strategy objectives; insists that before the end of the first half of 2010 the Commission should come forward with a proposal to revise the current Multiannual Financial Framework (MFF) for the period 2007-2013 in order to find extra budgetary resources to achieve the goals of the Europe 2020 strategy;

27. Requests further information on the implications for the EU budget of the European Financial Stabilisation Mechanism agreed at the Extraordinary Ecofin Council on 9 and 10 May 2010;

28. Underlines the importance of the revising the current MFF to comply with the conclusions of the European Council of 15 and 16 December 2005 and bring it into line with the requirements of the Lisbon Treaty in order to provide financing for the initiatives outlined in the Europe 2020 strategy as well as the various initiatives taken and political commitments entered into during the current and next MFFs;

29. Emphasises the requirement that the EU budget should reflect the need to fund the transition towards an environmentally sustainable economy;

***The European Parliament asks to be more closely involved in framing the detailed Europe 2020 proposals***

30. Stresses that it will take its decision on the Employment Guidelines once it has received a satisfactory response regarding the governance structure and budgetary framework of the Europe 2020 strategy;

31. Stresses that the annual policy recommendations and warnings from the Commission regarding compliance by the Member States with the Europe 2020 objectives should be the basis for European Council decisions; takes the view that these reports should be discussed in Parliament before being considered by the European Council;

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

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Thursday 17 June 2010

## EU policies in favour of human rights defenders

P7\_TA(2010)0226

### European Parliament resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI))

(2011/C 236 E/10)

*The European Parliament,*

- having regard to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR),
- having regard to the United Nations Declaration on Human Rights Defenders and the activities of the United Nation Special Rapporteur on the Situation of Human Rights Defenders,
- having regard to the Lisbon Treaty, notably Articles 3 and 21 thereof, and to the Charter of Fundamental Rights of the European Union,
- having regard to the European Union Guidelines on Human Rights, and in particular to the European Union Guidelines on Human Rights Defenders, adopted in June 2004, and reviewed in 2008; having regard also to the Guidelines on Human Rights Dialogues, adopted in December 2001 and reviewed in 2009,
- having regard to its resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries <sup>(1)</sup>,
- having regard to human rights clauses in the EU's external agreements,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR) <sup>(2)</sup>,
- having regard to its resolution of 25 April 2002 on the Commission communication to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries <sup>(3)</sup>,
- having regard to its specific guidelines for human rights and democracy actions of MEPs in their visits to third countries,
- having regard to the Statute of the Sakharov Prize for Freedom of Thought, adopted by the European Parliament Conference of Presidents on 15 May 2003, and modified on 14 June 2006,
- having regard to its previous resolutions on the situation with regard to human rights in the world, and especially to its annexes on individual cases,
- having regard to the regular debates and urgency resolutions on cases of breaches of human rights, democracy and the rule of law,
- having regard to the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008,

<sup>(1)</sup> OJ C 187 E, 24.7.2008, p. 214.

<sup>(2)</sup> OJ L 386, 29.12.2006, p. 1.

<sup>(3)</sup> OJ C 131 E, 5.6.2003, p. 147.

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- having regard to the resolution adopted on 24 February 2009 by the Council of Europe Parliamentary Assembly on the situation of human rights defenders in Council of Europe member states <sup>(1)</sup>,
  - having regard to the Recommendation on the legal status of Non-Governmental Organisations in Europe <sup>(2)</sup>, adopted by the Committee of Ministers of the Council of Europe on 10 October 2007,
  - having regard to regional human rights instruments, including in particular the European Convention on Human Rights, the African Charter on Human and Peoples' Rights and the resolutions adopted by the African Commission on Human and Peoples' Rights (ACHPR) on human rights defenders, the American Convention on Human Rights and the Arab Charter on Human Rights,
  - having regard to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) <sup>(3)</sup>,
  - having regard to the programmes for protecting and sheltering threatened human rights defenders which are being implemented in some EU Member States,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0157/2010),
- A. whereas, under the Charter of the United Nations, every member state has the responsibility to promote universal respect for, and observance of, human rights and freedoms,
- B. whereas, according to the UN Declaration adopted in 1998, 'human rights defender' is a term used to describe persons who, individually or with others, act to promote or protect human rights through peaceful means,
- C. whereas human rights defenders all over the world are crucial actors when it comes to the protection and promotion of basic human rights, often at the risk of their own lives, and whereas human rights defenders are also key players for the consolidation of democratic principles in their countries, maintain impartiality and transparency in their work and develop credibility through accurate reporting, thereby constituting the human link between democracy and respect for human rights,
- D. whereas support for human rights defenders is a long-established element of the European Union's human rights external relations policy; whereas, however, EU support varies depending on the countries concerned,
- E. whereas in particular the European Union is specifically concerned with strengthening protection of human rights, as provided for in the Lisbon Treaty, through the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- F. whereas the European Parliament plays an important role as regards the promotion of human rights and democracy, including protection of their defenders, through delegations to third countries, hearings, resolutions, letters and not the least the Sakharov Prize, as well as in its reports on human rights worldwide,
- G. whereas the European Union is also increasingly coordinating its actions with other regional and international mechanisms, established in Africa, Europe and the Americas to closely monitor the situation of human rights defenders and urge States to ensure an enabling environment for their work, in accordance with international and regional human rights obligations,
- H. whereas the European Union's credibility as a protector of human rights defenders in the world is closely linked to its internal respect for human rights and fundamental freedoms,

<sup>(1)</sup> RES/1660(2009).

<sup>(2)</sup> CM/Rec(2007)14.

<sup>(3)</sup> OJ L 243, 15.9.2009, p. 1.



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- I. whereas human rights defenders face human rights violations themselves in the course of their work and whereas these violations include killings, death threats, abductions and kidnappings, arbitrary arrest and detention, and other actions of harassment and intimidation, for example through defamation campaigns, and whereas all these violations can also target the immediate family members of human rights defenders, (including their children), and their other relatives, so as to prevent them from continuing their activities; whereas human rights campaigns are affected in many regions by restrictions on their activities and the persecution of human rights defenders,
- J. whereas protecting individual human rights defenders requires the enforcement of EU human rights policies in general,
- K. whereas women human rights defenders are particularly at risk, and whereas other groups and categories of defenders who are particularly exposed to attacks and human rights violations as a result of the work they carry out include defenders working to promote civil and political rights - notably freedom of expression and freedom of thought, conscience and religion, including the rights of religious minorities - as well as economic, social and cultural rights, notably collective rights such as the right to food and access to natural resources, including trade-unionists, and also those working for minorities' and community rights, children's rights, indigenous peoples's rights and LGBT rights, and people fighting against corruption,
- L. whereas increasingly sophisticated means are used to persecute human rights defenders, through new technologies, but also through restrictive NGO laws and administrative obstacles severely limiting the space and the possibilities to operate for an independent civil society; stressing in this respect that some governments obstruct or prevent human rights defenders from officially registering organisations and then prosecute them for exercising their right to freedom of association unlawfully,
- M. whereas these actions constitute a clear violation of international human rights law and a series of universally recognised fundamental freedoms,
- N. whereas human rights defenders are also restricted and sometimes directly targeted by policies, legislation and procedures described as 'security' measures, often combined with stigmatisation and accusation of terrorism,
- O. whereas the specific difficulties faced by associations and assemblies of human rights defenders remain the seizure of furniture, the closure of premises, imposition of extensive fines and the meticulous and subjective scrutiny of bank accounts,
- P. whereas trade agreements including a human rights clause can provide the EU leverage to require respect for human rights as a condition for trade,
1. Pays tribute to the invaluable contribution human rights defenders make to the protection and promotion of human rights, the rule of law, democracy and the prevention of conflicts at the risk of their own personal security and that of their families and parents; welcomes the fact that the UN Declaration of 1998 does not provide a strict definition of 'human rights defenders' and in this sense, calls on the Council and the Commission to strongly support this approach;
  2. Calls on the EU to prioritise a more effective implementation of the existing tools and mechanisms for a coherent and systematic protection of human rights defenders within the European Union; recommends that the High Representative of the European Union for Foreign Affairs and Security Policy develop measures and a more effective and result-oriented methodology, including evaluations of existing human rights policies and dialogues;
  3. Urges the EU and its Member States to express their political will to support the action of human rights defenders, and thus to make better use of all existing tools and develop new complementary mechanisms to support and promote their work through a genuinely participative strategy, which should contribute to an enabling environment for defenders in which they can perform their duties and enjoy protection; underlines that this must be combined with a policy aimed at prevention and protection from attacks and threats against human rights defenders, through both urgent and long-term measures;

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***Institutional strengthening and innovations under the Treaty of Lisbon***

4. Recalls that the Treaty of Lisbon, as outlined in its Articles 3 and 21, puts the promotion and protection of human rights at the centre of the Union's external action; underlines that priority must be given to ensuring that the promotion of human rights as both a basic value and an objective of the Union's foreign policy is duly mirrored in the creation and structure of the European External Action Service, including through the designation of sufficient human resources; calls therefore for the creation of a central focal point with a specific responsibility for human rights defenders within the EEAS;

5. Underlines that implementation by the EU missions of the guidelines on human rights defenders has so far been unsatisfactory and calls on the Commission to undertake an in-depth analysis to ensure that this issue will be addressed; notes, in this regard, that as a consequence of the adoption of the Lisbon Treaty, Commission delegations in third countries are now required to make full use of the new opportunities, but are also given further responsibilities to better address this issue as they become Union delegations, with an increasingly important role in terms of representation of the EU and the implementation of the human rights policy; reiterates therefore its call to systematically appoint to each country a highly qualified political official with a specific responsibility on human rights and democracy, and to integrate guidelines and develop best practices on human rights and their implementation in EU mission staff training programmes, job descriptions and appraisal processes;

6. Emphasises the importance of human rights clauses in trade policies, partnerships and trade agreements between the EU and third countries; proposes a 'human rights assessment' of third countries that engage in trade relations with the EU;

7. Expects that the appointment of the High Representative for Foreign Affairs and Security Policy, who is at the same time Vice-President of the Commission, and the creation of a common External Action Service, could considerably enhance the coherence and effectiveness of the EU in this field, and strongly recommends that the elaboration of local strategies in close cooperation with local independent civil society, including their regular evaluation, be institutionalised by the HR/VP, so as to ensure a real implementation of the protecting measures enshrined in the EU Guidelines on Human Rights Defenders;

8. Considers it necessary to improve, and systematically follow up on, contacts with independent civil society, as well as access for human rights defenders to EU delegations and missions on the ground; welcomes in this regard the request by the Spanish Presidency to appoint a common local liaison officer from amongst the EU missions for human rights defenders, with responsibility for coordinating the activities of the European Union by promoting increased access to information concerning human rights violations and cooperation with civil society, which will at the same time ensure transparency in the way in which they exercise their responsibilities and the possibility of a rapid reaction, in a flexible manner, in case of emergency; requests that Parliament be informed of these appointments;

***Towards a more coherent and systematic approach within the EU Human Rights Policy***

9. Is concerned by the lack of implementation of the EU Guidelines on Human Rights Defenders; insists that these guidelines be duly and fully implemented by all EU Delegations and that increased efforts be made so as to ensure that all of them have developed local implementation strategies before the end of 2010, or, where strategies already exist, be revised by the same time; requests that the list of these local strategies be made available to the European Parliament and published in the EU Annual Report on Human Rights;

10. Calls on the Council, the Commission and the EU delegations to actively involve human rights defenders and their organisations in the drafting, monitoring and review processes of local strategies, as this will influence the effective value of these strategies;

11. Considers that meetings at least once a year between human rights defenders and diplomats as requested in the EU guidelines can clearly contribute to the setting up of such processes and encourages more regular and systematic meetings in the future; calls for efforts to ensure participation in such meetings by the various profiles of human rights defenders active in the country and participation by defenders from the regions;

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12. Calls therefore on the High Representative for the Common Foreign and Security Policy to consider the possibility of organising an international meeting of human rights defenders, with the participation of the relevant United Nations bodies, the secretariats of the regional human rights conventions and international and regional NGOs, with a view to improving the protection of human rights defenders and promoting human rights throughout the world;
13. Emphasises the need for a gender perspective in the implementation of the guidelines, with targeted actions in favour of women human rights defenders and other particularly vulnerable groups, such as journalists and defenders working to promote economic, social and cultural rights, children's rights, and also those working with minorities' rights – in particular the rights of religious and language minorities - the rights of indigenous peoples and LGBT rights;
14. Emphasises the importance of freedom of speech and the role of the media, both online and offline, as an enabler for human rights defenders;
15. Considers that the development of new technologies and their impact on human rights defenders needs to be assessed and the results integrated in existing EU programmes on human rights and human rights defenders;
16. Takes the view that major aspects of local strategies for the implementation of the EU Guidelines on Human Rights Defenders should be reflected in Country Strategy papers/National Indicative Programmes, ENP Action Plans, Annual Action Programmes of the EIDHR and the Instrument for Stability (IFS);
17. Reiterates that through the Lisbon Treaty the promotion, protection and security of human rights defenders have to be placed as a priority issue in the EU relationship with third countries and have to be integrated at all levels and in all aspects and instruments of the Union's Foreign policy in order to increase the coherence, effectiveness and credibility of the EU's support for human rights defenders; considers that the development, effective implementation and regular follow-up of specific country strategies on human rights and democracy could substantially contribute to this targeting approach;
18. Considers that human rights defenders in third countries will be better protected by making the EU human rights dialogues more effective; stresses the need to systematically raise the situation of human rights defenders in all political and human rights dialogues and in trade negotiations with third countries, and more generally the situation and the improvement of the right to freedom of association, in national legislations, regulations and practices, reminding partners of the responsibility of States to ensure that all the obligations and rights embodied in the UN Declaration on Human Rights Defenders are included in national law, including the right to freedom of association, freedom of assembly and the right to receive domestic and foreign funding in full transparency and in respect of their autonomy of decision, as well as freedom of expression, which is a right essential to the work of human rights defenders; underlines that partner states should also be reminded of the obligation and the responsibility to protect and promote respect of human rights defenders and their work, by creating conditions that fully enable the exercise of advocacy, monitoring and reporting on human rights;
19. Takes the view that, as regards receipt of domestic and foreign funding, specific criteria should be adopted in balance with appropriate transparency and the necessary confidentiality; calls for measures to ensure that account is taken of any other criterion which may be invoked by human rights defenders if it is considered essential for carrying out their work;
20. Reiterates that the European Parliament's delegations, as bodies responsible for the EP's relations with third countries, could play an even more substantial role in the effort to help human right defenders, pursuant to the specific guidelines for human rights and democracy actions of MEPs in their visits to third countries;
21. Calls for more emphasis to be placed on the role of the European Parliament in the EU's human rights dialogues with third countries;
22. Encourages the inclusion of the business community in human rights dialogues;
23. Considers there is need for both a coherent, coordinated EU approach as well as room for complementary roles for Member States when it comes to protecting human rights defenders;

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24. Condemns the climate of impunity for violations committed against defenders prevailing in numerous countries of the world; calls upon the Council and the Commission to raise this issue in their bilateral contacts, urging all states to ensure that perpetrators, regardless of their position or function, are brought to justice through independent and effective disciplinary and criminal procedures, bearing in mind always the possibility of appealing finally, after exhausting the domestic judicial instances of a state, to the European Court of Human Rights;

25. Stresses the need to ensure that the invocation of national and public security, including counter-terrorism, is not used arbitrarily against human rights defenders;

26. Points out that parliamentarians also play a crucial role when ensuring that national legislation potentially affecting human rights defenders and their activities is brought into conformity with internationally recognised human rights standards; underlines therefore the importance of these issues being systematically addressed by Members of the European Parliament in bi- and multilateral meetings with other parliamentarians and with experts on the ground, in line with its specific guidelines for human rights and democracy actions of MEPs in their visits to third countries;

27. Underlines the importance of independent civil society being fully involved in the preparation of all human rights dialogues, either through civil society seminars or other means; considers that the link between civil society seminars and formal dialogue needs to be strengthened, through publication of the recommendations issued and a better follow-up and feed-back to civil society once a dialogue has taken place; stresses the importance of continuing to raise individual cases during the dialogues and considers that making the list of names public would enhance the impact of EU actions and increase public attention for these cases, provided that public disclosure does not put human rights defenders at risk; stresses the importance of cooperating with other human rights defenders and civil society in the assessment of such risk;

28. Considers that the European Instrument for Democracy and Human Rights (EIDHR), which has already demonstrated its capacity to support and promote the respect for human rights and the strengthening of the rule of law, should continue to further enhance the direct support for human rights defenders so as to meet both their short-term and long-term needs, ensuring that it also reaches out to particular vulnerable groups and defenders living in remote areas and areas on which less attention is focused;

29. Calls for the Council and the High Representative to systematically denounce and reprimand international companies when the latter provide oppressive regimes with surveillance technology, thereby facilitating persecution and arrests of human rights defenders;

#### ***More transparency and visibility as protection measure***

30. Calls on the Council and the Commission to increase awareness among human rights defenders, the EEAS, EU embassies and EU Foreign Ministries about the existence of the guidelines through targeted actions, in order to ensure their full endorsement and application; considers that the annual meetings foreseen in the guidelines would provide substantial support to human rights defenders and also increase the credibility and visibility of EU action, thereby clearly showing how important the protection of human rights is to the EU;

31. Stresses that public recognition and visibility given to human rights defenders and their work can also contribute to their protection in difficult circumstances, as perpetrators might refrain from action when abuses will not occur unnoticed; calls on EU Member States and EU delegations, whenever possible, to publish démarches and other activities undertaken regarding a specific case, always in consultation with the human rights defender and his or her family; calls on EU Missions to provide human rights defenders and/or their families, as well as NGOs which have alerted the EU to a particular case, with systematic feedback about any action, in whatever format, taken on their behalf, as spelled out in the guidelines;

32. Calls on the High Representative of the European Union for Foreign Affairs and Security Policy and on all Commissioners with responsibilities in the area of External Relations to systematically meet with human rights defenders when they officially travel in third countries, and underlines that support for human rights defenders should also be imperatively included in the mandate of EU Special Representatives; underlines that both the High Representative and the Special Representatives will be held accountable by the European Parliament for their action in this regard;

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33. Underlines the need to actively support and develop proposals on how the Sakharov Prize network, launched in December 2008 on the occasion of the 20th Anniversary of the Sakharov Prize, could be used as part of a sustained support for human rights defenders, as well as to better capitalise on the possible contribution of the laureates towards different actions by the European Parliament, with the aim of fulfilling its mandate; reiterates its concern over the infringements of the human rights of certain Sakharov Prize winners;

***Towards a more coordinated and result-oriented action in favour of Human Rights defenders***

34. Considers that the EU needs to develop a holistic approach towards human rights defenders in order to increase the credibility and efficiency of EU policy amongst EU Member States and in relation to third countries, including at the same time support measures to secure their activities, as well as preventive and protection measures, while taking into account both short-term and long-term needs of human rights defenders; underlines that the revised Strategy for EIDHR and the EU guidelines on human rights defenders should reflect this approach;

35. Considers that the EU should clearly indicate the appropriate sanctions which could be applied to third countries which perpetrate serious human rights violations, and apply them; reiterates once again its request to the Commission and the Council and in particular to the VP/HR to make the human rights clause in international agreements effective and thus to set up a genuine enforcement mechanism of that clause in the spirit of Articles 8, 9 and 96 of the Cotonou Agreements;

36. Considers, in order to develop more result-oriented action, that the High Representative of the European Union for Foreign Affairs and Security Policy should regularly evaluate the implementation of the EU Guidelines on Human Rights Defenders by each EU delegation in third countries and should prioritise and closely follow up this work, and make recommendations to those missions for enhanced action where the implementation has been noticeably weak;

37. Calls on the Council to make Europe more accessible for human rights defenders who are unable to stay in their home countries; calls on the Council and Commission to prepare and execute specific measures to ease access to Europe for such human rights defenders;

38. Recalls the need to overcome the lack of a coherent protection and asylum strategy by the systematic implementation of emergency measures and initiatives on a short- and long-term basis; requests the High Representative to report to the European Parliament by the end of 2010 on the measures taken to that end;

39. Reiterates its request for Member States to develop as a matter of priority a coordinated policy on the issuing of emergency visas for human rights defenders and members of their families, for which special schemes in Spain and Ireland can serve as example; strongly believes that giving the new European Union delegations the power to make recommendations to Member States on the issuing of emergency visas would be a great step forward for the human rights policy of the Union; takes the view that a clear reference to this possibility in the Draft Handbook for the processing of visa applications and the modification of issued visas would be of great help to achieve this common approach, as has already been expressed by the European Parliament during the process of legal scrutiny for the above-mentioned measure;

40. Urges the 27 Member States to follow the same line with regard to the issuing of visas for human rights defenders;

41. Emphasises the need to accompany these emergency visas with measures of temporary protection and shelter in Europe for human rights defenders, possibly providing for financial resources and housing to shelter human rights defenders, as well as accompanying programmes (human rights activities, lecturing in European universities, language courses, etc.); welcomes the Shelter Cities initiative promoted by the Czech Presidency as well as the Protection and Shelter Programme implemented by the Spanish Government since 2008, and calls on the VP/HR within the EEAS to finalise a European Protection and Shelter programme by the end of 2010 to be implemented in 2011 while not, however, taking responsibility away from other cities; therefore invites the High Representative to present to the European Parliament a manual on how to set up a shelter city as well as a framework proposal supporting networking between such cities; calls for further support to other existing initiatives in this regard;

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42. Further emphasises that in situations where the life or physical and mental health of a human rights defender might be at risk, Member States and EU delegations should also support and develop other protection tools and urgent response mechanisms; considers that this should be done in close cooperation with local human rights defenders and civil society;

43. Welcomes current cooperation between the existing protection mechanisms at European and international level, which could be further strengthened through systematic exchange of information and strategy, so as to ensure a better complementarity between all of them in terms of both sharing information for emergency cases and coordination for long-term support actions, e.g. through the use of a secure online platform accessible to all official stakeholders; welcomes in this respect the annual meetings organised by the Council of Europe as well as the 'inter-mechanisms' annual meetings organised by the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), with the aim of strengthening the interaction between international and regional mechanisms and institutions for the protection of human rights defenders; invites the existing taskforces on human rights defenders in Europe, within the framework of the Council Working Party on Human Rights and the Council of Europe - the latter being an initiative of the Council of Europe's Commissioner for Human Rights - to explore ways to work more closely together;

44. Calls, in the context of the implementation of the Treaty of Lisbon, for the EU institutions to establish an inter-institutional cooperation mechanism on human rights defenders; understands that the creation of such a mechanism could be eased by the setting up of focal points for human rights defenders in all the EU institutions and organs, with such focal points working in close cooperation with those responsible for human rights and democracy in EU missions and delegations;

45. Invites the Council and Commission to explore the possibilities of creating an alert system mechanism to be shared between EU institutions and all other protection mechanisms;

46. Believes that information sharing would also be facilitated by the creation of specific data bases, or 'log books', in order to keep track of activities undertaken, especially in regard to individuals, while guaranteeing full respect for confidentiality;

47. Calls on the Commission to follow and monitor regularly the short- and long term implementation of the EU Guidelines on Human Rights Defenders and report back to the Human Rights Subcommittee of the European Parliament;

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48. Instructs its President to forward this resolution to the Council, the Commission, and to EU Member States.

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## **Quality of statistical data in the Union and enhanced auditing powers by the Commission (Eurostat)**

P7\_TA(2010)0230

**European Parliament resolution of 17 June 2010 on the quality of statistical data in the Union and enhanced auditing powers by the Commission (Eurostat)**

(2011/C 236 E/11)

*The European Parliament,*

— having regard to the Commission proposal to the Council (COM(2010)0053),

— having regard to Commission proposal (COM(2005)0071 – 2005/0013(CNS)),

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- having regard to the opinion issued by the European Central Bank (ECB) on 31 March 2010 (CON/2010/28),
  - having regard to the report by the Commission on Greek Government Deficit and Debt Statistics (COM(2010)0001),
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0227/2009),
  - having regard to the question of 4 June 2010 to the Commission on the quality of statistical data in the Union and enhanced auditing powers by the Commission (Eurostat) (O-0080/2010 – B7-0314/2010),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the Commission (Eurostat) has so far lacked the necessary investigative powers to improve the quality of European statistics,
- B. whereas recent events have demonstrated that a properly functioning statistical system is a precondition for reliable data; whereas the political will to comply with common rules and make real progress towards stronger statistical governance has been lacking,
- C. whereas the Greece case is a clear illustration of the lack of quality fiscal statistics in the Union: it shows that progress since 2005 has not been sufficient to bring the quality of Greek fiscal data to the level reached by other Member States,
- D. whereas the 2005 Commission proposal already called for more audit-style powers for the Commission (Eurostat) and for commonly agreed minimum standards for statistical data,
- E. whereas in 2005 several key Member States were opposed to a strengthening of Eurostat's powers, despite the already clear evidence that the rules and their implementation were inadequate,
- F. whereas it is commonly understood that the current situation has to be improved and that the Commission (Eurostat) needs to be allocated more investigative powers; whereas there seems to be a lack of political will, particularly in the Council, to take the necessary steps to enforce the powers of the Commission (Eurostat),
- G. whereas the human resources required to provide a comprehensive and detailed overview of national statistics are clearly lacking, a problem which needs to be addressed at both EU and national level,
- H. whereas it has been demonstrated that reliable data on social security funds, hospital arrears and transactions between governments and public enterprises is crucial,
1. Calls on the Council to ensure that political undertakings in the area of statistics are honoured and to accept in full the Commission proposal (COM(2010)0053) and the relevant amendments tabled by the ECB and Parliament;
  2. Calls on the Council to strengthen the role and independence of the Commission (Eurostat);
  3. Calls on the Council and the Member States to accept that the Commission (Eurostat) should be given responsibility to carry out unannounced inspections in Member States to verify statistical data;

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4. Regards the Commission proposal as the minimum needed in the light of the Greece case; emphasises that the reporting obligations need to be enforced in all Member States and that reporting should include details of any previous off-balance-sheet activity;
5. Calls on the Member States to end the use of off-balance-sheet debt structures of any kind; calls on the Commission to propose binding legal measures to oblige Member States to end the practice of using off-balance-sheet debt structures of any kind;
6. Calls on the Commission to state what powers and staff it needs to carry out effective and real monitoring of national statistics in the medium and long term;
7. Draws attention to the tendency among Member States to keep certain liabilities off their balance sheets, in particular in respect of future payments necessitated by public-sector pensions and by long-term contracts with the private sector for the leasing or provision of public facilities; calls for a solution that ensures consistent and open disclosure of such liabilities in national statistics;
8. Calls on the ECB to cooperate closely with the Commission (Eurostat) to ensure the consistency of the Member States' statistics;
9. Calls on the Commission (Eurostat) to do its utmost to prevent methodological shortcomings and unsatisfactory administrative problems, as in the Greece case, from appearing again in any Member State;
10. Calls on the Council and the Member States to provide the Commission (Eurostat) with public finance data based on a standardised and internationally accepted method of accounting;
11. Calls on the Member States to provide the Commission (Eurostat) and the national statistical institutions with the necessary access and resources in order to make real checks on the underlying data possible;
12. Calls on the Member States which are already in or are applying for membership of the eurozone to allow the ECB to take part in unannounced inspections and to empower its staff to have access to any of their statistics;
13. Calls on the Member States to establish clear responsibilities as regards the production and compilation of statistical data; clear national responsibilities, including personal responsibilities, are a necessary requirement for the work for the Commission (Eurostat);
14. Calls on the Commission to tighten up the implementation of the European Statistical Code of Practice, which strengthens the independence, integrity and accountability of the National Statistical Institutes and of the Commission (Eurostat) with the aim of promoting the application of best international statistical principles, methods and practices by all producers of European statistics in order to optimise their quality;
15. Calls on the Council and the Member States to accept unreservedly the need for regular dialogue and in-depth monitoring visits by the Commission (Eurostat), so as to enhance monitoring of the reported data and provide permanent assurance of the quality of the data;
16. Calls on the Council to increase support for OLAF's work, which Parliament sees as playing an essential role in protecting the financial interests of the European Union and, thereby, EU citizens, as well as a major role in upholding the reputation of the European institutions; considers, therefore, that a human resources strategy which raises staffing levels and ensures that the current high staff quality standards are maintained should be drawn up;



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17. Calls on the Commission and the Council to involve the European Statistical Governance Advisory Board more closely as an independent adviser; the Advisory Board may assist the Commission (Eurostat) during its visits to the Member States;
18. Stresses that accurate statistics and improved verification of the reliability of aggregate data provided to Eurostat are essential prerequisites if any improved surveillance is to be effective;
19. Stresses that Eurostat's powers should be enhanced;
20. Considers that open and transparent statistical information should be a precondition for obtaining Structural Fund support;
21. Instructs its President to forward this resolution to the Council, the Commission, the European Council, the President of the Eurogroup and the European Central Bank.

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### **Gender aspects of the economic downturn and financial crisis**

P7\_TA(2010)0231

#### **European Parliament resolution of 17 June 2010 on gender aspects of the economic downturn and financial crisis (2009/2204(INI))**

(2011/C 236 E/12)

*The European Parliament,*

- having regard to the Commission communication of 3 October 2008 entitled 'A better work-life balance: stronger support for reconciling professional, private and family life', (COM(2008)0635),
- having regard to the Commission communication of 26 November 2008 on A European Economic Recovery Plan (COM(2008)0800),
- having regard to the Commission communication for the Spring European Council on Driving European Recovery of 4 March 2009 (COM(2009)0114),
- having regard to the Commission working document on Consultation on the future 'EU2020' Strategy of 24 November 2009 (COM(2009)0647),
- having regard to the Commission report of 3 October 2008 entitled 'Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children' (COM(2008)0638),
- having regard to the Commission report of 27 February 2009 on equality between women and men – 2009 (COM(2009)0077),
- having regard to the Commission report of 18 December 2009 on equality between women and men – 2010 (COM(2009)0694),
- having regard to the Commission communication of 7 June 2000 entitled 'Towards a Community Framework Strategy on Gender Equality (2001-2005)' (COM(2000)0335) and the Commission's annual reports on equality between women and men in the European Union for 2000, 2001, 2002, 2004, 2005, 2006, 2007 and 2008 (COM(2001)0179, COM(2002)0258, COM(2003)0098, COM(2004)0115, COM(2005)0044, COM(2006)0071, COM(2007)0049 and COM(2008)0010) respectively,

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- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) <sup>(1)</sup>,
- having regard to the proposal for 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 (COM(2008)0636), presented by the Commission on 3 October 2008,
- having regard to the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (COM(2008)0637), presented by the Commission on 3 October 2008,
- having regard to the state of progress with ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197),
- having regard to the framework of actions on gender equality, adopted by the European social partners on 22 March 2005,
- having regard to the motion for a recommendation of the Council of Europe on the impact of the economic and financial crisis on women, Doc 11891, 4 May 2009,
- having regard to the European Gender Equality Pact adopted by the European Council of 23 and 24 March 2006,
- having regard to the Advisory Committee on Equal Opportunities for Women and Men and its opinion on the gender pay gap adopted on 22 March 2007,
- having regard to its resolution of 24 October 2006 on women's immigration: the role and place of immigrant women in the European Union <sup>(2)</sup>,
- having regard to its resolution of 13 March 2007 on a roadmap for equality between women and men (2006-2010) <sup>(3)</sup>,
- having regard to its resolution of 3 September 2008 on equality between women and men 2008 <sup>(4)</sup>,
- having regard to its resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women <sup>(5)</sup>,
- having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market <sup>(6)</sup>,
- having regard to its resolution of 8 October 2009 on the effects of the global financial and economic crisis on developing countries and on development cooperation <sup>(7)</sup>,
- having regard to Eurostat Statistics in Focus 53/2009, 'Sharp increase in unemployment in the EU',

<sup>(1)</sup> OJ L 204, 26.7.2006, p. 23.

<sup>(2)</sup> OJ C 313 E, 20.12.2006, p. 118.

<sup>(3)</sup> OJ C 301 E, 13.12.2007, p. 56.

<sup>(4)</sup> OJ C 295 E, 4.12.2009, p. 35.

<sup>(5)</sup> OJ C 16 E, 22.1.2010, p. 21.

<sup>(6)</sup> Texts adopted, P6\_TA(2009)0371.

<sup>(7)</sup> Texts adopted, P7\_TA(2009)0029.

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- having regard to Eurostat Statistics in Focus 97/2009, 'Recession in the EU-27: length and depth of the downturn varies across activities and countries',
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Gender Equality (A7-0155/2010),
- A. whereas the world economy is facing the most severe recession since the Great Depression, with social consequences across the EU and beyond; whereas the economic and financial crisis in Europe is having a particularly harmful impact on women – who are more likely to be in insecure jobs, more liable to be made redundant and less likely to have social security cover – a circumstance which has so far not been given the attention it deserves by the Council, the Commission and the Member States,
- B. whereas the first wave of the crisis hit mostly the male-dominated financial sector as well as the construction and car industries, this way gaining more attention, however the second wave of the crisis equally negatively affected the mostly female-dominated retailing, general services sector and tourism; therefore it is necessary to address the gender dimension of the impact of and solution to the economic and social crisis in national and European recovery plans,
- C. whereas mainstream economists have pointed out that the credit crunch, which started the recession, was quite literally a man-made disaster; whereas responses at state and international level – which were not sufficiently gender-inclusive – have also been decided upon mainly by men; whereas it is important that women, who are generally better qualified than men, be fully included in the decision-making process in the political, economic and financial spheres as well as social partners agreements,
- D. whereas recent studies have shown that only 5 % of those with decision-making responsibilities in the EU financial institutions are women and all 27 central bank governors in the Member States are men, and whereas gender studies have pointed out that women manage in a different way by avoiding risk and focusing more on a long-term perspective,
- E. whereas women's participation in decision making is a decisive indicator of equality between women and men; whereas the presence of female managers in companies and universities remains slight and the number of female politicians and researchers is rising only very slowly,
- F. whereas women accounted for 59 % of first-degree graduates at universities in 2006; whereas women's share of PhDs decreases to 43 % and is lowest at full professor level; whereas only 15 % of grade A full professors are women,
- G. whereas women outnumber men in business, management and law faculties, but are in the minority in corporate and political positions of responsibility; whereas few women have IT, engineering or physics degrees and women are consequently under-represented in the private sector, which is crucial in economic recovery,
- H. whereas the economic slowdown is likely to affect women more than men; whereas there is a risk that the current recession will delay advances, or even reverse progress, with longer-term consequences for the social protection systems, social inclusion and demography,
- I. whereas gender equality measures have been cancelled or delayed and possible future cuts in public budgets will have a negative effect on female employment and on the promotion of equality; whereas the proper implementation of Directive 2006/54/EC mentioned above becomes increasingly important,
- J. whereas gender equality has a major positive impact on economic productivity and growth and women's participation in the labour market has a host of social and economic benefits,

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- K. whereas the gender pay gap across the EU27 has remained very high over the past 35 years since Directive 75/117/EEC <sup>(1)</sup> was implemented, rising to 18 % on average in 2010 in the EU and in some Member States up to 30 %; whereas the gap is greater in the private sector than in the public reflecting ongoing inequalities in the labour market, which in practice mainly affect women,
- L. whereas the economic downturn should not be used to slow down progress on reconciliation policies and to cut budgets allocated to care services and leave arrangements, affecting in particular women's access to the labour market; whereas particular consideration must be given to the need for single-parent families and large families to be able to reconcile family and professional obligations,
- M. whereas, according to the European Foundation for the Improvement of Living and Working conditions, women spend three times as much time as men on caring for children, dealing with domestic issues and looking after dependent relatives; whereas the sharing of family and domestic duties between men and women, not least by developing the use of parental leave and paternity leave, is a precondition for promoting and achieving gender equality; and whereas not counting periods of maternity and parental leave towards aggregate working times is discriminatory and places women in a worse situation on the labour market,
- N. whereas the Council conclusions of 30 November 2009 <sup>(2)</sup> under the Swedish Presidency called on the Member States and the Commission to strengthen the gender dimension in the EU 2020 strategy; whereas the Commission's EU 2020 consultation paper has failed to take this into account, as it lacks a single mention of gender mainstreaming; whereas it is, however, essential to integrate a gender perspective in a new financial and economic architecture and policy and to ensure that recovery plans and structural adjustment programmes undergo a gender-impact assessment and integrate a gender perspective,
- O. whereas there is a need to step up the efforts to mainstream the gender perspective into public policy,
- P. whereas in times of economic recession particularly, people who are already at risk of falling into poverty, the majority of whom are women, become even more vulnerable, especially female migrant workers and those belonging to a minority group; whereas efforts and complete solutions to eradicate poverty as agreed upon by the Lisbon European Council as long ago as 2000 have become a matter of urgency; whereas special attention should be paid to protecting those groups facing multiple disadvantages, especially the Roma, and to ensure their inclusion into society,
- Q. whereas quality full-time employment with rights is a safeguard against poverty and social exclusion as well as a springboard to financial and psychological independence; whereas by addressing universal access to quality public services, it is crucial to design and implement policies, that respond to the needs of women and men respectively, including access to affordable, accessible and quality care services for children, the elderly and other dependents,
- R. whereas, as well as ensuring respect for differences and for cultural diversity, developing policies that facilitate access to the labour market for women belonging to specific cultural or minority groups reduces social exclusion and enhances social cohesion, which in turn stimulates economic growth,
- S. whereas domestic violence, which mainly affects women, is a widespread problem in every country and every social class; whereas studies have shown that violence against women intensifies when men experience displacement and dispossession as a result of the economic crisis; whereas economic stress often leads to more frequent, more violent and more dangerous abuse; whereas the cost of domestic violence to the EU is in the region of EUR 16 million per annum,
- T. whereas employment is a key factor for social inclusion; whereas focused and broad efforts need to be introduced in order to eradicate poverty against the background of rising income inequality, poverty and the economic and financial crisis,

<sup>(1)</sup> Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (OJ L 45, 19.2.1975, p. 19).

<sup>(2)</sup> Council Conclusions on Gender equality: strengthening growth and employment -input to the post-2010 Lisbon Strategy, Employment, Social Policy, Health and Consumer Affairs Council meeting, Brussels, 30 November 2009.

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1. Points out that equal treatment of women and men is one of the objectives of the EU and therefore one of the key principles in any policy response to the economic and financial crisis and the transition towards the post-crisis era;
2. Emphasises the Commission's findings that the current crisis has raised concerns that the achievements in gender equality are at risk and that the effects of the recession are liable to affect women in particular;
3. Stresses the need to prevent the current financial and economic crisis, and future economic issues, endangering what has been achieved so far in the field of gender equality and to avoid the recession being used, as is already the case in some Member States, as an argument for scaling back gender equality measures;
4. Emphasises that gender equality policies must be viewed as part of the solution to ending the crisis, harnessing and fully exploiting the skills and abilities of all Europeans and, in the future, forging a more competitive economy;
5. Points out that women's integration into the workplace in recent decades means not only a greater direct impact of the crisis on women themselves but also on households, where incomes will be significantly affected by female job losses; calls on the European Union institutions and the Member States to take into account the hidden cost of the crisis, including the different and often unacknowledged gendered consequences;
6. Points out that the experience of previous crises shows that the male employment rate generally recovers more quickly than that for women;
7. Points out that macro-economic policies are predominantly associated with an increase in the gender segregation of labour, destabilisation of women's employment through subcontracting, increases in the gender pay gap, reduction in women's access to health and education, increased inequality in access to credit, land and property, and deepening of the feminisation of poverty;
8. Recalls that wage differentials between women and men persist and are liable to be aggravated by the economic and financial crisis; calls on the European Institutions and the Member States to adopt clear objectives and propose binding measures to combat wage differentials;
9. Urges the Commission to submit a legislative proposal on the revision of the existing legislation relating to the application of the principle of equal pay for men and women (Directive 75/117/EEC mentioned above) as already requested by the Parliament in 2008; welcomes the Commission's recent initiative on improving the provisions on sanctions in case of a breach of the right to equal pay, to ensure that they are dissuasive and proportional (for instance, higher sanctions in cases of repeated offences);
10. Points out that public expenditure in the area of health is the responsibility of individual Member States and their national parliaments and/or local authorities;
11. Regrets that many women have already lost or are expected to lose their jobs, particularly those working in retailing, services, and tourism as well as women in part-time and precarious jobs; underlines the fact that, at the same time, a fall in the supply of micro-credit is expected to result in a decrease in earnings among self-employed women workers, especially those in the agricultural and rural sectors; stresses that female unemployment can be expected to rise disproportionately as public sector budget cuts are announced, since women are disproportionately employed in education, health and social services;
12. Emphasises the positive effect that gender equality has for economic growth; points out in this respect that some studies estimate that if employment, part-time employment and productivity rates for women were similar to those for men, GDP would increase by 30 %;

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13. Recognises that many women have been empowered by recent job losses to establish their own businesses; calls on the Commission to bring forward legislation specifically aimed at SMEs to fulfil its objective of reducing administrative burdens on business by 25 % by 2012 to help foster this entrepreneurial spirit;
14. Welcomes Eurostat's gender-disaggregated statistics; believes, however, that more attention should be paid to part-time unemployment (an area often excluded from unemployment statistics); points out that long-time unemployment, lower wages and lower average working hours are likely to have profound consequences especially for women's earnings, social security allowances and, in the longer run, their pensions;
15. Calls on the Commission to draw up a study at Union level on the relation between the number of women on company boards and companies' financial performance, taking into account the study drawn up by Catalyst Inc. in 2007 which concluded that companies with three or more women on the board have an 83 % higher return on shares and a 73 % higher return on sales;
16. Emphasises that the crisis will have the worst effect on vulnerable groups of women: disabled women, immigrant women, women from ethnic minorities, women with few qualifications, women who are long-term unemployed, single women without means and women caring for dependents, etc.;
17. Points out that migrant workers are likewise affected by the crisis, as are their families back home; refers to the fact that the scale of female migration is often under-reported and with it the impact on families dependent on their wages for survival, as a result of which women may find themselves in an even more vulnerable position when they return home, rejected by their communities and families;
18. Underlines and welcomes the fact that interventions and solutions require a contextual understanding of the crisis and recognition that there is not a 'one-size-fits-all' response; stresses that, at the same time, the recession can be used as a unique opportunity to make economic and social policies more gender-inclusive and to move towards creating a more gender-equal society;
19. Stresses the need to combat stereotypes in all walks and at all stages of life, since these are one of the most persistent causes of inequality between men and women in affecting their choices in the field of education, training and employment, the distribution of domestic and family responsibilities, participation in public life and participation and representation in decision-making positions, and in their choices regarding the labour market;
20. Notes with regret the fact that policy responses to the crisis, including recovery packages, have failed to acknowledge, analyse and rectify the gender impact of the crisis; regrets the fact that gender mainstreaming in the post-Lisbon strategy is basically non-existent; calls on the Council, the Commission and the Member States to integrate gender equality with specific targets into the employment and macro-economic guidelines and the EU 2020 Strategy, and to introduce gender budgeting in all policies;
21. Considers that although women's employment in the EU is close to meeting the target of 60 % in 2010, there is a need to set a more ambitious target of 75 % by 2020; also emphasises the need to reduce the pay gap;
22. Calls on the Commission, the Council and the Member States to take the necessary steps to mainstream the gender perspective into all EU policies and to review the existing legislation so as to ensure that gender equality is correctly applied and that positive discrimination measures can be applied where these are necessary;
23. Calls on the Council, the Commission, the Member States and especially Parliament's Special Committee on Financial, Economic and Social Crisis (CRIS) to ensure that recovery plans and structural adjustment programmes undergo a gender-impact assessment (ex-post assessment in cases where it has not been done ex-ante) and integrate a gender perspective including gender-disaggregated data and statistics;

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24. Urges the Council, the Commission and the Member States to ensure that regression and financial cuts do not affect the policies and the functioning of the structures aimed at achieving equality between women and men at all levels in the governmental and non-governmental sector; regrets that such financial cuts have already taken place in some countries;
25. Calls on the Council, the Commission and the Member States to analyse and counteract the negative effects of reductions in public spending and social benefits, especially in the context of cuts in public spending at local level, in order to ensure that women are not left with a disproportionate burden of care (children, the elderly, and dependent persons);
26. Points out that the lack of care policies and infrastructure has led to an increase in female migrant domestic workers filling these gaps in private homes without access to social and work-related protection and benefits; calls on the Member States to urgently combat illegal employment and integrate legal migrant workers into social security and healthcare schemes;
27. Calls on the Member States to develop affordable, accessible and quality care services for children and other dependants, in line with the European targets, and to ensure that the availability of those services is compatible with women and men's full-time working schedules; urges the Commission and the Member States to fully capitalise on the potential of the Structural Funds and of the European Agricultural Fund for Rural Development and to facilitate access to the financing of quality services; urges the Commission to propose a directive on paternity, adoption and filial leave;
28. Points out that violence against women and men increases in times of economic upheaval; therefore encourages the Member States to use national legislation to address all forms of gender-based violence and welcomes the Spanish Presidency's initiative to set up an Observatory on Violence against Women; likewise welcomes the initiative by a group of Member States regarding the overarching instrument on the protection of victims (European Protection Order);
29. Calls on Member States to promote collective awareness of the phenomenon of violence against women, particularly by means of public information campaigns; recalls that education and measures to raise young people's awareness are essential in order to combat this type of phenomenon;
30. Asks the European institutions, the Member States and the local and regional authorities to take effective steps, notably through legislation, to encourage gender balance in corporate and political positions of responsibility, including on boards of directors, and in local, regional, national and European public institutions, administrations and organisations which should set an example; therefore calls for binding targets to ensure the equal representation of women and men;
31. Stresses that women are under-represented in financial decision-making - in fact women are one of the groups currently excluded from financial decision-making that are adversely affected by financial risk; calls on the Council, the Commission and the Member States to improve women's participation at all levels of decision-making, especially in the areas of budgeting and of governance arrangements for European financial systems, including the European Central Bank; in this context, stresses the need to promote financial literacy for girls and women;
32. Welcomes the Norwegian Government's decision to increase the number of women on the boards of public limited companies to at least 40 %, which has made it possible to raise the proportion of women on boards to the current figure of 41 %; calls on the Commission and the Member States to take the Norwegian initiative as a positive example and move in the same direction for listed companies;
33. Welcomes the need for increasing the number of women on boards of public limited companies, but stresses that national governments should take action which is appropriate to their own needs;

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34. Points out that investment in social infrastructure is an opportunity to modernise Europe and promote equality and can be seen as a parallel strategy to investment in green technologies modernising the physical infrastructure; considers that gender equality should therefore be a policy priority and an essential tool;
35. Notes that, in the light of the EU 2020 Strategy, the 'green economy' is crucial; underlines the fact that 'green jobs' have the potential to become a key growth segment of the future European labour market, that today more than 20 million jobs in the European Union can be considered as 'green' and that recent evidence shows that jobs in the renewable energy sector alone have a potential to double to 2.8 million by 2020;
36. Points out that the ecological conversion of the economy and the transition to a low-carbon economy will create a huge demand for skilled workers; refers to the fact that female workers are strongly under-represented in the renewables sector and especially in science and technology-intensive jobs; asks the Council, the Commission and the Member States to make sure that female workers are included more in training projects and programmes on ecological transformation, i.e. in the renewable sector, science and technology-intensive jobs; calls on the Member States to encourage women in local entrepreneurial initiatives in these fields by facilitating access, through dissemination of data and training workshops, to available European Structural Funds;
37. Encourages employers in the Member States to create more opportunities for female workers in new technologies in order to strengthen the high-tech sector in accordance with the EU 2020 objectives;
38. Calls on the Council, the Commission and the Member States to promote full implementation at national level of European Structural Funds to address the effects of recession through retraining and upskilling initiatives on the basis of Article 16 of the General Regulation <sup>(1)</sup> and Article 6 of both Regulations on the European Social Fund <sup>(2)</sup> and on the European Regional Development Fund <sup>(3)</sup>;
39. Calls for the EAFRD Regulation to be amended to enable proactive measures to be taken in support of women in the 2014-2020 programming period, which was possible in previous periods but not in the current one, and which will have very beneficial effects on women's employment in rural areas;
40. Calls on the Member States to develop mechanisms for equality governance to include gender expertise within governmental departments and other agencies that implement measures under the Cohesion and Structural Funds and promote women's organisations and networks;
41. Encourages the European Institute for Gender Equality to undertake a gender impact analysis of the economic and financial crisis; considers that this impact assessment should be performed with the aid of precise indicators taking account of the specific context of the crisis; calls on the other European institutions, such as the European Foundation for the Improvement of Living and Working Conditions, to propose responses to gender issues in their ongoing work;
42. Stresses the need to develop programmes and financial incentives to encourage and promote the participation of women in small and medium-sized enterprises;
43. Calls on the Council, the Commission and the Member States to recognise and provide support for the contribution that civil society can make in addressing the financial and economic crisis, particularly in the light of the European Year on Poverty and Social Exclusion;
44. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the social partners and the relevant NGOs.

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

<sup>(2)</sup> Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund (OJ L 210, 31.7.2006, p. 12).

<sup>(3)</sup> Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund (OJ L 210, 31.7.2006, p. 1).



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## Assessment of the results of the 2006-2010 Roadmap for Equality between women and men and forward looking recommendations

P7\_TA(2010)0232

### European Parliament resolution of 17 June 2010 on assessment of the results of the 2006-2010 Roadmap for Equality between women and men, and forward-looking recommendations (2009/2242(INI))

(2011/C 236 E/13)

The European Parliament,

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 23 of the EU Charter of Fundamental Rights,
- having regard to the Commission communication entitled 'A Roadmap for equality between women and men: 2006-2010' (COM(2006)0092),
- having regard to the Commission communication of 26 November 2008 entitled 'Mid-term progress report on the roadmap for equality between women and men (2006-2010)' (COM(2008)0760),
- having regard to the Commission report of 18 December 2009 entitled 'Equality between women and men – 2010' (COM(2009)0694),
- having regard to the Commission communication of 7 June 2000 entitled 'Towards a Community framework strategy on gender equality (2001-2005)' (COM(2000)0335) and to the Commission's annual reports on equality between women and men in the EU for the years 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008 and 2009 (respectively, COM(2001)0179, COM(2002)0258, COM(2003)0098, COM(2004)0115, COM(2005)0044, COM(2006)0071, COM(2007)0049, COM(2008)0010 and COM(2009)0077),
- having regard to the UN legal instruments in the sphere of human rights and more especially women's rights, in particular the Convention on the Elimination of All Forms of Discrimination Against Women and the other UN instruments relating to violence against women, such as the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, and UN General Assembly resolutions 48/104 of 20 December 1993 on the elimination of violence against women, 58/147 of 19 February 2004 on the elimination of domestic violence against women, 57/179 of 30 January 2003 on working towards the elimination of crimes against women committed in the name of honour, and 52/86 of 2 February 1998 on crime prevention and criminal justice measures to eliminate violence against women,
- having regard to the Platform for Action adopted at the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and to its resolutions of 18 May 2000 on 'the follow-up to the Beijing Action Platform <sup>(1)</sup> and of 10 March 2005 on 'the follow-up o the Fourth World Conference on Women – Platform for Action (Beijing + 10)' <sup>(2)</sup>,
- having regard to the UN Secretary-General's in-depth study of 9 October 2006 on all forms of violence against women,

<sup>(1)</sup> OJ C 59, 23.2.2001, p. 258.

<sup>(2)</sup> OJ C 320 E, 15.12.2005, p. 247.

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- having regard to the final report of the 49th session of the UN General Assembly's Commission on the Status of Women, published in March 2005,
- having regard to the Protocol on the Rights of Women in Africa, also known as the Maputo Protocol, which entered into force on 26 October 2005 and expressly stipulates that all forms of female genital mutilation must be prohibited,
- having regard to UN Security Council Resolution 1325 (2000) of 31 October 2000 on women and peace and security, which calls for women to be involved more widely both in the prevention of armed conflict and in peace-building,
- having regard to the Council of Europe's work in this area, particularly the revised European Social Charter,
- having regard to the Council of Europe Conference of Gender Equality Ministers resolution on 'Bridging the gap between de jure and de facto equality to achieve real gender equality' (2010),
- having regard to the Council of Europe Commissioner for Human Rights' 'Gender Identity and Human Rights' Issue Paper (2009); Recommendation CM/Rec(2010)5 of the Council of Europe Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity; and Resolution 1728 (2010) and Recommendation 1915 (2010) of the Council of Europe Parliamentary Assembly on discrimination on the basis of sexual orientation and gender identity,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) <sup>(1)</sup>,
- having regard to the proposal for 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 (COM(2008)0636), submitted by the Commission on 3 October 2008,
- having regard to the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding (COM(2008)0637), submitted by the Commission on 3 October 2008,
- having regard to the Commission report of 3 October 2008 entitled 'Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children' (COM(2008)0638),
- having regard to the May 2003 report by the Commission's Joint Committee on Equal Opportunities for Women and Men on gender mainstreaming in national budgets,
- having regard to the Advisory Committee on Equal Opportunities and its opinion on the gender pay gap, adopted on 22 March 2007,
- having regard to its resolution of 17 January 2006 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation <sup>(2)</sup>,
- having regard to its resolution of 24 October 2006 on 'women's immigration: the role and place of immigrant women in the European Union' <sup>(3)</sup>,

<sup>(1)</sup> OJ L 204, 26.7.2006, p. 23.

<sup>(2)</sup> OJ C 287 E, 24.11.2006, p. 75.

<sup>(3)</sup> OJ C 313 E, 20.12.2006, p. 118.

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- having regard to the European Pact for Gender Equality, adopted by the European Council of 23 and 24 March 2006,
  - having regard to its resolution of 13 March 2007 on ‘a roadmap for equality between women and men (2006-2010)’<sup>(1)</sup>,
  - having regard to its resolution of 17 January 2008 on the role of women in industry<sup>(2)</sup>,
  - having regard to its resolution of 13 March 2008 on Gender Equality and Women’s Empowerment in Development Cooperation<sup>(3)</sup>,
  - having regard to its resolution of 3 September 2008 on ‘Equality between women and men – 2008’<sup>(4)</sup>,
  - having regard to its resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women<sup>(5)</sup>,
  - having regard to its resolutions of 24 February 1994<sup>(6)</sup> and 13 October 2005<sup>(7)</sup> on women and poverty in Europe, and its resolution of 3 February 2009 on non-discrimination based on sex and inter-generational solidarity<sup>(8)</sup>,
  - having regard to its resolution of 19 February 2009 on Social Economy<sup>(9)</sup>,
  - having regard to its resolution of 26 November 2009 on the elimination of violence against women<sup>(10)</sup>,
  - having regard to its resolution of 10 February 2010 on preventing trafficking in human beings<sup>(11)</sup>,
  - having regard to its resolution of 10 February 2010 on ‘equality between women and men in the European Union – 2009’<sup>(12)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality (A7-0156/2010),
- A. whereas, although equality between women and men is a necessary requirement for the full enjoyment of our universal human rights and a fundamental EU principle that has long been recognised in the Treaties, significant inequalities continue to make themselves felt in day-to-day politics and in women’s lives,
- B. whereas gender equality policies constitute an instrument of economic development and social cohesion,
- C. whereas gender equality must be a mark of European cultural and political identity,

<sup>(1)</sup> OJ C 301 E, 13.12.2007, p. 56.

<sup>(2)</sup> OJ C 41 E, 19.2.2009, p. 73.

<sup>(3)</sup> OJ C 66 E, 20.3.2009, p. 57.

<sup>(4)</sup> OJ C 295 E, 4.12.2009, p. 35.

<sup>(5)</sup> OJ C 16 E, 22.1.2010, p. 21.

<sup>(6)</sup> OJ C 77, 14.3.1994, p. 43.

<sup>(7)</sup> OJ C 233 E, 28.9.2006, p. 130.

<sup>(8)</sup> OJ C 67 E, 18.3.2010, p. 31.

<sup>(9)</sup> OJ C 76 E, 25.3.2010, p. 16.

<sup>(10)</sup> Texts adopted, P7\_TA(2009)0098.

<sup>(11)</sup> Texts adopted, P7\_TA(2010)0018.

<sup>(12)</sup> Texts adopted, P7\_TA(2010)0021.

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- D. whereas violence against women is a major obstacle to gender equality and is one of the most widespread human rights violations, knowing no geographical, financial or social barriers; whereas the number of women who are victims of violence is alarming,
- E. whereas we cannot continue to be tied to worn-out, environmentally unsustainable economic models based on an outdated sexual division of labour that has been superseded by women's absorption into the labour market; whereas we need a new and socially sustainable model based on knowledge and innovation, which incorporates the full range of women's skills into the economy, restores the balance of responsibilities between men and women in public and in private and provides a good work-life balance,
- F. whereas, although the 2006-2010 Roadmap for Equality has highlighted gaps in the achievement of full gender equality and, in some cases, driven the gender equality agenda forward, overall progress has been insufficient,
- G. whereas efforts to mainstream the gender perspective into public policy need to be stepped up,
- H. whereas, although it is still difficult to assess the full impact of the financial crisis, it is clear that the current economic and social crisis is having particularly serious consequences for women and for the long-term advancement of policies aimed at achieving equality between women and men, thereby exacerbating inequalities and discrimination,
- I. whereas gender equality has a positive impact on economic productivity and growth, and women's participation in the labour market has a host of social and economic benefits,
- J. whereas in our ageing society women will be indispensable to the labour market, while at the same time demand for care for the elderly will rise, most likely leading to the risk of a double burden for women,
- K. whereas those living in poverty – more than 85 million in all – are for the most part women, a situation brought about by unemployment, casual labour, low wages, pensions below the minimum subsistence level, and the widespread difficulty of obtaining access to good public services; whereas, moreover, in the past 10 years the number of women in poverty has risen disproportionately compared with the number of men,
- L. whereas in terms of average wages there is a gender pay gap of more than 17 %, leading to a pension gap and the feminisation of poverty in old age, and whereas indirect forms of discrimination tend to increase when unemployment is rising, thereby affecting women and girls,
- M. whereas there is a persistent gender care gap, with women providing double to more than triple the number of hours of unpaid care for children and other dependants compared with men,
- N. whereas women are often exposed to multiple discrimination because of their sex, age (especially in the case of older women), disability, ethnic/racial background, religion, national origin, migration status, socio-economic status, including women in single-person households, sexual orientation and/or gender identity, and whereas compound discrimination creates multiple barriers to women's empowerment and social advancement,
- O. whereas it is essential to guarantee equal access to resources, rights and power, implying a need to bring about social and cultural change, eliminate stereotypes and promote equality,
- P. whereas the stereotypes which still exist with regard to the educational and occupational options available to women help to preserve inequalities,

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- Q. whereas sectoral and occupational segregation by gender is not diminishing, but actually rising in some countries,
- R. whereas family law (notably marriage and divorce law) often puts women in a weaker legal and financial position, and whereas courts sometimes add to the inequalities between men and women by applying family law on the basis of traditional role models instead of equal rights,
- S. whereas the right to conscientious objection is often abused by (religious) groups in order to reduce women's rights in areas such as health care and family law,
- T. whereas women's participation in decision-making is a decisive indicator of gender equality, whereas there are still not many women in management posts in businesses and universities and whereas the number of female politicians and researchers is rising only very slowly,
- U. whereas existing challenges and the experience acquired suggest that the lack of policy coherence between different areas has hampered the achievement of equality between women and men in the past and that women's rights need to be adequately resourced, coordinated more closely, publicised more widely and promoted more effectively, allowing for individual circumstances,
- V. whereas affirmative action in favour of women has proven essential for their full incorporation into the labour market and society in general,
- W. whereas, notwithstanding the decisions prompted by the 15th anniversary, there is still more work to do to translate the Beijing Platform for Action into reality,
- X. whereas gender-disaggregated data are an essential tool for achieving real progress and evaluating outcomes effectively,
- Y. whereas 2010 is the European Year for Combating Poverty and Social Exclusion, a fact which has to be reflected in policies and concerted action that genuinely help to improve the present situation,
- Z. whereas it is 100 years since 8 March was declared International Women's Day, and this anniversary has been commemorated; whereas it is important for women and the organisations representing them to be involved in promoting equality and fighting discrimination and inequalities,
- AA. whereas the reconciliation of work, family and private life remains an unresolved issue for both women and men,
- AB. whereas access to childcare and services for the care of the elderly and other dependants is essential if men and women are to be able to participate in the labour market, education and training on an equal footing,
- AC. whereas, in most of the Member States, social security regimes do not take sufficient account of the specific circumstances of women who live in poverty; whereas the danger of being reduced to poverty is much greater for women; whereas the sharing of family and domestic duties between men and women, not least by developing the equal use of parental leave by both parents, along with paternity leave, is a precondition for promoting and achieving gender equality; and whereas not counting periods of maternity and parental leave towards aggregate working times is discriminatory and places women in a worse position on the labour market,

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***Assessment of the 2006-2010 Roadmap***

1. Notes that, in the field of equal economic independence for women and men, the employment rate among women has reached almost 60 %, as set by the Lisbon employment targets; regrets, however, the lack of binding measures addressing the persistent gender pay gap, and points out the need for urgent measures to improve the situation of women in precarious working conditions, in particular migrant and ethnic minority women, who are becoming even more vulnerable in the context of the economic and social crisis; calls, furthermore, for a reduction in gender inequalities in the public health system, to which equal access must be ensured;

2. Welcomes the Commission's legislative proposals aimed at enhancing the reconciliation of work and private and family life; notes, however, that paternity, adoption and filial leave have not been addressed, and regrets that only a minority of Member States have achieved the Barcelona objectives of providing access to affordable and quality childcare; therefore calls on the Member States to make a renewed commitment to this objective;

3. Regrets that women are still under-represented in political and economic decision-making positions in the majority of Member States; calls on the Commission to continue with further concrete measures to promote equal participation of women and men in decision-making;

4. Notes the actions the DAPHNE III programme to prevent and combat violence against women; reiterates, however, the need for legislative measures at European level to eradicate gender-based violence;

5. Welcomes the integration of gender equality as a priority into Community education and training programmes, with the aim of reducing stereotypes in society; regrets, however, that persistent gender stereotypes still serve as a basis for many inequalities; therefore calls on the Commission and the Member States to launch awareness-raising campaigns to break down stereotypes and traditional gender roles, in particular campaigns targeting men which highlight the need to share family responsibilities;

6. Welcomes the Commission's commitment to the principles of the Millennium Development Declaration and the Beijing Platform for Action with regard to promoting gender equality outside the EU; calls for the strengthening of gender mainstreaming in the EU's development, external and external trade policies to be continued;

***At institutional level***

7. Proposes that the EU's new gender equality strategy constitute an agenda for action and a political commitment based on the Beijing Platform for Action and its achievements, bearing in mind that the human rights of women and girls form an inalienable, indivisible and integral part of universal human rights;

8. Points out that it is still essential to pursue the current roadmap's six priority areas of action, and calls on the Commission to introduce further concrete measures in order to ensure that the strengths of the existing roadmap can be further developed and thus visibly influence national and regional level instruments for achieving equality and women's empowerment;

9. Proposes that European funding should be granted for the new strategy for equality between women and men in order to facilitate its execution at European level;

10. Maintains that the Council, after consulting Parliament, has to adopt the Commission's proposed new gender equality strategy so as to give it greater political weight and provide fresh impetus for gender equality policy;

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11. Deplores the unsatisfactory way in which the gender perspective has been handled in the Commission's EU 2020 strategy proposals, and therefore calls on the Council and the Commission to ensure that the gender equality dimension is systematically presented in the EU 2020 strategy, including a specific gender chapter, mechanisms for gender mainstreaming and targets for female employment coupled with indicators of economic independence, and taking into account both the effects of the current social and economic crisis on women and the role of women in an ageing society;
12. Proposes that the Council, the Commission, and Parliament hold an annual tripartite meeting to review progress on the EU gender equality strategy;
13. Maintains that a conference on gender equality, attended by women's organisations, other organisations working for gender equality such as LGBT organisations, trade unions from the Member States, Members of the European Parliament, the Commission, the Council and the national parliaments, should be held annually, focusing on a predetermined theme each year;
14. Stresses the need for structured dialogue with civil society in order to ensure the principle of equality between women and men;
15. Suggests that institutional cooperation in this area not be limited to women's associations, but that collaboration with associations representing men and women and working towards gender equality be actively sought;
16. Calls for the European Institute for Gender Equality to become fully operational without delay and for all the necessary gender indicators to be devised so that equality issues can be kept under review whenever they arise; insists that these indicators be regularly updated so that the objectives set can be brought into line with the results actually obtained;
17. Takes the view that, where the social impact of Commission and Council policy proposals has to be assessed, such assessment should cover gender equality;
18. Insists that the Commission should start practising the 'gender mainstreaming' method in the preparation of all its proposals;
19. Calls on the Commission to improve and update regularly its gender equality webpage, and on the Equal Opportunities Group to devote at least one of its meetings each year entirely to gender equality and to set up an information service for women;
20. Maintains that the Commission's directorates-general need to incorporate strengthened coordination machinery into their internal operation in order to provide continuous follow-up to gender equality and equal opportunities policies spanning many different areas; calls for the Annual Report on Equality to include one chapter by each directorate-general in which it reports on equality in its area of competence;
21. Calls on the High Representative to ensure gender balance in the establishment of the European External Action Service (EEAS) and to draw up an action plan with a view to pursuing gender balance in the EU delegations, including at the highest level; calls on the Council and the Commission to open a post for a European women's envoy, as already demanded by the European Parliament in March 2008, in order to focus specifically on the position of women in the context of the EU's external policies, and calls for gender mainstreaming to be structurally embedded in the EEAS; calls on the Commission, the Council and the Member States actively to promote and support the empowerment of women to participate in their bilateral and multilateral relations with states and organisations outside the Union;
22. Calls on the High Representative to ensure that a gender perspective is incorporated into all development cooperation policies, programmes and projects, and stresses the importance of implementing UNSCR 1325 in the context of the EU's external action;

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23. Maintains that gender equality policies in different fields of activity, including the economic, financial, commercial and social spheres, should be based on an integrated approach, and that budgets should be analysed from a gender equality perspective; calls on the Commission and the Member States to promote the dissemination and exchange of good practice in order to encourage its being taken into consideration when policies are developed;
24. Considers that the Commission and the Member States need to develop training and implementation tools to allow all stakeholders to take on board – in their respective areas of competence – a perspective based on equal opportunities for men and women, including assessments of the specific impact of policies on men and women;
25. Stresses the importance, in the context of the strategies and plans for economic recovery, of adopting sectoral measures of a trend-setting nature to support education and training courses aimed at integrating women, including young women, into the labour market in sectors that are strategic for development and on the basis of positions and skills related to cutting-edge technology and science;
26. Stresses the importance of devising quantity and quality indicators and gender-based statistics which are reliable, comparable and available when needed, to be used in monitoring the implementation of gender mainstreaming in all policies;
27. Asks Eurostat to develop indicators to measure women's and men's involvement in voluntary activities in order to show what men and women contribute to social cohesion;
28. Emphasises that better coordination is essential in order to develop equality policy objectives in all EU and Member State institutions, and that uniform tangible integration methods – such as gender budgets or incorporating gender analysis into the design, planning, implementation and monitoring of public policy – are needed;
29. Points out to the Commission and the Member States that a dual strategy needs to be employed, applying an integrated approach to gender equality while continuing to take specific action, including legislative measures, as regards budget headings and allocations, follow-up and oversight, the aim being to produce practical effects; points out that an agenda for action should include short- and long-term qualitative and quantitative targets at both European and national level;
30. Calls on the Commission, the Council and the Member States to take the necessary steps to mainstream the gender perspective into all Community policies and to review existing legislation so as to ensure that gender equality is correctly applied and that positive discrimination measures can be applied where necessary;
31. Welcomes the Commission's commitment to the principles of the Beijing Platform for Action with regard to promoting gender-sensitive budgets; calls EU and the Member States to make efforts systematically to review how women benefit from public-sector expenditure, and to adjust budgets to ensure equality of access to public-sector expenditure, for both enhancing productive capacity and meeting social needs; calls also for the allocation of sufficient resources, including resources for undertaking gender-impact analysis;
32. Calls on the Commission to monitor Member States' compliance with the non-discrimination directives and gender-related measures, and to take active steps, including infringement procedures, in the event of non-compliance;
33. Calls for the European Agricultural Fund for Rural Development (EAFRD) Regulation to be amended to enable, as happens with the European Social Fund (ESF), proactive measures to be taken in support of women in the 2014-2020 programming period, which was feasible in previous periods but not in the current one, and which will have very beneficial effects on female employment in rural areas;



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34. Points to the need for the committees and parliamentary delegations within Parliament too to assign particular importance to equality issues and to ensure that women are adequately represented in positions of responsibility within these committees and delegations, and draws attention to the important work being done by Parliament's High-Level Group on Equality;

35. Welcomes, in this regard, the ongoing activities of Members of the European Parliament responsible for gender mainstreaming, who are working to ensure that the gender perspective is taken into account in the formulation and development of all policy within their individual committees;

36. Calls on the Bureau of the European Parliament and on the Commission to step up efforts to increase the number of women in higher positions within their staff; calls on the Commission to devise a mechanism to ensure parity within the college of commissioners in the next legislature;

37. Stresses the need to prevent the current financial and economic crisis, and future economic issues, from endangering what has been achieved so far in the field of gender equality, and to avoid the recession being used, as is already the case in some Member States, as an argument for scaling back gender equality measures, as in the long term this would hinder growth in employment figures, economic growth in the EU, higher tax revenue, rising birth rates and the promotion of gender equality;

38. Calls on the Commission, in collaboration with the Member States and the social partners, to undertake a review of policies on work-life balance with a view to ensuring that the cost of parenthood is not borne by the employer, but by the community, so as to eradicate discriminatory behaviour in businesses and contribute to our demographic future;

39. Reminds the Commission and the Member States that it is necessary to adopt affirmative measures for the benefit of women and men in order to facilitate their return to employment after a period of carrying out family duties (bringing up children and/or caring for a sick or handicapped parent), by promoting policies of (re)integration into the employment market with a view to enabling them to regain financial independence;

40. Calls on the Commission to continue with initiatives aimed at recognising the informal economy and quantifying the 'economics of life', using gender-specific approaches in accordance with the 'Beyond GDP' project launched by the Commission;

41. Calls on the Member States to provide appropriate social benefits for women and men who take care of elderly, sick or disabled relatives, and for elderly women, who receive particularly small pensions;

#### ***Policy areas – aims***

42. Points to the importance of building on the analysis of the Beijing Platform (Beijing + 15) undertaken by the Swedish Presidency, not just with a view to developing appropriate indicators, but also with a view to defining goals and adopting the necessary policies in the 12 areas covered;

43. Invites the Commission to publish an impact analysis of the consequences, including the budgetary consequences, of the introduction of the 'gender mainstreaming' system, with a view to evaluating its relevance, effectiveness, durability and usefulness in terms of cost-effectiveness/added value, as is the regular practice in the case of all other European policies;

44. Points to the need to improve the arrangements by which women's organisations and civil society in general collaborate with and take part in gender perspective integration processes;

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45. Takes the view that one priority should be to fight poverty by reforming the macroeconomic, monetary, social and labour market policies that are its root causes, with a view to guaranteeing economic and social justice for women, by reconsidering the methods used to determine the poverty rate and by pursuing strategies to promote fair distribution of income, guarantee a minimum income and decent wages and pensions, create more high-quality jobs coupled with rights for women, enable women and girls to benefit from public services of a high standard, and improve welfare provision and neighbourhood services, including crèches, nursery schools, kindergartens, day centres, community leisure and family support centres and 'intergenerational centres', making these accessible to women, men, children and older people as a whole, with a particular focus on assistance for older women living alone;
46. Stresses that the poorest women should be the leading partners in formulating, implementing and assessing equal opportunities policies; invites the Union, therefore, to pay particular attention to the planning and implementation of the European Year against Poverty, the European Year of Volunteering, and the Europe 2020 Strategy in general from this perspective;
47. Emphasises the positive effect of gender equality on economic growth; points out in this respect that some studies estimate that, if the employment, part-time employment and productivity rates for women were similar to those for men, GDP would increase by 30 %;
48. Calls on the Member States to analyse the effects of measures to combat the crisis and future exit strategies from the point of view of gender equality;
49. Calls on the Commission to eliminate gaps in the areas covered in order to ensure the same level of legal protection against gender-based discrimination as against discrimination on the basis of race, and to improve legal protection and access to legal remedies for victims of multiple discrimination;
50. Maintains that measures need to be taken as a matter of urgency to combat wage discrimination, whether by revising the existing directive, by drawing up phased industry-wide plans with clear-cut goals – such as narrowing the pay gap to 0-5 % by 2020 – aimed at doing away with direct and indirect forms of discrimination, or by encouraging collective bargaining and the training of equality advisers, addressing the unequal share of unpaid work between women and men and laying down equality plans for factories and other workplaces; takes the view that transparent wage composition should be standard practice with a view to strengthening the negotiating position of women workers;
51. Welcomes the fact that female employment in the EU is close to the target of 60 % by 2010, but is adamant that a more ambitious figure of 75 % by 2020 now needs to be set;
52. Demands that specific measures be taken by the Council, the Commission and the EU Member States to improve the position of especially vulnerable groups, such as an independent status for migrant women faced with domestic violence, individualised entitlements to pensions and other benefits for women with no or little labour market participation and a campaign to raise awareness of discrimination against transgender people and improve their access to legal remedies;
53. Stresses the importance of negotiations and collective bargaining in fighting discrimination against women, especially as regards access to employment, wages, working conditions, career progress and training;
54. Calls on public and private bodies to incorporate these equality plans into their internal rules, to accompany them with precise short-, medium- and long-term objectives, and to carry out an annual assessment of the implementation of those objectives in practice;
55. Deplores the fact that women are under-represented in decision-making in both the business world and democratic processes, and insists that more ambitious measures are needed to boost the number of women sitting on boards of directors of companies and in local, regional, national and European public institutions;

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56. Calls for greater action, awareness-raising and supervision in the workplace so as to create better working conditions for women by taking into account working hours, compliance with maternity and paternity rights, and work-life balance, and calling for wider uptake of maternity leave, the establishment of parental leave, the establishment of paid paternity leave, the establishment of paid family leave, inter alia for the purpose of caring for dependent relatives, measures to combat sexist stereotyping in the division of labour and care, and remedies in the event that the above rights are challenged;

57. Stresses, in this regard, the need to measure, certify and reward the practice of corporate social responsibility on the basis that the requirements must absolutely include gender equality; maintains that this should be achieved through the adoption of flexible organisational models based on target-oriented work and not linked to physical presence, and enabling all workers, whether men or women, to develop themselves professionally and evolve in career and salary terms, in line with their abilities and skills and taking account of the social imperatives arising from the need to care for children and relatives, in a context of family-friendly services and work organisation;

58. Insists on the need to balance personal and family life and work by putting into practice measures, aimed equally at men and women, which promote the sharing of tasks on an equal footing and take into account the fact that until now men have been less inclined to take advantage of parental leave or incentives;

59. Stresses the need to encourage incentives for the development and implementation at enterprise level of affirmative action programmes and human resource policies aimed at promoting gender equality, with the emphasis on awareness-raising and training activities for the promotion, transfer and incorporation of successful practices in organisations and businesses;

60. Believes it is important to look more closely into the issue of developing a methodology for the analysis of functions that can guarantee women's right to equal pay, develop the full potential of individuals and occupations, and, simultaneously, enhance the dignity of work as a structuring element, with a view to increasing the productivity, competitiveness and quality of enterprises and improving the living conditions of both men and women workers;

61. Insists on the need for improvements in the availability, quality and accessibility of childcare and care services for dependent persons, ensuring that the availability of these services is compatible with the full-time working hours of men and women;

62. Points out that care services for children and other dependants are potentially a major source of employment for older women, who currently have one of the lowest employment rates;

63. Believes it is necessary to ensure that affordable quality care services are available for at least 50 % of children under three years of age, and to make education available to all children between the age of three and the mandatory school age;

64. Advocates policies and measures aimed at eradicating violence against women in every walk of life by promoting the human rights of women, combating gender stereotypes and all forms of discrimination in society and the family, not least in education, training, the media and politics; maintains that specific policies should be developed which promote gender equality, empower women, better educate individuals – including through awareness-raising campaigns – and promote lifelong learning strategies and specific measures for women;

65. Supports the conclusions of the Employment and Social Affairs Council on the eradication of violence against women, and highlights the importance of the Commission's ongoing commitment to pursuing a more active policy to prevent violence against women; calls on the Commission to initiate consultation on a directive to combat violence against women that will outline, among other things, the efforts the Member States are obliged to make to combat violence against women;

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66. Emphasises the need for a wide-ranging survey to be conducted, taking in all the EU countries and using a common methodology, to establish the real extent of the problem; draws attention to the important work that will be carried out in this field by the European Monitoring Centre on Gender-based Violence, which will provide high-quality statistics in support of political measures to fight this scourge on society;
67. Maintains that every attention should be brought to bear on the situation of women working with their spouses in agriculture, craft industries, commerce or fisheries, and of small family businesses, in which women are in a more vulnerable position than men, with a view to taking new measures to protect mothers, eliminate indirect discrimination and safeguard welfare provision, social security and other entitlements accorded to women, including those working in a self-employed capacity; points in this regard to the importance of developing the legal construct of shared ownership with the aim of ensuring that women's rights in the agricultural sector are fully recognised, that they receive appropriate social security protection and that their work is recognised;
68. Emphasises the importance of combating stereotypes in all walks and at all stages of life, since these are one of the most persistent causes of inequality between men and women, affecting their choices in the field of education, training and employment, the distribution of domestic and family responsibilities, participation in public life and participation and representation in decision-making positions, and their choices regarding the labour market;
69. Calls on the European institutions and the Member States to put greater emphasis on combating multiple discrimination, poverty and social exclusion and health inequalities;
70. Takes the view that the taxation and social protection systems need to be reviewed in order to individualise rights, guarantee equal pension rights and remove incentives that adversely affect women's labour market and social participation, such as joint taxation and grants for caring for dependants that are linked to women being inactive on the job market;
71. Recalls its resolution of 10 February 2010 and stresses the importance for women of having control over their sexual and reproductive rights;
72. Lays stress on the importance of preventive measures to ensure women's sexual and reproductive health;
73. Stresses the need to make gender reassignment procedures accessible for transgender persons, and to ensure that they are reimbursed by public health insurance schemes;
74. Stresses the need to pay particular attention to the situation of women belonging to ethnic minorities, including female migrants, and to introduce appropriate measures to support them in the context of gender equality;
75. Insists that the Commission should consult Parliament, including its Committee on Women's Rights and Gender Equality, on the drafting of the future European Charter of Women's Rights;
76. Takes the view that particular attention should be focused on development, peace and solidarity with women in all parts of the world, especially those who are victims of injustice, discrimination, hunger, poverty, trafficking and violence of every kind; maintains that ongoing consultation with women's organisations, and more broadly with civil society, and collaboration with non-governmental organisations on matters relating to policies which have a direct or indirect impact on gender equality are guarantees of a broader social consensus;
77. Insists that the gender perspective and the fight against gender-based violence must be incorporated into the EU's external and development cooperation policy;

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78. Emphasises that the new EU gender equality strategy and accompanying institutional mechanisms must be closely connected to the global agenda for women's rights; notes that this includes linking up with and supporting the new UN gender equality entity, which should combine policy and operational activities, and calls on the EU to ensure that the new entity is provided with substantial financial and human resources enabling it to deliver on the ground, and led by a UN Under-Secretary-General with responsibility for gender equality;

79. Adds that the new EU gender equality strategy and accompanying institutional mechanisms should explicitly cover gender identity and address combating discrimination arising from gender reassignment;

80. Calls for compliance with its recent resolutions of 10 February 2010 on preventing trafficking in human beings and on equality between women and men in the EU;

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

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## Sport, specifically concerning players' agents

P7\_TA(2010)0233

### European Parliament resolution of 17 June 2010 on players' agents in sports

(2011/C 236 E/14)

*The European Parliament,*

- having regard to its resolution of 29 March 2007 on the future of professional football in Europe <sup>(1)</sup>,
- having regard to its resolution of 8 May 2008 on the White paper on sport of the European Commission <sup>(2)</sup>,
- having regard to the White Paper on Sport (COM(2007)0391),
- having regard to Article 165 of the Treaty of on the Functioning of the European Union,
- having regard to the judgement of 26 January 2005 of the Court of First Instance of the European Communities <sup>(3)</sup>,
- having regard to the question of 10 March 2010 to the Commission on sport, specifically concerning player's agents (O-0032/2010 – B7-0308/2010),
- having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

1. Recalls that the Parliament in its resolution of 29 March 2007 on the future of professional football in Europe calls on the Commission to support the football governing bodies' efforts to regulate players' agents, if necessary by presenting a proposal for a directive concerning such agents;

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<sup>(1)</sup> OJ C 27 E, 31.1.2008, p. 232.

<sup>(2)</sup> OJ C 271 E, 12.11.2009, p. 51.

<sup>(3)</sup> Case T-193/02 Laurent Piau v Commission [2005] ECR I-00209.

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2. Welcomes the ‘Study on sports agents in the European Union’ commissioned by the European Commission and of which the results are now available;
3. Is particularly concerned about the findings of the study with regard to criminal activities carried out in connection with sport citing episodes where sport is affected by organised crime with links to players’ agents activities; believes this development is detrimental to the image of sport, its integrity and ultimately to its role in society;
4. Takes note of the finding of the study that sport agents are central in the financial streams which are often not transparent, and which make them prone to illegal activities; welcomes initiatives by some clubs and governing bodies to increase the transparency of financial transactions;
5. Notes that the study points out the inherent opacity of transfer systems particularly in team sports, which are conducive to illegal activities where agents as well as clubs and players are involved;
6. Underlines the specific vulnerability of young players and the risk of them becoming victims of human trafficking;
7. Underlines the specific responsibility of players’ agents and clubs, especially towards young players and therefore calls on both parties to assume this responsibility, in particular as regards the educational and vocational training of young players;
8. Underscores the finding of the study that the regulations of agents established by sports federations are basically aimed at controlling access to the profession and regulating its exercise, but that these bodies have only limited supervisory and sanctioning powers, since they lack any means of control or direct action vis-à-vis sports agents who are not registered with them; nor are they entitled to impose civil or criminal penalties;
9. Agrees with the sports governing bodies and the sporting stakeholders that measures need to be taken to tackle problems relating to the integrity and credibility of sport and of the actors in sport;
10. Believes that doing away with the existing FIFA licence system for player’s agents without setting up a robust alternative system would not be the appropriate way to tackle the problems surrounding player’s agents in football;
11. Applauds sport governing bodies’ efforts to bring about more transparency and supervision of financial flows;
12. Asks the Council to step up its coordinating efforts in the fight against criminal activities linked to agents’ activities, including money laundering, match fixing and human trafficking;
13. Refers to the above mentioned judgement on the case T-193/02 where the Court stated that in principle the regulation of players agents’ activities which constitutes policing of an economic activity and touches on fundamental freedoms, falls within the competence of the public authorities;
14. Recalls that in the same judgement the Court has recognised that federations such as FIFA are entitled to regulate the profession of agents insofar as the objective of the regulation is to raise professional and ethical standards in agent’s activities with a view of protecting players and that the regulation is not anti-competitive; recalls that collectively, agents are not organised at professional level and that the profession is subject to very limited regulation at the level of member states;

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15. Is convinced that in a context of cross-border activities and diverse national regulations applicable to sports the effectiveness of control and the enforcement of sanctions can only be tackled by joint efforts of sports governing bodies and public authorities;
16. Notes that whilst the activities of agents are extensively regulated at international and national level by sporting bodies in some disciplines, very few Member States have adopted specific laws addressing sports agents;
17. Believes that considering the confusing diversity of regulations applicable to the activities of sports agents, a coherent EU-wide approach is needed in order to avoid loopholes due to unclear regulation and to ensure proper monitoring and control of the agents' activities;
18. Reiterates its call for an EU initiative concerning the activities of players' agents that should aim at:
- strict standards and examination criteria before anyone could operate as a players' agent,
  - transparency in agents' transactions,
  - a prohibition for remuneration to players agents related to the transfer of minors,
  - minimum harmonised standards for agents' contracts,
  - an efficient monitoring and disciplinary system,
  - the introduction of a EU wide 'agents' licensing system' and agents' register,
  - the ending of the 'dual representation',
  - a gradual remuneration conditional on the fulfilment of the contract;
19. Instructs its President to forward this resolution to the European Commission.

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## Conclusions of the EU/Russia Summit

P7\_TA(2010)0234

**European Parliament resolution of 17 June 2010 on the conclusions of the EU/Russia summit (31 May – 1 June 2010)**

(2011/C 236 E/15)

*The European Parliament,*

- having regard to the existing Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part <sup>(1)</sup>, and the negotiations initiated in 2008 on a new EU-Russia agreement,
- having regard to the objective shared by the EU and Russia, set out in the joint statement issued following the 11th EU-Russia Summit held in St Petersburg on 31 May 2003, of creating a common economic space, a common space of freedom, security and justice, a common space of cooperation in the field of external security and a common space of research and education, including cultural aspects (the 'four common spaces'),

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<sup>(1)</sup> OJ L 327, 28.11.1997, p. 1.

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- having regard to its previous reports and resolutions on Russia and on EU-Russia relations, in particular its resolution of 12 November 2009 <sup>(1)</sup> prior to the EU-Russia Summit held in Stockholm on 18 November 2009, its resolution of 17 September 2009 on the murder of human rights activists in Russia <sup>(2)</sup> and its resolution of 17 September 2009 on external aspects of energy security <sup>(3)</sup>,
  - having regard to the EU-Russia human rights consultations,
  - having regard to the agreements signed and the joint statements issued at the EU-Russia Summit held in Rostov-on-Don from 31 May to 1 June 2010,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the EU continues to be committed to further deepening and developing relations between the EU and Russia, as shown by its undertaking to make serious efforts to negotiate a new framework agreement for the further development of EU-Russia relations,
- B. whereas the EU and Russia, which is a member of the UN Security Council, share a responsibility for maintaining global stability, and whereas enhanced cooperation and good-neighbourly relations between the EU and Russia are of particular importance for the stability, security and prosperity of Europe,
- C. whereas the conclusion of a strategic partnership agreement between the EU and the Russian Federation remains of the utmost importance for the further development and intensification of cooperation between the two partners,
- D. whereas it is important that the EU speak with one voice, show solidarity and display unity in its relations with the Russian Federation, and that those relations be based on mutual interests and common values,
- E. whereas economic and trade relations between the EU and Russia are evidence of their increasing mutual interdependence, which requires a joint effort and commitment in order to ensure its lasting growth,
- F. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE), Russia has committed itself to protect and promote human rights, fundamental freedoms and the rule of law, and to respect the sovereignty of its European neighbours; whereas EU-Russia relations have faced a number of serious challenges over the last few years, notably as regards concerns about democracy and human rights in Russia,
- G. whereas Russia's accession to the World Trade Organisation (WTO) would make a substantial contribution to further improving economic relations between the EU and Russia, subject to a binding commitment on Russia's part to full compliance with and implementation of WTO undertakings and obligations, and would pave the way for a far-reaching, comprehensive economic integration agreement between the two partners on the basis of genuine reciprocity, and whereas Russia established a customs union with Kazakhstan and Belarus on 1 January 2010,
- H. whereas the signing of the new Strategic Arms Reduction Treaty (START) between the Russian Federation and the USA on 8 April 2010 and the rapprochement on non-proliferation and the Iran issue, the Middle East peace process and Afghanistan and Pakistan illustrate the enhanced climate of dialogue with Russia on different aspects of foreign and security relations,
- I. whereas there are clear, objective criteria for the introduction of a visa-free regime; whereas European and Russian citizens have a legitimate interest in being granted the right to free movement both within their countries and across borders,

<sup>(1)</sup> Texts adopted, P7\_TA(2009)0064.

<sup>(2)</sup> Texts adopted, P7\_TA(2009)0022.

<sup>(3)</sup> Texts adopted, P7\_TA(2009)0021.



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1. Reaffirms its belief that Russia remains one of the EU's most important partners in building long-term cooperation and a commitment to working together to address common challenges by means of a balanced, results-oriented approach based on democracy and the rule of law, sharing not only economic and trade interests but also the objective of working closely together at the global level as well as in and with common neighbouring countries, in accordance with international law;
2. Calls on the EU and Russia to intensify their negotiations on a new partnership and cooperation agreement, and reiterates its strong support for a broad, wide-ranging and legally binding agreement that goes beyond economic co-operation alone and also includes, as integral components, the areas of democracy, the rule of law and respect for fundamental human rights; notes the agreement on the Partnership for Modernisation which should encompass both the economy and society; and supports diversifying the Russian economy and EU-Russia trade relations; calls on the Commission and the Russian Government to develop the Partnership for Modernisation in more detail; underlines the need for swift preparation of a concrete work plan in line with the results achieved so far in the context of the four EU-Russia common spaces; underlines the importance of ensuring the effective functioning of the judiciary and stepping up the fight against corruption;
3. Welcomes the signing of a protocol on the protection of classified information and the joint statement on Gaza by the Vice-President of the Commission/High Representative of the Union for Foreign and Security Policy, Catherine Ashton, and the Russian Foreign Minister, Sergei Lavrov;
4. Expresses its satisfaction that the first EU-Russia summit held since the entry into force of the Lisbon Treaty was conducted in a constructive manner, making partial progress;
5. Reiterates its support for the objective of Russia's accession to the WTO with a view to helping it attract more foreign investment and diversify its economy; is of the opinion that Russia's establishment of a customs union with Belarus and Kazakhstan may put additional obstacles in the Russian Federation's path towards WTO membership; underlines that abandoning all protectionist measures is a prerequisite for WTO accession;
6. Welcomes Russia's recent ratification of Protocol 14 to the European Convention on Human Rights and the legislative amendments designed to extend jury trials nationwide, but suggests that this format also be used for trials on terrorist charges; welcomes also the confirmation of the moratorium on the death penalty as a further positive development, and hopes that this is the first step in pursuit of Russia's stated intention to improve respect for human rights; reiterates its call on the Russian authorities to comply with all the rulings of the European Court of Human Rights;
7. Welcomes the fact that the agreement on the protection of classified information will facilitate cooperation in crisis management, but asks that Parliament be fully informed of the substance and scope of this agreement, and calls for a speedy evaluation of the degree of reciprocity in its implementation; asks the Council to make full use of the 2002 IIA ESDP Special Committee for this purpose;
8. Calls on the Council and the Commission to redouble their efforts to solve the problems relating to EU-Russia border crossings, to support concrete projects, to make full use of the Neighbourhood and Partnership Instrument and the INTERREG funds for cross-border cooperation and to implement fully the earlier agreement on Siberian overflights;
9. Welcomes the signing of an agreement on the establishment of an early-warning mechanism on energy security between the EU and Russia, covering notification, consultation and implementation, and calls on the Council and the Commission to continue working with the Russian authorities and energy companies in order to avoid any repetition of the delivery cuts that have occurred over the last few years;
10. Reiterates that EU-Russia energy cooperation must be based on the principles of the Energy Charter and the Transit Protocol, which must be incorporated into the new framework agreement between the EU and Russia in order to ensure transparent and fair mutual investment conditions, equal access and a rule-based market; rules out the use of energy as a foreign policy tool;

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11. Notes with interest the discussions on climate change and possible forms of concrete cooperation on measures designed to reduce greenhouse gas emissions and on energy efficiency and sustainable energy development; underlines the need for a consensus on how the international climate change negotiation process can be moved forward in preparation for the Cancun conference in December 2010;
  12. Underlines the importance of the European Union Monitoring Mission (EUMM), which has demonstrated the EU's willingness and ability to take determined action to promote peace and stability, and has helped to create the necessary conditions for the implementation of the agreements of 12 August and 8 September 2008; reiterates its commitment to Georgia's territorial integrity within its internationally recognised borders, and calls on all parties to honour their undertakings fully; points out that the EUMM has a country-wide mandate, and calls for it to be granted unhindered access to Abkhazia and South Ossetia – which it has so far been denied – without further delay; reaffirms its full commitment to the Geneva talks and the continued co-chairing of that forum by the EU, the UN and the OSCE; expresses disappointment at the decision announced by the FSB Border Directorate to build a modern border infrastructure consisting of barriers between South Ossetia and Georgia;
  13. Underlines the need to involve Russia in the EU's Baltic Sea Strategy, and to engage swiftly with Russia on improved maritime safety and a high level of environmental protection in the sensitive Baltic Sea;
  14. Welcomes the signing of the new Strategic Arms Reduction Treaty (START) between the Russian Federation and the USA on 8 April 2010; notes with satisfaction the progress achieved in the ongoing dialogue between the Russian Federation and the USA on security issues, including the missile defence shield;
  15. Reiterates the call to step up the EU-Russia human rights dialogue and to open this process to effective input from the European Parliament and the Russian State Duma, with the involvement of the respective directorates-general and ministries responsible for justice, internal affairs and foreign affairs in both Brussels and Moscow; calls for civil society, NGOs and human rights organisations to be more involved in the bi-annual EU-Russia summits;
  16. Calls on the Russian authorities to put an end to the ongoing and widespread impunity for violence against human rights defenders and, in particular, to make it their priority to end the climate of terror and lawlessness in the North Caucasus and to protect and guarantee the physical integrity of human rights defenders in accordance with relevant international and regional human rights instruments;
  17. Endorses the commitment to the long-term objective of visa-free travel between the EU and Russia, based on a step-by-step approach focused on substance and practical progress; underlines that this dialogue should be in tune with the visa facilitation process for Eastern Partnership countries;
  18. Calls on the Council and the Commission to pursue joint initiatives with the Russian Government with a view to strengthening security and stability in the world and in our common neighbourhood in particular, and to achieving a peaceful settlement, under international law, of the conflicts in Moldova and the South Caucasus;
  19. Notes the draft European Security Treaty proposed by Russia on 29 November 2009, but points out that this new proposal must not undermine the EU Member States' current security obligations, and calls on the European Council to develop a common position on it;
  20. Notes with satisfaction, prior to the G20 Summit in Toronto, the consensus between the EU and Russia on reforming the financial system, and expects the summit to discuss ways of reducing systemic risks and to agree on the principle that financial institutions should contribute to the costs of any future financial crisis;
  21. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States and of the Russian Federation.
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**Israeli military operation against the humanitarian flotilla and the Gaza blockade**

P7\_TA(2010)0235

**European Parliament resolution of 17 June 2010 on the Israeli military operation against the humanitarian flotilla and the Gaza blockade**

(2011/C 236 E/16)

*The European Parliament,*

- having regard to its previous resolutions on Gaza, in particular those of 15 January 2009 on the situation in the Gaza Strip <sup>(1)</sup> and of 18 February 2009 on humanitarian aid to the Gaza Strip <sup>(2)</sup>,
  - having regard to the Venice Declaration of 1980,
  - having regard to the previous Middle East Quartet statements, in particular that of 19 March 2010 reaffirming the fundamental principles laid down in Trieste on 26 June 2009 and that of 11 May 2010 on the renewal of proximity talks between the Israelis and the Palestinians,
  - having regard to UN Security Council Resolutions 1860 of 8 January 2009 (S/RES/1860(2009)) and 1850 of 16 December 2008 (S/RES/1850(2008)),
  - having regard to the Declaration by High Representative/Vice President of the Commission Catherine Ashton on behalf of the EU on the Israeli military operation against the flotilla issued on 31 May 2010,
  - having regard to the Presidential Statement of the UN Security Council (S/9940) of 31 May 2010,
  - having regard to the Council conclusions on the Middle East Peace Process of 8 December 2009,
  - having regard to the statement by the President of the European Parliament, Jerzy Buzek, of 31 May 2010,
  - having regard to the Resolution adopted by the United Nations Human Rights Council on the Grave Attacks by Israeli Forces against the Humanitarian Boat Convoy of 2 June 2010,
  - having regard to the Resolution adopted by the General Assembly of the WHO on 18 May 2010,
  - having regard to the Report by the World Food Programme and the UN Food and Agriculture Organisation (FAO) published in November 2009 on the situation in Gaza,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas Israel's military operation, in international waters, on 31 May 2010 against a humanitarian aid flotilla bound for Gaza resulted in the deaths of nine civilians and the wounding of 38 civilians and seven Israeli soldiers,
- B. whereas the border crossings in and out of Gaza have been closed since June 2007, after Hamas took power by military means, and the blockade on the movement of people and goods has increased poverty, paralysed reconstruction and decimated the economy in the Gaza Strip, creating a rampant black market controlled by Hamas, among others; whereas this blockade has not resulted in the release of Gilad Shalit as expected by the Israeli authorities, which has been repeatedly called for by the European Parliament; whereas this blockade has not achieved its aim of undermining extremists and, as it affects especially the most vulnerable parts of the population, has given rise to growing radicalisation,

<sup>(1)</sup> OJ C 46 E, 24.2.2010, p. 100.

<sup>(2)</sup> OJ C 76 E, 25.3.2010, p. 1.

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- C. whereas according to previous statements by UN organs, the blockade on the Gaza Strip represents collective punishment in contravention of international humanitarian law,
- D. whereas 80 % of the Gazan population is dependent on food aid, more than 60 % are affected by food insecurity, unemployment is around 50 % and sanitary and environmental conditions have seriously deteriorated,
- E. whereas only 3 600 truckloads of food aid entered Gaza in the first three months of this year, as opposed to 36 000 during the first three months of 2007, and whereas only 81 products are allowed into Gaza while the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) estimates that 6 000 products are required to meet basic humanitarian needs,
- F. whereas the Palestinian Territories are the largest third-country recipient of EU funds and this support has played an important role in the attempt to alleviate the humanitarian disaster in the Gaza Strip; whereas the EU continues to provide essential humanitarian assistance in the Gaza Strip, including through UNRWA,
- G. whereas the two-state solution remains the essential basis for lasting peace between Israelis and Palestinians and therefore any unilateral step that may undermine this prospect should be avoided; whereas ongoing proximity talks may lead to the resumption of direct peace negotiations with a view to establishing a viable Palestinian state living side by side in peace and security with the State of Israel,
- H. whereas to date Hamas continues to prevent the entry of the flotilla's humanitarian cargo into Gaza,
1. Extends its condolences to the families of the victims;
  2. Condemns the attack against the flotilla in international waters, which is a breach of international law;
  3. Calls for a prompt, international and impartial inquiry into this attack, insists that the principles of accountability and liability be upheld and urges the HR/VP and EU Member States to take action to ensure that all appropriate steps are taken in order to make this demand effective;
  4. Urges Israel to immediately end the blockade on Gaza, which has resulted in a humanitarian disaster and increasing radicalisation, which is becoming a source of insecurity for Israel and for the region as a whole;
  5. Demands that all attacks against Israel cease immediately and warns that those who perpetrate them must face their full responsibility;
  6. Urges the HR/VP and EU Member States to take steps to ensure the sustainable opening of all the crossing points to and from Gaza, including the port of Gaza, with adequate international end-use monitoring, to allow the unimpeded flow of humanitarian and commercial goods necessary for reconstruction and a self-supporting economy, as well as currency flows and free movement of people;
  7. Urges the HR/VP to immediately take the initiative by submitting an EU plan to the Quartet with the aim of ending the blockade of Gaza and addressing Israeli security concerns by ensuring international monitoring of the crossings, including the reappraisal of the mandate of the EU Border Assistance Mission (EU-BAM), potentially with a maritime dimension, as well as its reactivation, and deploying an international naval force to monitor the Gaza seashore;
  8. Recalls that, even if the EU is ready to extend its assistance package to Palestinians, this commitment is not open-ended and insists that, while humanitarian aid must remain unconditional, the EU must play a political role which delivers tangible results towards the creation of a viable Palestinian state which are consistent with its significant financial assistance and economic weight in the region;

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9. Expresses its support for the proximity talks between Israel and the Palestinian Authority and underlines the need for its continuation with a view to the resumption of direct negotiation;
10. Is convinced that there is an urgent need for a comprehensive reshaping of EU policy towards the Middle East to perform a decisive and coherent political role, accompanied by effective diplomatic tools, in the interests of peace and security in this neighbouring region of vital strategic interest to the EU; considers that this should extend to all EU policies, including, among others, trade and development policies;
11. Commends the work carried out by UNRWA and, aware of the financial shortfall it will face before the end of this year, calls on the international donor community to honour its existing pledges and to increase further its contributions;
12. Notes that the recent events have considerably damaged relations between Turkey and Israel; encourages the Turkish Government to focus its diplomatic and political efforts on easing the plight of the Palestinian people and to contribute to the Middle East peace process;
13. Welcomes the recent opening of the Rafah crossing by the Egyptian authorities;
14. Calls for the immediate release of the Israeli sergeant Gilad Shalit, who was kidnapped by Hamas on Israeli soil on 25 June 2006 and who has been held incommunicado in Gaza ever since;
15. Urges the Council to take steps to convene without any delay the EU-Israel Association Council in order to discuss the current situation;
16. Urges the Council also to take steps to convene the EU-Palestinian Authority Joint Committee;
17. Instructs its President to forward this resolution to the Council, the Commission, the EU High Representative for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the UN Secretary General, the Quartet Envoy to the Middle East, the Secretary General of the League of Arab States, the Israeli Government, the Knesset, the President of the Palestinian Authority, the Palestinian Legislative Council, the Government and Parliament of Turkey, and the Government and Parliament of Egypt.

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## Trade in goods used for torture

P7\_TA(2010)0236

### **European Parliament resolution of 17 June 2010 on implementation of Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**

(2011/C 236 E/17)

*The European Parliament,*

- having regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, a prohibition which applies in all circumstances and, as a peremptory norm in international law, to all states,
- having regard to the articulation of this prohibition in a number of international and regional human rights instruments and documents, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Charter of Fundamental Rights of the European Union,

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- having regard to the European Parliament Resolution of 3 October 2001 <sup>(1)</sup> urging the Commission to act swiftly to bring forward an appropriate Community instrument banning the promotion, trade and export of police and security equipment the use of which is inherently cruel, inhuman or degrading,
  - having regard to Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment <sup>(2)</sup>, which came into force on 30 July 2006,
  - having regard to the Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, adopted in 2001 and reviewed in 2008,
  - having regard to the 2008 report of the Council General Secretariat on implementation of the EU Guidelines on torture and other cruel, inhuman or degrading treatment or punishment,
  - having regard to activity in other countries following the development of Council Regulation (EC) No 1236/2005, particularly amendments to US export control law proposed by the US Bureau of Industry and Security in August 2009 which mirror and in some cases go beyond some of those contained in Council Regulation (EC) No 1236/2005,
  - having regard to the Memorandum of Understanding between the Council of Europe and the European Union, which invites the Committee for the Prevention of Torture of the Council of Europe to reinforce its cooperation with relevant institutions of the Union, and the 17th General Report on the activities of the Committee for the Prevention of Torture (CPT), which calls for the Council of Europe to consider the role that the CPT might play as regards implementation of Council Regulation (EC) No 1236/2005,
  - having regard to the reports published by Amnesty International and the Omega Research Foundation in 2007 and 2010 highlighting particular weaknesses in Council Regulation (EC) No 1236/2005 and expressing concern about the inadequate implementation of the Regulation by some European Union Member States,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the Convention against Torture imposes specific obligations on states to prevent torture and other ill-treatment, to investigate its occurrences, to bring to justice the perpetrators and to provide reparations to the victims,
  - B. whereas despite such obligations, torture or other ill-treatment is still perpetrated throughout the world, and a wide range of policing and security equipment has been utilised for such practices,
  - C. whereas the UN Special Rapporteur on Torture asserts that controlling trade in such equipment forms part of every state's obligations under the UN Convention Against Torture,
  - D. whereas the Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment state that the EU will urge third countries to prevent the use, production and trade of equipment which is designed to inflict torture or other cruel, inhuman or degrading treatment or punishment and prevent the abuse of any other equipment to these ends,
  - E. whereas the 2008 report of the Council General Secretariat on EU actions in furtherance of commitments to combat torture and other ill-treatment in third countries states that 'The adoption of the regulation on torture instruments is the first example of an EU regulation adopted in line with Human Rights guidelines. The United Nations Special Rapporteur on Torture has welcomed this step and expressed the view that it could serve as a model for a global regulation on this theme. This entails for the EU the need to assess the implementation of the regulation',

<sup>(1)</sup> OJ C 87 E, 11.4.2002, p. 136.

<sup>(2)</sup> OJ L 200, 30.7.2005, p. 1.

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- F. whereas since the entry into force of Council Regulation (EC) No 1236/2005 some European Union Member States have licensed exports of items including leg restraints, chemical irritants and electric-shock stun devices, controlled under the Regulation, to countries with a poor human rights record,
- G. whereas only twelve Member States introduced penalty legislation by 29 August 2006 as required by Article 17 of Council Regulation (EC) No 1236/2005,
- H. whereas only seven Member States have produced one or more of the public annual activity reports giving details of their licensing decisions as required under Article 13 of Council Regulation (EC) No 1236/2005,
- I. whereas Council Regulation (EC) No 1236/2005 allows the importation into European Union Member States of electric-shock body-worn restraint devices whose trade is not prohibited, although they are essentially similar in effect to electric-shock stun belts prohibited for import into the European Union by Council Regulation (EC) No 1236/2005, and whereas European-based companies have reportedly imported them into some Member States, according to reports by Amnesty International, the Omega Research Foundation and Inter-Press Service,
- J. whereas the list of items and equipment whose trade is prohibited by Council Regulation (EC) No 1236/2005 does not include some policing and security equipment, currently traded internationally, which either has no other practical use besides torture or other ill-treatment, including spiked batons, certain wall or floor restraints, certain leg restraints, finger-cuffs, thumb-cuffs, thumbscrews and body-worn electric-shock stun devices other than 'stun belts',
- K. whereas the list of items and equipment whose trade is controlled by Council Regulation (EC) No 1236/2005 does not include some policing and security equipment, currently traded internationally, which may have legitimate law enforcement or penal uses when its use is regulated in accordance with international human rights obligations and law enforcement best practice standards, but which is widely misused for torture or other ill-treatment, including handcuffs, batons and other hand-held impact devices, high-voltage electric-shock stun weapons operating below 10 000 volts, as well as specially designed components and accessories for controlled and prohibited equipment,
- L. whereas the Committee on Common Rules for Exports of Products is due to meet again on 29 June 2010,
1. Calls on all Member States to inform the Commission immediately of the relevant penalties they have introduced for breaches of Council Regulation (EC) No 1236/2005, as they are obliged to do under Article 17 of the Regulation;
  2. Calls on the Commission and the Committee on Common Rules for Exports of Products to provide guidance and assistance to Member States to strengthen such penalties where they are insufficient or have not been introduced;
  3. Recalls the obligation of all Member States under Article 13(3) of Council Regulation (EC) No 1236/2005 to compile timely, public annual activity reports, and urges the Commission to write to Member States which have not supplied the Commission with such reports calling on them to comply with their obligations;
  4. Urges Member States, in order that their annual activity reports provide sufficient information for meaningful public oversight, to include at a minimum in such reports: the number of applications received, the items involved and countries of destination for each application, as well as the decisions made on each of these applications, and reports of 'null activity' if applicable;
  5. Urges the Commission to develop a model template for Member States' annual activity reports in order to facilitate the compilation of such reports by all Member States and to ensure their consistency;

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6. Urges the Commission to undertake a formal review, assisted by the Committee on Common Rules for Exports of Products (as empowered by Articles 15 and 16 of the Regulation) of Member States' implementation and licensing activity under the Regulation, including an examination of all Member States' annual activity reports, and to publish this review alongside the annual activity reports received from each Member State in each year since the Regulation entered into force;
7. Urges Member States to ensure that the procedures highlighted under Article 13 of Council Regulation (EC) No 1236/2005 to share information between Member States and the Commission regarding licensing decisions and implementation measures, either through the denial notification mechanism already established for military export denials in COARM, or through other effective procedures, are properly implemented;
8. Urges the Commission to inform Parliament of activities undertaken to date to facilitate Member States' fulfilment of Article 13;
9. Requests the Commission to provide Parliament with, and to publish, the information it has received from *each* Member State in *each* year since the Regulation entered into force: specifically, notifications of dismissals of applications for authorisation under Article 11 of the Regulation; details of the relevant penalties which each Member State has introduced for breaches of the Regulation; and the full contents of Member States' annual activity reports;
10. Urges the Commission and Member States to ensure that the Committee on Common Rules for Exports of Products meet on a regular basis, produce a clear timetable for a formal review of the Regulation, and establish a procedure for timely investigations into possible breaches of the Regulation;
11. Calls on all Member States, in order to contribute to the prevention of torture and other cruel, inhuman or degrading treatment or punishment, to monitor technical assistance to third countries in order to prevent this technical assistance from being misused for the production of goods for the purpose of capital punishment or torture and other cruel, inhuman or degrading treatment or punishment;
12. Strongly condemns any attempts by Member States or companies within the European Union to import electric-shock stun belts whose import is prohibited by Council Regulation (EC) No 1236/2005, or other electric-shock body-worn restraint devices essentially similar in effect, although legal, and urges the Commission to conduct an urgent investigation to establish whether and when electric-shock stun belts or related parts, other electric-shock body-worn restraint devices, technical assistance or training have been transferred to any Member States prior to, or since, the introduction of the Regulation, to determine whether such devices have been deployed by any law enforcement or prison authorities in those countries and to report its findings to Parliament;
13. Calls on the Commission to review and update the list of items prohibited under Annex II of Council Regulation (EC) No 1236/2005 to include spiked batons, fixed wall and floor restraints, leg irons, chains and shackles, thumb-cuffs, finger-cuffs and thumb-screws, stun-cuffs and other body-worn electric-shock stun devices;
14. Calls on the Commission to review and update the list of items controlled under Annex III of Council Regulation (EC) No 1236/2005 to include handcuffs, batons and other hand-held impact devices, and portable electric-shock devices below 10 000 volts;
15. Further calls on the Commission to establish a specific procedure to regularly review the lists of items in Annex II and Annex III as mandated in Article 23 of Council Regulation (EC) No 1236/2005;
16. Urges the Commission to come forward with a proposal to insert into the Regulation as soon as practicable a 'torture end-use' clause, which would allow Member States, on the basis of prior information, to license and thus refuse the export of any items which pose a substantial risk of being used for capital punishment, torture or other ill-treatment by their destined end-users;



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17. Urges the Commission to come forward with a proposal to insert into the Regulation as soon as practicable a prohibition on the brokering of transactions by any European Union natural or legal person from any place involving international transfers that aims at funding trade in tools of torture, including sales and exports of items with no practical use other than for capital punishment, torture or other ill-treatment, as included in Annex II of the Regulation, and requiring Member States to introduce effective mechanisms to control the brokering of transactions involving transfers of any items listed in Annex III of the Regulation;

18. Urges the Commission to come forward with a proposal to insert into the Regulation as soon as practicable a requirement for importers to obtain an import authorisation for the import of items listed in Annex III of the Regulation into the European Union, and for Member States to refuse such import authorisations where there are reasonable grounds to believe that such equipment might be used for torture or other ill-treatment either within the European Union or once further traded outside the European Union;

19. Urges the Commission to consider means of removing the exemption from the requirement of import or export authorisations for Annex III items transiting through the European Union;

20. Recalls the 2008 update to the Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, and calls on the Council and Commission in accordance with these Guidelines to promote Council Regulation (EC) No 1236/2005 as an example of best practice in meetings with third countries and to encourage third countries which export equipment whose import is prohibited by Council Regulation (EC) No 1236/2005 to make traders in those countries aware of the Regulation's prohibitions;

21. Urges the Commission and Member States to promote international trade controls on equipment that could be used for capital punishment, torture and other ill-treatment at an international level, and particularly to work to expand the UN General Assembly's annual call 'to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture', so as also to call on all states to regulate the production, trade, export and use of equipment that is not specifically designed but is widely misused in order to inflict torture or other ill-treatment;

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

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## Situation in the Korean Peninsula

P7\_TA(2010)0237

### European Parliament resolution of 17 June 2010 on the situation in the Korean Peninsula

(2011/C 236 E/18)

*The European Parliament,*

- having regard to its previous resolutions on matters relating to the Korean Peninsula,
- having regard to Council Decision 2009/1002/CFSP of 22 December 2009,
- having regard to the statement of 20 May 2010 by the High Representative/Vice-President, Catherine Ashton, on the publication of the report on the sinking of the Republic of Korea (ROK) ship *Cheonan*,
- having regard to the report entitled 'Investigation Result on the Sinking of ROKS "Cheonan"',
- having regard to United Nations Security Council Resolutions 1718 (2006) and 1874 (2009),
- having regard to Rule 110(4) of its Rules of Procedure,

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- A. whereas tensions in the Korean Peninsula have dramatically increased since the sinking of the *Cheonan* on 26 March 2010, with the tragic loss of 46 lives,
- B. whereas parts of a CHT-02D torpedo were retrieved from the seabed on 15 May 2010,
- C. whereas the High Representative/Vice-President, Catherine Ashton, has condemned the sinking of the *Cheonan* as a heinous and deeply irresponsible action,
- D. whereas an inquiry carried out by an international Joint Civilian-Military Investigation Group (JIG) by means of an investigation and verification process undertaken on the basis of an objective scientific approach showed clear, indisputable evidence that the *Cheonan* was sunk as the result of an external underwater explosion caused by a torpedo made in the Democratic People's Republic of Korea (DPRK), as did an independent assessment by the Neutral Nations Supervisory Committee,
- E. whereas all submarines from other neighbouring countries were either in or near their bases at the time of the incident,
- F. whereas the UN Secretary-General, Ban Ki Moon, has described the report's findings as 'deeply troubling',
- G. whereas the ROK Government has demanded a public apology and a promise that there will be no further provocations by the DPRK authorities,
- H. whereas the DPRK Government has denied any involvement in the sinking of the *Cheonan*, accusing the ROK of 'fabrication', and has threatened open war in the event that the ROK imposes further sanctions,
- I. whereas the DPRK's armed forces have continued with provocative and reckless military acts, such as the killing of three Chinese nationals on the People's Republic of China-DPRK border on 4 June 2010,
- J. whereas, as a result of the incident, the ROK has announced the suspension of all relations with the DPRK, with the exception of humanitarian aid and operations connected with the Kaesong Industrial Complex,
- K. whereas the ROK Government has stated that it will not return to the six-party talks until appropriate measures have been taken in respect of the DPRK,
- L. whereas the EU strongly supports the denuclearisation of the Korean Peninsula, and considers the resumption of the six-party talks to be essential for peace and stability in the region,
- M. whereas the governments of the People's Republic of China and the Russian Federation have not yet taken a clear position on the Joint Investigation Group's final report and conclusions,
- N. whereas the ROK has formally referred the issue to the UN Security Council for debate, while the DPRK has written to the President of the UN Security Council denying all responsibility for the attack and encouraging the Security Council to help the DPRK carry out its own investigations,
  - 1. Deeply regrets the tragic loss of life aboard the South Korean corvette *Cheonan*, and conveys its sympathy to the ROK Government, the families of the deceased, and the Korean people in a spirit of solidarity and friendship;
  - 2. Echoes the High Representative/Vice-President's condemnation of the attack, and commends the restraint shown by the ROK;

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3. Acknowledges the conclusions of the Joint Investigation Group's final report, according to which the sinking of the vessel was caused by a North Korean torpedo, and firmly condemns the sinking as a provocative act against peace and stability in the Korean Peninsula;
4. Expresses disappointment that the governments of the People's Republic of China and the Russian Federation have still not taken a clear position on the conclusions of the Joint Investigation Group's final report;
5. Calls on both parties to exercise restraint, to use every possible means to improve inter-Korean relations and to step up their efforts to promote lasting peace and security in the Korean Peninsula;
6. Calls on the governments of the People's Republic of China and the Russian Federation, as permanent members of the UN Security Council, closely to examine the Joint Investigation Group's final report and conclusions;
7. Calls on the People's Republic of China – a permanent member of the UN Security Council and the DPRK'S main trading ally – to exert an appropriate positive influence on the DPRK and to attempt to ensure that the conflict does not escalate further;
8. Expresses its support for the ROK Government's referral of the matter to the UN Security Council;
9. Calls on the countries involved in the six-party talks to continue working together to ensure that the talks on ending the DPRK's nuclear programme are resumed;
10. Calls on the Commission to maintain existing humanitarian aid programmes and keep communication channels with the DPRK open, as these aid programmes directly affect people's living conditions in the DPRK;
11. Instructs its President to forward this resolution to the President of the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the President of the Council, the governments and parliaments of the Member States and candidate countries, the UN Secretary-General and the ROK and DPRK Governments.

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## **Bosnia and Herzegovina**

P7\_TA(2010)0238

### **European Parliament resolution of 17 June 2010 on the situation in Bosnia and Herzegovina**

(2011/C 236 E/19)

*The European Parliament,*

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, on the one part, and Bosnia and Herzegovina, on the other part, signed on 16 June 2008,
- having regard to the Council Regulation (EC) No 1244/2009 <sup>(1)</sup> of 30 November 2009 on visa liberalization,
- having regard to the conclusions of the Council of 16 June 2003 on the Western Balkans as well as of 30 November 2009 on Bosnia and Herzegovina,

<sup>(1)</sup> OJ L 336, 18.12.2009, p. 1.

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- having regard to the conclusions of the General Affairs and External Relations Council of 16 June 2003 on the Western Balkans and to the annex thereto entitled ‘The Thessaloniki Agenda for the Western Balkans: moving towards European integration’, which was endorsed by the Thessaloniki European Council of 19 and 20 June 2003,
  - having regard to the Grand Chamber decision of the European Court of Human Rights in *Sejdic and Finci vs Bosnia and Herzegovina* (application nos. 27996/06 and 34836/06) of 22 December 2009,
  - having regard to its resolution of 24 April 2009 on the situation in Bosnia and Herzegovina <sup>(1)</sup>,
  - having regard to its resolution of 15 January 2009 on Srebrenica <sup>(2)</sup>,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the EU has repeatedly reaffirmed its commitment for EU membership of the Western Balkan countries, including Bosnia and Herzegovina (BiH); whereas, however, the primary responsibility for accession lies with these countries and their ability and determination to fulfil the Copenhagen criteria,
- B. whereas BiH is passing through a lengthy period of political, economic and social stagnation with widespread and persistent political paralysis, the deterioration of inter-ethnic relations caused by political rhetoric and the unwillingness and inability of its political elite to reach compromises and a shared common vision on the country’s pressing political, economic and social problems,
- C. whereas the increasingly strident nationalistic and secessionist rhetoric is in sharp contrast to basic European values, social and economic development and political stability, is detrimental to the general interest of the country, obstructs inter-ethnic reconciliation and is hindering the country’s ambitions for EU membership; whereas BiH is risking to falling further behind the other Western Balkans countries missing the opportunities of European integration,
- D. whereas the Dayton Agreements were necessary to stop the bloodshed but they failed to create a self-sustainable and functional state of BiH; whereas the fragmentation of the policy-making process between State and Entities they created, as well as the overlapping competences and lack of the harmonization of law-making among the different layers of governance, remain the main obstacle to an efficient government work, hindering also the country’s capacity to make rapid progress in reforms towards EU membership,
- E. whereas constitutional reform remains the key reform to transform BiH into an effective and fully functional state; whereas the complex structure of the judiciary, the lack of a single budget, the absence of a Supreme Court for BiH, which could foster the harmonization among the four internal jurisdictions, political interference in the judicial system and constant challenges to the jurisdiction and the competences of the State-level judicial agencies by the government of the Republika Srpska (RS), undermine the functioning of the judiciary and hamper reform efforts; whereas the entity structures - as inherited by international decisions - should be changed so as to become more efficient and coherent with the state institutional framework,
- F. whereas the European future of all citizens of the country lies in the European Union; whereas the prospect of EU membership is one of the most unifying factors amongst the people of BiH; whereas BiH only as a single country has the prospect of EU membership and any attempts to undermine and weaken the State institutions, to take the society hostage to irresponsible nationalistic and secessionist politics will deprive all citizens to gain the benefits of European integration; whereas Bosnia and Herzegovina has made limited progress on reforms related to the EU integration processes; whereas the prevailing ethnic and entity agendas can hamper the fulfilment of requirements for EU and NATO membership,

<sup>(1)</sup> Texts adopted, P6\_TA(2009)0332.

<sup>(2)</sup> OJ C 46 E, 24.2.2010, p. 111.

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- G. whereas the Council and the Commission have to demonstrate more leadership and capacity to be the driving force behind initiating and implementing further reforms,
- H. whereas a premature closure of the Office of the High Representative (OHR), based on the legitimate desire to increase local ownership of the political process, could have an impact on the stability of the country and on the pace and outcome of the much-needed reforms; whereas the transition from the OHR to a reinforced EU Special Representative remains an indispensable step, paving the way for candidate status,
- I. whereas BiH is to be congratulated on becoming a non-permanent member of the UN Security Council for the period 2010-2011, which shows that the country is capable to take a full and responsible place in international affairs,
- J. whereas those in positions of political responsibility in BiH have not adequately ensured justice and reparation for thousands of women and girls who were raped during the 1992-95 war, since the number of cases of sexual war crimes which have resulted in a prosecution remains exceptionally low, and whereas victims have often not been treated with dignity and respect or given sufficient protection, psychological and material support to rebuild their lives,
- K. whereas 11 July 2010 will be the 15th anniversary of the Srebrenica-Potočari act of genocide,
- L. whereas Annex VII of the Dayton Peace Agreement has still not been fully implemented; whereas there remains the need for fair, comprehensive and durable solutions for some of the 115 000 internally displaced people, for refugees and other conflict affected persons as well as to make progress in improving the socio-economic integration of those who have returned; whereas, according to the International Committee of the Red Cross, there are still 10 000 missing people after the end of the war whose fate remains unknown,
- M. whereas the Commission put forward a legislative proposal on visa liberalisation for BiH on 27 May 2010 (COM(2010)0256) which formally opens the way for a possible liberalisation in 2010,
- N. whereas France, Italy and Luxembourg have not yet ratified the SAA thus delaying the European integration process of the country,
- O. whereas the persistence of strong ethnic divisions should be overcome by a more integrated, non-segregationist, modern education system in the country,
- P. whereas a lack of genuine endeavour by BiH authorities to efficiently tackle corruption in the country is seriously plaguing the economic, social and political development of the country,
- Q. whereas the trafficking in human beings is a serious crime and a gross violation of human rights; whereas BiH is a country of origin as well as, to a lesser extent, a country of transit and destination for trafficking in human beings, especially women and girls,
- R. whereas the State and Entity Constitutions guarantee equal treatment for all people; whereas Roma continue to face very difficult living conditions and discrimination; whereas discrimination and social exclusion based on gender identity and sexual orientation are widespread; whereas physical attacks, ill-treatment and acts of intimidation against these groups have continued,
- S. whereas unemployment remains very high and has increased due to the economic crisis; whereas lack of job perspectives, especially amongst young people, are hindering the progress of the country, contributing to political tensions; whereas economic prosperity is crucial for the further development of the country and reconciliation in Bosnia and Herzegovina,

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***The European perspective***

1. Expresses its dissatisfaction over the limited progress achieved by BiH as a potential candidate country on its path towards stabilisation and development, and as a potential candidate country for EU membership; notes with growing concern the unstable political climate and the lack of a common vision shared by all political forces, and strongly condemns the use of inflammatory language, which undermines the process of inter-ethnic reconciliation and the functioning of State structures; regards the statement of the leadership of Republika Srpska about a referendum on 'peaceful separation' as a provocation and a threat to the stability, sovereignty and territorial integrity of BiH;
2. Urges a call for halt of divisive nationalistic and secessionist rhetoric that polarizes the society and undermines the basic core of the Dayton Peace Agreement, to seriously engage and reach lasting agreements that will create a properly functioning state, will equip BiH institutions for EU integration and will improve the country's overall situation;
3. Recalls that joining the European Union means accepting the values and rules on which the EU is based, namely respect for human rights, including the rights of persons belonging to national minorities, solidarity, tolerance, democracy and the rule of law including respect for the independence of the judiciary;
4. Invites the Vice-President/High Representative (VP/HR) and the Commissioner for Enlargement and European Neighbourhood Policy to use the EU's full leverage on BiH politicians so that they engage in more concerted efforts to meet the European Partnership requirements and all obligations stemming from the SAA; reminds all political actors that these two documents are the roadmap towards EU integration and that it is their responsibility vis-à-vis the citizens to reach compromises and agree on reforms; encourages the VP/HR and the Commission to a more consistent and result-oriented use of EU conditionality to meet the real needs of the peoples of BiH;
5. Signals strong support to the OHR and underlines that the transition can only be completed once the 5 objectives and 2 conditions are met in full by the BiH authorities; urges the RS authorities to fulfil the remaining obligation (the RS Law on Electricity) to allow the Brcko Supervisor to recommend the closure of the supervisory regime in the Brcko District;
6. Urges the RS Government to continue to actively participate in the negotiations on the apportionment of the state property listed by the OHR and calls them on not to adopt legislation on public property in the RS since this would present a serious violation of the High Representative's decision to ban the sale of public property, thereby delaying the closure of the OHR;
7. Welcomes the adoption of the constitutional amendment that establishes the Brčko District as a unit of local self-governance, thus fulfilling another objective set by the Peace Implementation Council (PIC) for the future closure of the Office of the High Representative;
8. Calls on the two Entities and all political forces, in particular the RS Government, to respect the Dayton Peace Agreement in its entirety and not challenge actions undertaken on the basis of this agreement and UN Security Council resolutions; considers that the High Representative is the final authority regarding the interpretation of the civilian implementation of the peace settlement; calls on all the political actors to treat with due respect the High Representative and all the international staff in the country and to refrain from any personal attacks;
9. Notes with satisfaction the significant contribution of the European Union Police Mission (EUPM) and EUFOR Althea to the stability and security of BiH; welcomes the Council decision to provide non-executive capacity building and training support; welcomes the extension of the EUFOR mandate according to the UN Security Council resolution 1895; welcomes the fact that BiH was invited by NATO to join the Membership Action Plan;

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10. Stresses the accomplishments of the EUPM in contributing to the fight against organised crime and corruption by the BiH law enforcement agencies and judiciary; welcomes the extension of the mission for another two years with a refocused mandate and the work of the Commission to prepare for a follow-up project to EUPM under the Instrument for Pre-Accession Assistance 2010;

11. Invites the EU and its Member States to counteract the indifference of large parts of the political establishment by establishing privileged partnership and providing support to civil society, independent media and the business community and to set up projects to stimulate active political participation, especially for young Bosnians;

12. Emphasises that the freedom and independence of the media, both public and private, are basic democratic requirements; calls on the BiH authorities to strengthen independent and diverse media free of political interference and allow the media to report freely from all parts of the country by ensuring access to information; condemns sharply attacks on journalists and calls on the competent authorities to take appropriate measures to avoid such attacks in the future; calls on the media, including public broadcasting services, for zero tolerance towards hate speech; stresses the need for the political independence of the regulatory authorities in the communications field; urges the Council of Ministers to appoint a permanent director of the communications authority;

#### ***Constitutional reform and the reform of the judiciary***

13. Reiterates its position on the requirements that should be achieved through constitutional reform:

- (a) The State should have sufficient legislative, budgetary, executive and judicial powers in order to be capable of meeting the EU accession criteria, to establish and maintain a functional single economic space, to promote economic, environmental and social cohesion and to represent and defend the overall interests of the country abroad; the safeguarding of vital national interests within BiH must be compatible with the country's capacity to act,
- (b) The number of administrative levels involved in managing the country should be proportional to BiH's financial resources and should be based on an efficient, coherent and effective allocation of responsibilities,
- (c) All citizens must enjoy the same rights without any discrimination in full compliance with the European Convention on Human Rights (ECHR) and with Article 2. of the SAA requiring respect for democratic principles and human rights,
- (d) Takes the view that special attention should be given to the rights of minorities and vulnerable groups, which should be protected against direct or indirect discrimination and violence; encourages Bosnia and Herzegovina to implement public education programmes in the area of human rights which promote the values of tolerance, pluralism and diversity;

14. Recalls that strengthening the central State does not mean weakening the Entities but creating the conditions based on the principle of subsidiarity for an efficient administration capable of implementing national reform efforts, conducting efficient international relations and, by doing so, preparing the entire country for EU accession;

15. Calls on BiH authorities to amend, within the comprehensive constitutional reform, the relevant constitutional provisions and respective provisions in the BiH Electoral Law as soon as possible in order to comply with the ECHR ruling in the Sejdić-Finci case, which clearly indicates that the current BiH constitution discriminates against people referred to as 'others'; notes that the adoption of these reforms is an essential step to a functioning multiethnic society;

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16. Encourages the citizens of Bosnia and Herzegovina to vote at the forthcoming general elections in October 2010; considers that this election is also about the pace at which BiH moves towards the EU and anyone who chooses not to vote is effectively allowing others to decide about his or her future; points out that all efforts must be made so as to lay down the conditions for the forthcoming elections to take place in full respect of European standards and in a peaceful and democratic campaign;

17. Reminds on the need to establish a Supreme Court at State-level and anchor it into the constitutional framework so as that it acts as an integrating factor for the jurisprudence in the country and provides for the gradual harmonization of BiH's four different legal systems;

18. Calls on all political actors to enact the 69 activities foreseen in the supporting action plan to the Justice Sector Reform Strategy;

#### ***Fighting war crimes, organized crime and corruption***

19. Welcomes that the cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has continued to be satisfactory and the cooperation between the Tribunal and the State and Entity authorities was adequate; stresses the need to continue to fulfil the obligations and to facilitate the arrest of all ICTY indictees and to dismantle their support networks; calls for more effective cooperation between police authorities in Serbia and Bosnia and Herzegovina in order to find and arrest Ratko Mladić and Goran Hadžić; urges the BiH authorities to speed up the implementation of the National War Crime Strategy and start tackling the backlog of some ten thousand war crimes cases across the country as well as specify the material and technical resources needed to try all perpetrators including those responsible for rape and sexual violence;

20. Recalls that the 11 July is recognised as the day of commemoration of the Srebrenica genocide in the EU and calls on all the countries of the region to do the same; welcomes the adoption of various resolutions on Srebrenica by parliaments of four Western Balkan countries, in particular by the National Assembly of the Republic of Serbia, and calls on the Bosnian State and Entity Parliaments to adopt similar resolutions in the near future; considers these declarations as important steps to come to terms with the tragic past of the region and hopes that they pave the way for an understanding of the common history with a view to promoting a genuine reconciliation in the whole region; stresses that bringing to justice those responsible for the genocide in and around Srebrenica is an important step towards regional stability and peace;

21. Calls on the BiH authorities to include a definition of sexual violence in the Criminal Code in line with international standards, provide the victims directly with adequate reparation, economic, social and psychological support, including the highest attainable mental and physical health support services, develop programmes and allocate adequate resources for long-term protection of witnesses; stresses in this connection the need to improve coordination between the various judicial organs and to speed up prosecution procedures in cases of sexual war crimes committed during the war; calls on the Commission and other international donors to support the BiH authorities in this endeavour with financial resources and expertise targeting the victims of war crimes of sexual violence; calls on the BiH authorities to adopt and implement a strategy targeting the victims of war crimes of sexual violence with highest priority;

22. Calls on the EU and its Member States to initiate criminal investigation against wartime sexual offenders who have immigrated and received permanent residence, including citizenship in Member States, and to acknowledge that such crimes are in fact war crimes and that they should not be treated as general sexual offences and should not be a subject to statute of limitations;

23. Calls on the BiH authorities to promote and complete sustainable return of refugees and internally displaced persons as well as adopt a relevant strategy as required by Annex VII of the Dayton Peace Agreement; encourages to address, on the one hand, the needs of those still living in collective centres and implement measures for their social integration and, on the other, promote the return of those who can not return to their homeland, for example to the devastated area of Posavina; calls on the Commission and other international donors to support the BiH authorities in these efforts with financial aid and expertise;



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24. Reminds on the urgent need to build high-security state prisons and to reconstruct existing facilities also in order to detain all indicted and convicted criminals safely;

25. Regrets the limited progress in fighting corruption due to the weak coordination of anti-corruption efforts at State level and the lack of effective investigation and prosecution of suspects of high-level cases of corruption prevailing in government and other State and Entity structures, public procurement procedures, business licensing and in the health, energy, transportation and construction sectors; calls, in this respect, for the setting up without delay of an impartial and accountable anti-corruption body to restore faith of BiH citizens in their institutions, as well as for the concerted implementation of the new strategy for the fight against corruption (2009-2014) and the accompanying Action Plan;

26. Calls on the BiH authorities to effectively combat human trafficking, effectively persecute perpetrators in cooperation with the international community, provide protection and compensation to the victims and raise awareness to prevent revictimization by authorities and society;

### ***Visa liberalisation***

27. Notes with satisfaction that the BiH authorities have accelerated their reforms and made significant progress in meeting the outstanding benchmarks contained in the roadmap for a visa-free regime, which demonstrates that with the necessary will significant progress in reforms can be achieved; strongly encourages the BiH authorities to adopt the remaining pieces of relevant legislation;

28. Welcomes the Commission's above-mentioned legislative proposal of 27 May 2010 on visa liberalisation and calls on the Commission to verify that the remaining benchmarks are met in the coming months, with the aim of clearing the way for the Council and Parliament to approve introduction of the visa waiver for Bosnian citizens by the end of 2010;

29. Recognizes the importance of visa liberalisation for all BiH citizens to be able to travel within the EU, sees it as an important factor for further EU integration and inter-ethnic reconciliation, preventing isolation and offering a chance for citizens to broaden their horizons, envisaging their perspective of EU membership and voice their will to the political leaders in order to foster EU integration;

### ***The situation of the education system***

30. While recognizing the progress made at the institutional level, urges the BiH authorities to adopt the Law on Higher Education at the State level and to focus on the full implementation of the framework laws in the field of education, thereby reducing the fragmentation of the educational system; by making full use of the European Partnership, take measures to improve the overall quality of education meeting the needs of the labour market and the standards of the Bologna process as well as install schemes, with EU assistance, for training and re-skilling of persons faced with long-term unemployment; encourages the implementation of international student exchange programmes between all BiH universities and EU Member States, by making use of existing EU programmes and networks; stresses the need for a significant increase in the numbers of students, teachers and researchers participating in EU mobility programmes;

31. Points out that education is a primary vehicle for genuine inter-ethnic reconciliation; considers that, in the context of EU assistance, increased attention should be paid to promoting an inclusive, non-discriminatory education system, based on tolerance and respect for diversity and on efforts to reach an understanding of the common history, and eliminating the segregation of different ethnic groups (two schools under one roof) by developing common education programmes and integrated classes in both entities; welcomes, in this regard, the establishment of a BiH-wide school students council;

32. Calls on BiH authorities to re-visit the current rigid and costly methods of diploma nostrification and establish an agency for diploma recognition on the State level; reminds BiH authorities that skilled labour force should be encouraged, rather than discouraged to seek employment in the country;

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***Economic situation, social policy***

33. Welcomes the last round of evaluation of MONEYVAL <sup>(1)</sup>; calls on all actors to pursue persistent economic reform efforts, take concerted actions of jurisdictions and facilitate economic activities including the removal of bureaucratic barriers, create a long term strategy for sustainable development through addressing inter alia education, research and development (R&D), infrastructure, agriculture, environment and energy; with the aim to attract foreign investment, encourages state and business leaders to pursue all efforts to restore investors' confidence and to create a business friendly environment in order for BiH not to fall further behind the region;

34. Reminds on that the SAA requires the strengthening of economic policy coordination between the entity governments and the creation of, as an essential element of economic reform, a single economic space aimed at further internal integration as well as better land and labour markets; regrets in this regard that the fragmented internal labour legislation and social security systems remain the main obstacle for the free movement of persons within the country; states that economic prosperity, the prospect of jobs, especially for the young Bosnian and Herzegovinians is crucial for the further development of the country and can foster inter-ethnic reconciliation;

35. Encourages the strengthening of fiscal coordination by ensuring the proper functioning of the Indirect Taxation Authority and the National Fiscal Council; urges the Council of Ministers to appoint, after a long delay, a permanent Director to the Indirect Taxation Authority;

36. Urges the BiH Parliament, in view of being able to conduct a nation-wide census in 2011, to adopt as a matter of urgency the Law on Census, which is a clear precondition for the prospect of European accession and is essential for the country's economic and social development as well as continued EU assistance; stresses that, due to the sensitivity of the matter, it should not be compulsory to answer any questions concerning ethnicity;

37. Invites the BiH authorities to put in place measures aimed at mitigating poverty and developing a social safety net that is better targeting the poor, the socially excluded and the vulnerable groups, especially the Roma, and to develop an efficient and sustainable social protection and integration system; calls on the BiH authorities to make a firmer commitment to employment policies, social cohesion and gender equality;

38. Welcomes the initiatives by BiH authorities to improve the situation of Roma, and reaffirms the importance of adopting a strategy focusing on housing, healthcare, employment and education of Roma; calls on the authorities to provide adequate means to implement this strategy in cooperation with civil society including the Roma community, to combat discrimination and foster Roma representation in public offices;

39. Welcomes the most recent legislative amendments by the Federation Parliament introducing the principle of needs-based social cash benefits and the budgetary restraints applied to all budget users including veterans; welcomes the fact that the development policy loan of the World Bank and the second and third tranche of the IMF's stand-by arrangement have been disbursed; encourages the Federation Parliament to adopt further measures aimed at more fiscal discipline;

40. Urges BiH authorities to develop a national energy strategy which relies on renewable energy sources, energy conservation and efficiency as well as the modernisation of the electric grid; reminds both the BiH authorities and the Commission to ensure that hydroelectric power plants projects are planned and implemented in line with EU criteria of environmental impact assessment and overall standards of sustainability;

<sup>(1)</sup> Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Council of Europe).

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41. Regrets that the administrative capacity in the environment sector remains weak and limited; calls, in this regard, for the adoption of a State-level comprehensive Environmental Law that ensures harmonized environmental protection and for the establishment of the State Environment Agency;

42. Calls on the BiH authorities to adopt the Law on Health Insurance on the State level, in order to harmonise and improve the quality of public health provision and enable the people to seek the adequate medical treatment on the whole territory of BiH, regardless of their residence and place of employment;

### **Regional cooperation**

43. Underlines the importance of regional cooperation, and good-neighbourly relations, and considers them a vital element of the reconciliation process by enhancing people-to-people contacts; stresses the crucial role of civil society actors in contributing to enhanced regional cooperation on social and political aspects; calls on the Bosnian authorities to find a solution that ensures the regional mobility of citizens of Kosovo and the possibility to travel to Bosnia and Herzegovina;

44. Applauds recent statements by the Croatian President, who apologised for Croatian policies in Bosnia and Herzegovina in the 1990s and honoured victims from each community; considers this gesture to be an important step in the promotion of ethnic reconciliation among the Balkan nations; calls on the other neighbouring countries of Bosnia and Herzegovina to follow this example;

45. Calls on Croatia and Bosnia and Herzegovina to find a negotiated solution with regard to the Croatian construction plans for Pelješac bridge, to which Bosnia and Herzegovina is opposed; is concerned about the Croatian Prime Minister's recent announcement on the possible Croatian application for European funds to speed up the controversial construction work on this bridge; points out that the project could harm the future development of the Bosnian harbour of Neum and raises ecological concerns in both countries;

46. Notes that durable stability and regional cooperation in the Western Balkans and the whole EU can not be envisaged as long as political stalemate in BiH persists;

47. Commends BiH's active participation in regional cooperation, in particular for the signing with Croatia and Serbia of the agreements on international legal aid in criminal and civil matters which aims at the execution of criminal sanctions against persons who were convicted in one signatory country and then escaped to another;

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48. Instructs its President to forward this resolution to the Vice-President/High Representative, the Council, the Commission and the governments and parliaments of Bosnia and Herzegovina and its entities.

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### **EU-US air agreement**

P7\_TA(2010)0239

#### **European Parliament resolution of 17 June 2010 on the EU-US air agreement**

(2011/C 236 E/20)

*The European Parliament,*

— having regard to the text of the Protocol to amend the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand, initialled on 25 March 2010 ('the second-stage Agreement'),

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- having regard to its resolution of 5 May 2010 on the launch of negotiations for Passenger Name Record (PNR) agreements with the United States, Australia and Canada <sup>(1)</sup>,
  - having regard to its resolution of 13 January 2009 on cooperation in the regulation of civil aviation safety <sup>(2)</sup>,
  - having regard to its resolutions of 14 March and 11 October 2007 on the EC-US Air Transport Agreement <sup>(3)</sup> ('the first-stage agreement'),
  - having regard to its resolution of 17 January 2006 on developing the agenda for the Community's external aviation policy <sup>(4)</sup>,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the first-stage agreement, which entered into provisional application on 30 March 2008, contained a suspension clause that could be triggered if there was no second-stage agreement by November 2010,
- B. whereas the first-stage agreement was only a first step in opening up the EU-US aviation markets, firmly committing both sides to further negotiations on continuing to open access to markets and to maximising benefits for consumers, airlines, labour and communities, and to addressing issues including the facilitation of investment so as to better reflect the realities of a global aviation industry, the strengthening of the transatlantic air transportation system and the establishment of a framework that will encourage other countries to open their own air services market,
- C. whereas negotiations launched in May 2008 led to a preliminary agreement on 25 March 2010,
- D. whereas opening the EU-US aviation markets, which, taken together, account for about 60 % of world air traffic, would benefit consumers on both sides of the Atlantic, provide substantial economic benefits and create jobs,

### **General principles**

1. Takes note of the preliminary agreement of 25 March 2010, which could both consolidate the advances in market access included in the first-stage agreement and offer enhanced regulatory cooperation;
2. Recalls that various aspects of aviation regulation, including noise restrictions and night flight limitations, should be determined at local level, in full compliance with the principle of subsidiarity; asks the Commission to coordinate these issues at European level, taking into account the national legislation of Member States, in order to continue the negotiations with the US and also to solve other issues related to these problems, such as cabotage;

### **Market opening**

3. Views with regret the absence of substantive progress in removing outdated regulatory constraints in the area of foreign investment, and considers that this will maintain the current unbalanced restrictions on foreign ownership and control in the United States;
4. Recalls that the final goal of the EU-US Air Transport Agreement is the complete opening of the market without any restrictions from either side;
5. Notes the limited access EU carriers will gain to US government-financed traffic (the 'Fly America Programme') and recalls that EU national governments do not have similar provisions;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0144.

<sup>(2)</sup> Texts adopted, P6\_TA(2009)0001.

<sup>(3)</sup> Texts adopted, P6\_TA(2007)0071 and P6\_TA(2007)0428.

<sup>(4)</sup> OJ C 287 E, 24.11.2006, p. 84.

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**Regulatory convergence, safety and security**

6. Encourages the Joint Committee to develop additional proposals for the mutual recognition of regulatory decisions in line with the principles of better regulation;
7. Attaches high priority to cooperation on the development of the European and US air traffic management systems ('SESAR' and 'Next Gen') with a view to achieving interoperability and compatibility, as well as contributing to reduced environmental impacts;
8. Welcomes cooperation between the EU and US authorities responsible for the field of aviation safety at all levels;
9. Regrets that no further steps have been taken on the issues of foreign repair stations;
10. Reiterates the importance of the European blacklist of substandard carriers and the US system for monitoring carrier standards, and calls on both parties to share information in this area;
11. Emphasises that the privacy of European and US citizens should be respected when personal passenger data are exchanged between the EU and the US, in accordance with the criteria called for by the European Parliament in its resolution of 5 May 2010; stresses in this connection the urgency of arriving at worldwide standards on data protection and privacy;
12. Stresses that the European Union is based on the rule of law and that all transfers of personal data from the EU and its Member States for security purposes should be based on international agreements with the status of legislative acts, in order to provide necessary safeguards for EU citizens, respect procedural guarantees and defence rights, and comply with data-protection legislation at national and European level;
13. Underlines the importance of legal certainty for EU and US citizens and airlines, as well as the need for harmonised standards for the latter;
14. Notes the importance of consultation and cooperation with respect to security measures but warns against excessive or uncoordinated measures that are not based on a proper risk assessment;
15. Renews its call on the Commission and the US to review the efficiency of the additional security measures adopted since 2001 so as to eliminate overlapping and weak links in the security chain;
16. Advocates the concept of 'one-stop security', rather than rechecking passengers and luggage at every transfer;

**Environment**

17. Recognises that the aviation sector has several negative environmental effects, in particular as a source of noise and as a contributor to climate change, and that these effects will increase with the growth of aviation;
18. Notes that the joint statement on environmental cooperation is of critical importance in addressing the environmental impacts of international aviation, but regrets that Emissions Trading Scheme (ETS) regulation is not part of the preliminary agreement; points out that further talks will need to be held with the US with a view to the entry into force of ETS by 2012;
19. Welcomes the agreement to work together in the framework of the International Civil Aviation Organisation to reduce aircraft noise and emissions, together with the intention to enhance technical cooperation between the EU and US in the fields of climate science, research and technology development, fuel efficiency and reduction of emissions from air transport, and the exchange of best practices on noise reduction, while acknowledging differences in local circumstances;

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**Social policy**

20. Welcomes the agreement's recognition of the importance of the social dimension and the responsibility given to the Joint Committee to monitor the social effects of the agreement and develop appropriate responses as necessary;

21. Calls on the Commission to use the agreement to promote compliance with relevant international legislation on social rights, in particular the labour standards embodied in the fundamental conventions of the International Labour Organization (ILO 1930-1999), the OECD Guidelines for Multinational Enterprises (1976, revised 2000) and the Rome Convention on the Law Applicable to Contractual Obligations of 1980;

22. Insists that EU social legislation should be applied to employees recruited and/or working in the Member States, in particular the Directives concerning the consultation and information of employees (2002/14/EC, 98/59/EC and 80/987/EEC), the Directive on the organisation of working time of mobile staff in civil aviation (2000/79/EC) and the Directive concerning the posting of workers in the framework of the provision of services (96/71/EC);

**Operation of the Agreement**

23. Calls on the Commission to ensure that the European Parliament is fully informed and consulted about the work of the Joint Committee like all relevant stakeholders;

24. Recalls that following the entry into force of the Lisbon Treaty, European Parliament consent is required before the conclusion of an international agreement in the field of ordinary procedure (Article 218(6));

25. Welcomes the idea of regular meetings between Members of the European Parliament and the US Congress to discuss all relevant issues concerning EU-US aviation policy;

26. Asks the European Commission to start the process of third-stage negotiations with a view to include the following items, by 31 December 2013:

- (a) further liberalisation of traffic rights;
- (b) additional foreign investment opportunities;
- (c) the effect of environmental measures and infrastructure constraints on the exercise of traffic rights;
- (d) better coordination of passenger rights policies in order to ensure the highest possible level of protection for passengers;

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

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## Implementation of the first railway package Directives

P7\_TA(2010)0240

### European Parliament resolution of 17 June 2010 on the Implementation of the first railway package Directives (2001/12/EC, 2001/13/EC and 2001/14/EC)

(2011/C 236 E/21)

The European Parliament,

- having regard to the second report from the Commission to the European Parliament and the Council on monitoring development of the rail market (COM(2009)0676) and the accompanying Commission staff working paper (SEC(2009)1687),
  - having regard to Directive 2001/12/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 91/440/EEC on the development of the Community's railways <sup>(1)</sup>,
  - having regard to Directive 2001/13/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 95/18/EC on the licensing of railway undertakings <sup>(2)</sup>,
  - having regard to Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification <sup>(3)</sup>,
  - having regard to its resolution of 12 July 2007 on the implementation of the first railway package <sup>(4)</sup>,
  - having regard to the question of 9 March 2010 to the Commission on the Implementation of the first railway package Directives (Nos 2001/12/EC, 2001/13/EC and 2001/14/EC) (O-0030/2010 – B7-0204/2010),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the first railway package, which was adopted in 2001 and contains three directives on the development of the Community's railways, on the licensing of railway undertakings and on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, was intended to revitalise the rail industry by acting as a first step towards the creation of an integrated European railway area, and to provide a sound financial structure to bring this about,
- B. whereas the directives of the first railway package were due to be transposed into national law on 15 March 2003, but the Commission waited until June 2008 before launching infringement procedures against Member States for incorrect or incomplete implementation of the first railway package,
- C. whereas, on the basis of the second report of the Commission on monitoring the development of the rail market, the rail share in transport has not increased but only stabilised to the low level of around 10 % in the rail freight market and to less than 7 % for passenger transport in 2002,

<sup>(1)</sup> OJ L 75, 15.3.2001, p. 1.

<sup>(2)</sup> OJ L 75, 15.3.2001, p. 26.

<sup>(3)</sup> OJ L 75, 15.3.2001, p. 29.

<sup>(4)</sup> OJ C 175 E, 10.7.2008, p. 551.

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1. Deplores that a large majority of 22 Member States have failed to implement properly the three directives of the first railway package; considers that this failure has prevented the development of rail share in transport in general;
2. Recalls that Parliament had already underlined in its resolution of 12 July 2007 that a full implementation of the first railway package was an absolute priority; is therefore very dissatisfied that this priority has not been respected by a large majority of Member States including Austria, Belgium, Bulgaria, the Czech Republic, Germany, Denmark, Estonia, Greece, Spain, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Poland, Portugal, Romania, Sweden, Slovenia and Slovakia;
3. Regrets that the Commission has lost five years to act against this failure and has waited until June 2008 before sending letters of formal notice and until October 2009 to send reasoned opinions for incorrect or incomplete implementation of the first railway package; regrets that the European Commission has not sufficiently focussed its monitoring on the financial foundations of the railway system; urges therefore the Commission to initiate without delay the legal proceedings against the 22 Member States which have not implemented the first railway package;
4. Urges the 22 Member States to respect the European legislation without further delay; is convinced that those Member States still prevent fair competition in the rail market by not implementing the directives of the first railway package;
5. Requests that the Commission makes public concrete information on the elements not fully implemented in each Member State, especially on the insufficient set up of an independent regulatory body and the lack of implementation of provisions on track access charging; furthermore, asks the Commission to inform Parliament on the different legal interpretations between the Commission and the Member States on the independence of infrastructure managers (Articles 4(2) and 14(2) of Directive 2001/14/EC);

#### ***Independence of infrastructure managers***

6. Stresses that sufficient independence has to be guaranteed to the infrastructure manager, as the latter has a central role, according to Directive 2001/14/EC in providing fair access to infrastructure capacity to all applicants through the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification;
7. Considers that the independence of the infrastructure manager is a precondition for allowing fair, transparent and non-discriminatory treatment of all operators; underlines as particularly worrying that insufficient practical and legal safeguards to guarantee the independence of infrastructure managers have been provided, especially when they are part of a railway holding containing also rail transport activities;
8. Requests that Member States not respecting this provision clearly separate the essential task of allocating capacity on the national rail network from any incumbent railway operator through all necessary legal and functional measures, as this lack of independence could prevent a real determination of the use of infrastructure by the infrastructure manager;

#### ***The lack of powers of regulatory bodies***

9. Is worried by the fact that no sufficient powers and resources have been attributed to regulatory bodies and that these insufficiencies lead to a lack of control of competition problems in each national market;



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10. Asks the Commission to inform the Parliament on the powers of the regulatory bodies which need to be reinforced by Member States in order to guarantee them real power to monitor their respective railway markets;

11. Considers that this failure to set up truly independent regulatory bodies in the Member States hinders a proper implementation of the first railway package;

#### ***Infrastructure financing and charging framework***

12. Notes that specific provisions relating to the financing of infrastructure and tackling of railway debt were included in the first railway package (Article 9 of Directive 2001/12/EC);

13. Regrets that the level of investment in rail infrastructure development and maintenance remains largely insufficient in many Member States, with the quality of the existing infrastructure declining in several cases; urges Member States to mobilise the necessary resources to ensure that new rail transport projects are developed and that the existing infrastructure is adequately maintained;

#### ***Track access charging***

14. Notes that the independence of infrastructure managers and guaranteed powers and resources for regulatory bodies are preconditions for satisfactory track access charging; recalls that these infrastructure charges shall be calculated in a fair, transparent and consistent manner and provide sufficient visibility for the railway undertakings;

15. Expresses concerns at the insufficient implementation of provisions on infrastructure charges, especially the absence of performance schemes in order to improve the performance of the railway network and of tariff systems based on the direct costs of rail services, as well as the lack of independent determination of infrastructure charges by the infrastructure manager;

16. Regrets that, due to this lack of implementation, the infrastructure charges appear not to be directly linked to the costs of train services and that the rail market might not be able to bear these high charges; notes that this high level of infrastructure charges can hinder the entering into the market of non-incumbent operators and that the Commission has received several complaints by operators on the access to terminals and to rail services;

17. Considers that track access charging principles applying to rail and road transport should converge to establish the ground for a real level playing field among transport modes; stresses that such level playing field would allow making the EU transport system more sustainable and more efficient and would maximise the rail environmental competitiveness;

#### ***The revision of the first railway package***

18. Stresses that a proper and full implementation of the first railway package is a fundamental condition to create a European rail network and that the absolute priority of the European Commission shall be to pursue this implementation by all legal procedures at its disposal;

19. Urges the Commission to propose a revision of the first railway package by September 2010; requests the Commission to treat in priority in this revision the problems of the independence of the infrastructure managers, of the regulatory bodies' lack of resources and powers and to propose an appropriate infrastructure access charging principles that stimulates public and private investments in the rail sector;

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20. Considers that the successful opening up of markets in the rail transport sector depends on the full implementation of the provisions laid down in the first railway package; further liberalisation of the rail market should not detract from the quality of rail transport service and should safeguard public service obligations; until the complete opening up of the markets, the principle of reciprocity should be applied;

21. Asks the Commission to react or give the information concerning the requests in paragraphs 3, 5, 10 and 16 within the recast of the first railway package or at the latest by the end of 2010;

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

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### **Floods in central European countries, in particular Poland, the Czech Republic, Slovakia, Hungary and Romania, and in France**

P7\_TA(2010)0241

#### **European Parliament resolution of 17 June 2010 on the floods in central European countries, in particular Poland, the Czech Republic, Slovakia, Hungary and Romania, and in France**

(2011/C 236 E/22)

*The European Parliament,*

- having regard to Article 3 of the EU Treaty and Articles 191 and 349 of the Treaty on the Functioning of the European Union,
- having regard to the Commission proposal for a regulation establishing a European Union Solidarity Fund (EUSF) (COM(2005)0108) and to Parliament's position of 18 May 2006,
- having regard to its resolutions of 5 September 2002 on floods in Europe <sup>(1)</sup>, of 8 September 2005 on natural disasters (fires and floods) in Europe <sup>(2)</sup>, of 18 May 2006 on natural disasters (forest fires, droughts and floods) – agricultural aspects, regional development aspects and environmental aspects <sup>(3)</sup> and of 7 September 2006 on forest fires and floods <sup>(4)</sup>,
- having regard to the Commission White Paper entitled 'Adapting to climate change: Towards a European framework for action' (COM(2009)0147) and to the Commission Communication on a Community approach on the prevention of natural and man-made disasters (COM(2009)0082),
- having regard to the Commission Staff Working Document entitled 'Regions 2020 - an assessment of future challenges for EU regions' (SEC(2008)2868),
- having regard to the statement by the Commission on the major natural disaster which occurred in the autonomous region of Madeira on 24 February 2010 and to its resolution of 11 March 2010 on the major natural disasters in the autonomous region of Madeira and the effects of the storm 'Xynthia' in Europe <sup>(5)</sup>,
- having regard to Rule 110(4) of its Rules of Procedure,

<sup>(1)</sup> OJ C 272 E, 13.11.2003, p. 471.

<sup>(2)</sup> Texts adopted, P6\_TA(2005)0334.

<sup>(3)</sup> Texts adopted, P6\_TA(2006)0222, 0223 and 0224.

<sup>(4)</sup> Texts adopted, P6\_TA(2006)0349.

<sup>(5)</sup> Texts adopted, P7\_TA(2010)0065.

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- A. whereas major natural disasters have occurred, in the form of floods in various European Union Member States, particularly Poland, Czech Republic, Slovakia, Hungary and Romania, as well as in Germany and Austria, and recently in France, resulting in deaths and injuries and necessitating the evacuation of thousands of people,
- B. whereas those disasters have caused serious damage, including to infrastructure, businesses and arable land, have also destroyed elements of natural and cultural heritage, and have probably created public health risks,
- C. whereas sustainable reconstruction of the areas destroyed or damaged by the disasters must be undertaken in order to make good their economic and social losses,
- D. whereas the frequency, severity, complexity and impact of natural and man-made disasters across Europe has increased rapidly in recent years,
1. Expresses its empathy and solidarity with the inhabitants of the regions affected by the disasters, takes due note of the possible serious economic effects, and pays its respects and extends its condolences to the families of the victims;
  2. Acknowledges the relentless efforts made by search-and-rescue units to save lives and reduce the damage in the affected areas;
  3. Applauds the actions of the Member States that provided assistance to the areas affected, as European solidarity is exemplified by mutual assistance in adverse situations;
  4. Calls on the Commission and the Member States to review planning, sustainable land use policies, ecosystem absorption capacities and best practices in the light of the increased risks of flooding stemming from the way land, habitats and drainage systems are managed and to increase the capacity of flood-control and drainage infrastructure in order to limit the damage caused by extreme rainfall;
  5. Calls on the Member States and regions affected by the disasters to pay particular attention to the sustainability of their respective reconstruction plans and to consider the feasibility of long-term investment in Member States' disaster-prevention and response policies;
  6. Calls on the Member States to fulfil the requirements laid down in and to implement the EU Floods Directive; urges that flood-risk maps should be taken into account in territorial planning management; stresses that effective flood prevention has to be based on cross-border strategies; encourages neighbouring Member States to step up their cooperation in dealing with prevention of natural disasters, thereby ensuring that the best possible use is made of EU funds allocated for this purpose;
  7. Calls on the Commission and the Member States to provide support for the areas affected by the economic and social impact of the disasters in the swiftest possible manner;
  8. Reiterates that a new EUSF regulation, based on the Commission proposal (COM(2005)0108), is vitally needed in order to address the problems caused by natural disasters in a more flexible and effective way; criticises the fact that the Council has blocked the proposal, even though Parliament adopted its position by an overwhelming majority at first reading in May 2006; urges the Belgian Presidency and the Commission to seek a solution without delay in order to reactivate the revision of this regulation, with a view to creating a stronger and more flexible instrument which will be able to respond effectively to the new challenges of climate change;

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9. Calls on the Commission, following the submission by national and regional authorities of their respective reconstruction plans, immediately to take steps to ensure that the financial resources required are disbursed as swiftly, effectively and flexibly as possible by the EUSF;
10. Urges the Commission, in addition to mobilising the EUSF, to be open and flexible when negotiating with national and regional authorities the revision of the regional operational programmes for the period 2007-2013 financed from the ERDF, ESF and Cohesion Fund; calls on the Commission to proceed with this revision as soon as possible;
11. Calls on the Commission to take into account the differences between the regions affected, which include mountain and riverside areas, with a view to assisting the victims in the best possible manner;
12. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and regional and local authorities in the affected areas.

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## Judicial training

P7\_TA(2010)0242

### European Parliament resolution of 17 June 2010 on Judicial training – Stockholm Programme

(2011/C 236 E/23)

*The European Parliament,*

- having regard to Articles 81 and 82 of the Treaty on the Functioning of the European Union,
  - having regard to the Commission's Communication on an Action Plan Implementing the Stockholm Programme <sup>(1)</sup>,
  - having regard to its resolution of 9 July 2008 on the role of the national judge in the European judicial system <sup>(2)</sup>,
  - having regard to Parliament's resolution of 25 November 2009 on the Stockholm programme <sup>(3)</sup>,
  - having regard to the question of 10 May 2010 to the Commission on Judicial Training - Stockholm Action Plan (O-0063/2010 – B7-0306/2010),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas Articles 81 and 82 of the Treaty on the Functioning of the European Union provide for the adoption under the ordinary legislative procedure of measures aimed at ensuring 'support [for] the training of the judiciary and judicial staff',
  - B. whereas in its Action Plan Implementing the Stockholm Programme the Commission has announced that it will be presenting a communication on an Action Plan on European training for all legal professions in 2011 and launching pilot projects on 'Erasmus-style' exchange programmes for judicial authorities and legal professionals in 2010-2012,
  - C. whereas regard must be had to the particular needs of the judiciary in respect of training in the form of familiarisation courses in national, comparative and European law and the sensitivity which needs to be shown in organising such courses,

<sup>(1)</sup> COM(2010)0171.

<sup>(2)</sup> Texts adopted, P6\_TA(2008)0352.

<sup>(3)</sup> Texts adopted, P7\_TA(2009)0090.

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- D. whereas it is particularly difficult to organise training for members of the judiciary given the constraints on their time and availability, their independence and the need for courses to be tailored to their specific needs in terms of current legal problems,
- E. whereas such courses must also aim to create channels of communication between participants and hence foster a European judicial culture based on mutual understanding, thus enhancing the mutual trust on which the system of mutual recognition of judgments is based,
- F. whereas, in spite of the pressure on national budgets, Member States still have the primary responsibility for judicial training and must accept ownership of it,
- G. whereas it is nevertheless essential to have EU funding for such judicial training courses designed to foster a European judicial culture,
- H. whereas appropriate judicial training and the creation of a European judicial culture can expedite legal proceedings in cross-border cases and hence make a significant contribution towards improving the operation of the internal market for both businesses and citizens and making it easier for citizens who have exercised the right of free movement to obtain access to justice,
- I. whereas the Commission should conduct a stock-take of national training programmes and schools for the judiciary with a view also to identifying best practices in this sector,
- J. whereas it is necessary to build upon existing structures and networks, in particular the European Judicial Training Network and the Academy of European Law, and involve the Network of the Presidents of the Supreme Judicial Courts, the European Network of Councils for the Judiciary, the Association of the Councils of State and Supreme Administrative Jurisdictions and the Eurojustice network of European Prosecutors-General in the setting up of the pilot projects for judicial training,
1. Welcomes the Commission's prompt response to the suggestions set out in Parliament's resolution of 25 November 2009;
  2. Calls on the Commission and the Council to ensure that Parliament is fully involved in the conception and approval of arrangements for judicial training, in particular the pilot projects envisaged in the Commission's action plan pursuant to Articles 81 and 82 of the Treaty on the Functioning of the European Union;
  3. Considers that the proposed pilot projects should not be restricted, as far as members of the judiciary are concerned, to 'Erasmus-style' exchange programmes;
  4. Calls on the Commission to commence its consultations, in particular of Parliament, with a view to the design and preparation of the future pilot projects as soon as possible;
  5. Urges the Commission, with the cooperation of the Member States in the Council, to produce proposals as soon as possible for the creation of a network of legal training bodies across the Union accredited to provide familiarisation courses in national, comparative and European law for members of the judiciary on a stable, ongoing basis;
  6. Calls on the Commission to consult Parliament on separate plans for the creation of an institution building upon existing structures and networks, in particular the European Judicial Training Network and the Academy of European Law;
  7. Presses the Commission to come forward with concrete proposals for the funding of the future Action Plan for judicial training;
  8. Instructs its President to forward this resolution to the Commission and to the Council.
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## **A new impetus for the Strategy for the Sustainable Development of European Aquaculture**

P7\_TA(2010)0243

### **European Parliament resolution of 17 June 2010 on a new impetus for the Strategy for the Sustainable Development of European Aquaculture (2009/2107(INI))**

(2011/C 236 E/24)

*The European Parliament,*

- having regard to the Commission Communication entitled 'Building a sustainable future for aquaculture - a new impetus for the Strategy for the Sustainable Development of European Aquaculture' (COM(2009)0162),
- having regard to Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production <sup>(1)</sup>,
- having regard to the Proposal for a Council Regulation amending Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture (COM(2009)0541),
- having regard to Commission Regulation (EC) No 257/2009 of 24 March 2009 amending Regulation (EC) No 794/2004 as regards the supplementary information sheet for notification of aid to fisheries and aquaculture <sup>(2)</sup>,
- having regard to Commission Regulation (EC) No 248/2009 of 19 March 2009 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards notifications concerning recognition of producer organisations, the fixing of prices and intervention within the scope of the common organisation of the market in fishery and aquaculture products (recast) <sup>(3)</sup>,
- having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals <sup>(4)</sup>, and to Commission Decision 2008/946/EC of 12 December 2008 implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals <sup>(5)</sup>,
- having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy <sup>(6)</sup>,
- having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel <sup>(7)</sup>,
- having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products <sup>(8)</sup>,

<sup>(1)</sup> OJ L 204, 6.8.2009, p. 15.

<sup>(2)</sup> OJ L 81, 27.3.2009, p. 15.

<sup>(3)</sup> OJ L 79, 25.3.2009, p. 7.

<sup>(4)</sup> OJ L 328, 24.11.2006, p. 14.

<sup>(5)</sup> OJ L 337, 16.12.2008, p. 94.

<sup>(6)</sup> OJ L 327, 22.12.2000, p. 1.

<sup>(7)</sup> OJ L 27, 31.1.2010, p. 1.

<sup>(8)</sup> OJ L 189, 20.7.2007, p. 1.

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- having regard to Commission Regulation (EU) No 271/2010 of 24 March 2010 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards the organic production logo of the European Union <sup>(1)</sup>,
- having regard to Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species <sup>(2)</sup>,
- having regard to the Commission Communications entitled 'Guidelines for an Integrated Approach to Maritime Policy: Towards best practice in integrated maritime governance and stakeholder consultation' (COM(2008)0395), 'Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU' (COM(2008)0791) and 'Developing the international dimension of the Integrated Maritime Policy of the European Union' (COM(2009)0536), and to the recent Progress Report on the EU's Integrated Maritime Policy (COM(2009)0540),
- having regard to the Scientific Reports and Opinions produced by the European Food Safety Authority (EFSA) in 2008 on the welfare of six of the main fish species farmed in the EU and to the Scientific Opinions produced by EFSA in 2009 on the welfare at slaughter of eight farmed fish species,
- having regard to its resolution of 25 February 2010 <sup>(3)</sup> on the Commission Green Paper on reform of the common fisheries policy (COM(2009)0163),
- having regard to its resolution of 4 December 2008 <sup>(4)</sup> on the adoption of a European Cormorant Management Plan,
- having regard to its resolution of 2 September 2008 <sup>(5)</sup> on Fisheries and Aquaculture in the context of Integrated Coastal Zone Management in Europe,
- having regard to its position of 31 January 2008 <sup>(6)</sup> on the proposal for a regulation of the European Parliament and of the Council on the submission by Member States of statistics on aquaculture,
- having regard to its resolution of 12 December 2007 <sup>(7)</sup> on the common organisation of the market in the fisheries and aquaculture products sector,
- having regard to its resolution of 7 September 2006 <sup>(8)</sup> on launching a debate on a Community approach towards eco-labelling schemes for fisheries products,
- having regard to its resolution of 16 January 2003 <sup>(9)</sup> on aquaculture in the European Union: present and future,
- having regard to the Guidelines for the examination of State aid to fisheries and aquaculture <sup>(10)</sup> and the Acceptance of the Guidelines by Member States <sup>(11)</sup>,

<sup>(1)</sup> OJ L 84, 31.3.2010, p. 19.

<sup>(2)</sup> OJ L 337, 16.12.2008, p. 41.

<sup>(3)</sup> Texts adopted, P7\_TA(2010)0039.

<sup>(4)</sup> OJ C 21 E, 28.1.2010, p. 11.

<sup>(5)</sup> OJ C 295 E, 4.12.2009, p. 1.

<sup>(6)</sup> OJ C 68 E, 21.3.2009, p. 39.

<sup>(7)</sup> OJ C 323 E, 18.12.2008, p. 271.

<sup>(8)</sup> OJ C 305 E, 14.12.2006, p. 233.

<sup>(9)</sup> OJ C 38 E, 12.2.2004, p. 318.

<sup>(10)</sup> OJ C 84, 3.4.2008, p. 10.

<sup>(11)</sup> OJ C 115, 20.5.2009, p. 15.

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- having regard to the Treaty on the Functioning of the European Union (TFEU) and its resolution of 7 May 2009 on Parliament's new role and responsibilities in implementing the Treaty of Lisbon <sup>(1)</sup>,
  - having regard to the report of the fourth Session of the FAO Sub-Committee on Aquaculture <sup>(2)</sup>,
  - having regard to the FAO Code of Conduct for Responsible Fisheries <sup>(3)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0150/2010),
- A. whereas at present there is no specific, harmonised EU legislative framework for the aquaculture sector; whereas this sector is instead covered by a variety of EU legislative texts in different areas (environment, public health, etc.) and national legislation which may vary considerably from one Member State to another, thereby creating confusion among operators in the sector, in addition to causing discrimination and distortions of the market,
- B. whereas, in this context, the most appropriate step is for the Commission to propose a regulation laying down rules for the aquaculture sector and thus introducing the necessary legislative clarity,
- C. whereas the aquaculture sector is an innovative, potentially high-technology economic sector requiring intensive structural and research investment, long-term operational and financial planning, and hence legal certainty and clear and stable legislative frameworks,
- D. whereas the aquaculture sector directly interacts with policy areas which are of prime importance to our society, such as the environment, tourism, urban planning, regional development, public health and consumer protection; whereas it is therefore essential that due consideration be given to the sector's interests and that it be treated fairly,
- E. whereas all forms of aquaculture must be sustainable and socially just and, consequently, no harm must be done to ecosystems through an increase in the concentrations of natural substances and in the concentrations of substances produced by humans, such as non-degradable chemicals and carbon dioxide, and through physical disturbance,
- F. whereas the 2002 Commission Communication of 19 September 2002 (COM(2002)0511) has proved clearly inadequate in encouraging Member States to give a significant boost to the development of the EU aquaculture sector, while the past decade has seen a substantial growth of the sector worldwide, in addition to a rise in the demand for fishery products, from both farmed and wild fish, with a sharp increase in imports of such products from non-EU countries,
- G. whereas the EU is a net importer of fishery and aquaculture products, and the demand for these products is increasing both globally, due to the growing world population, and at Community level due to the past and future accession to the EU of countries in which this trend in demand is even more accentuated, as well as because consumption patterns are changing towards foods based on healthier products,
- H. whereas, furthermore, a reliable certification system for aquaculture products is needed,

<sup>(1)</sup> Texts adopted, P6\_TA(2009)0373.

<sup>(2)</sup> Meeting in Puerto Varas (Chile) on 6-10 October 2008, <http://www.fao.org/fishery/nems/36393/en>

<sup>(3)</sup> FAO Code of Conduct adopted on 31 October 1995.



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- I. whereas the Community's sustainable aquaculture sector can make a major contribution to ensuring high-quality food supplies as regards fish products, and thus to reducing the pressure on wild species by diversifying the supply of fisheries and aquaculture products, as well as playing an important role as regards food security, economic activities and employment, especially in rural and coastal regions,
- J. whereas the EU should therefore accord the sustainable aquaculture sector and its development at EU level greater strategic importance, providing it with the necessary financial aid, bearing in mind that the high technology required by aquaculture activities often entails substantial investment by companies, whatever their size,
- K. whereas, given the importance of developing the aquaculture sector, the Commission is urged to ring-fence a portion of the European Fisheries Fund for that purpose; whereas the relevant instruments will need to be sufficiently flexible and effective to secure the development of the sector, including scientific research,
- L. whereas the considerable research and technological innovation required to ensure the competitiveness and sustainability of aquaculture and enable operators to be successful in the sector is beyond the possibilities of many companies in the sector, regardless of whether these are SMEs or large enterprises,
- M. whereas, in order to be effective, a sustainable aquaculture policy will need to be structured in such a way as to benefit and promote the multidisciplinary and coordinated involvement of all sectors related to the activity,
- N. whereas the EU is already applying a policy of support for organic agriculture and aquaculture products through the implementation of Regulations (EC) No 834/2007, 889/2008 and 710/2009, as the key to a European sustainable aquaculture sector, closely linked to optimising its own product to make it more competitive and to improve consumer protection as well as information and freedom of choice for consumers,
- O. whereas any sustainable aquaculture policy, whether at Community or national level, must take account of distinctions between various types of aquaculture production (saltwater fish, freshwater fish, molluscs, crustaceans, seaweed and echinoderms), with measures properly geared to their market and to competition structures and issues,
- P. whereas the measures to promote the development of sustainable aquaculture must take into account, in some cases, the need to reduce to a minimum the stress levels caused by farm density or transport and to search for more humane slaughter techniques, and the well-being of fish in general,
- Q. whereas Article 13 of the Treaty on the Functioning of the European Union recognises fish as sentient beings and provides that the Union and the Member States shall, in formulating and implementing their policies on fisheries, pay full regard to the welfare requirements of the animals,
- R. whereas aquaculture operators in many EU countries are burdened by excessive bureaucratic obstacles and administrative formalities, deriving from the existing legal framework, that limit their productivity and competitiveness, doing more than a little to discourage investors,
- S. whereas fish are the natural diet of many farmed fish species and most fish farms rely on diets which contain some fishmeal and fish oil,
- T. whereas, at the same time, many EU countries lack specific national or regional development plans that regulate installations in continental, coastal and marine areas and clearly identify the zones available for aquaculture plants, thereby preventing easily foreseeable conflicts of interest with environmental protection policies and other economic sectors, such as tourism, agriculture and coastal fishing,

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- U. whereas a sustainable aquaculture policy can coexist with 'Natura 2000' areas and can even contribute positively to the management thereof in cases where the conservation objectives of the site so allow, and to the welfare of the populations concerned when it deals with traditional shellfishing activities or provides for aquaculture plants of an appropriate size for which there are no alternative locations, that comply with Community rules on environmental impact assessments and are compatible with the provisions on the protection of habitats,
- V. whereas EU products currently face fierce competition from imports from non-EU countries (above all, Turkey, Chile, Vietnam and China), where companies can operate with much lower overheads, as they are not subject to the same legal constraints and the same stringent environmental and plant health legislation, and can pay low wages (social dumping), thereby placing the EU aquaculture sector under further pressure, affecting food quality and endangering consumers' health,
- W. whereas aquaculture activities have a lower environmental impact than other primary sectors, and aquaculture products are thus more sustainable; whereas a section of European civil society is unaware of this fact, which may give rise to unfounded prejudices about these products,
- X. whereas the depredations of cormorants are threatening, in many areas, to put traditional, more natural fish ponds out of business,

#### **General**

1. Welcomes the Commission's initiative of submitting the aforementioned Communication COM(2009)0162, as an indication of greater attention being given to the sustainable aquaculture sector, and hopes that this will lead to a legislative review that will be better geared to the needs and the challenges facing the sector, with a view to consolidating this at global level;
2. Points out that, with the entry into force of the Treaty of Lisbon, the European Parliament has ceased to be a consultative body in the fisheries sector and has become a co-legislator in the aquaculture sector as well;
3. Considers that any legislative reform of the aquaculture sector should fit in, in a smooth and complementary manner, with the current process of reform of the Common Fisheries Policy;
4. Points out that Parliament has already in the past drawn attention to the need for more concise, consistent and transparent legislation on aquaculture;
5. Expresses the view that a strong sustainable aquaculture sector could act as a catalyst for the development of many remote, coastal and rural areas in the Member States and contribute to the development of local production, with significant benefits also for consumers in the form of high-quality, healthy and sustainably produced food products;
6. Considers that the competitiveness of Community aquaculture should be strengthened through strong, active, targeted and steady support for research and technological development, which is an essential prerequisite for the development of a sustainable, modern, efficient, economically viable and environment-friendly aquaculture sector; points out too that research networks, multidisciplinary research groups, technology transfer and coordination between the sector and scientists through technology platforms are essential to ensure a good return on investment in R&D;
7. Welcomes the creation of the European Aquaculture Technology and Innovation Platform, taking into account the need for the aquaculture sector to be supported by excellence in research and innovation in order to respond to the emerging challenges;

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8. Considers that the success of the European sustainable aquaculture sector will be largely dependent on the establishment, nationally and locally, of a more business-friendly environment, and calls on the Member States, therefore, to speed up their work towards this without delay and to promote exchanges of experience and best practices at EU level;
9. Underlines that the reduction of red tape will encourage investment in the sector and considers it essential that the Member States, in close cooperation with local authorities, implement administrative simplification procedures as soon as possible, introducing transparent and standardised concession procedures in respect of applications for the establishment of new aquaculture plants;
10. Considers that a sustainable and organic aquaculture sector should be in a position to provide consumers with high-quality food products ensuring healthy and balanced nutrition;
11. Considers that aquaculture systems which deplete wild fish stocks or pollute coastal waters are to be considered unsustainable and that European aquaculture should give priority to herbivorous species and carnivorous species which can thrive on reduced consumption of fishmeals and oils;
12. Stresses that, in order to expand the aquaculture industry in Europe, the sector relies on continuous development to decrease the feed factor of wild-caught protein to product; points out that the stocks of wild fish suitable for feed production are limited and in many cases overfished and therefore aquaculture development should focus more on herbivorous species and piscivorous species which can further significantly decrease the feed factor;
13. Considers it urgent and essential to lay down and strengthen the rigorous, transparent quality and traceability criteria for EU aquaculture products, to improve fish feedstuffs, and to introduce and strengthen labelling criteria for high-quality aquaculture products and organic aquaculture production;
14. Considers that the priority aim of environmental quality certification for aquaculture products should be to promote the environment-friendly use of living aquatic resources in the context of a sustainable development that takes due account of environmental, economic and social factors, with due respect for the principles of the Code of Conduct for Responsible Fisheries <sup>(1)</sup> and future FAO guidelines;
15. Calls on the Commission to introduce a European eco-labelling programme for fishery and aquaculture products that follows the Community guidelines on eco-labelling; emphasises that eco-labelling not only gives European aquaculture products a competitive advantage, but also brings transparency to a market in which the proliferation of private certifications can confuse consumers;
16. Calls on the Commission to take action to ensure that the stocking of aquaculture farms does not affect the natural status or viability of wild populations, marine ecosystems and biodiversity in general;
17. Views financial assistance compensating for damage caused by legally protected animals as an essential precondition for the development of a sustainable, modern and efficient aquaculture sector;
18. Takes the view that, while any proposed EU legislation should address general aspects such as environmental impact assessments, water use and protection, and product traceability, a generic or undifferentiated approach must not be adopted in that legislation;
19. Stresses the need for a firmer commitment from the EU on investments in sustainable aquaculture, in the form of additional financing under the Community Fisheries Fund, giving preference to best environmental practice; points out, however, that future financing of aquaculture related activities should only be possible with the effective implementation of the Environmental Impact Assessment <sup>(2)</sup> (EIA) Directive, to ensure that projects funded do not lead to degradation of the environment or of wild-fish or shellfish stocks;

<sup>(1)</sup> Adopted by the FAO on 31 October 1995.

<sup>(2)</sup> Directive 85/337/EEC (OJ L 175, 5.7.1985, P. 40), as amended by Directive 97/11/EC and 2003/35/EC (the EIA Directive).

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20. Stresses that respect for biodiversity should be established as a basic principle of EU aquaculture policy, as regards both domestic waters and the external dimension of the aquaculture strategy, with support being given to the farming of fish only where the species involved are local or already well established; calls for scientific risk assessment for all non-native introductions and for measures to contain and monitor ecologically harmful species;

21. Reiterates the need to include traditional shellfishing activities along with the rest of the aquaculture sector in the Common Fisheries Policy to ensure economic, social and environmental sustainability and to guarantee them non-discriminatory access to European funding;

22. Considers it essential that all the appropriate steps be taken to ensure that any aquaculture product imported into the EU from a third country, either for consumption or for processing, complies in full with the same public health and food safety standards as the equivalent Community product, and that meticulous checks at the appropriate sites contribute effectively towards this, without creating new trade barriers, but in encouraging the exchange of best practices with developing countries;

23. Stresses that aquaculture should be considered as complementary to the catch sector, in particular as regards market supply and employability;

### **Specific considerations**

#### *Legislative, administrative and financial framework*

24. Calls on the Commission to bring forward swiftly a proposal for a regulation consolidating in a single text all the EU legislation governing the aquaculture sector and to promote coordination between the different Directorates-General that have responsibility in this field;

25. Calls on the Commission to set out in that regulation specific European certification criteria and general basic rules for the various product categories, with which every aquaculture establishment in the Community must comply, together with provisions for maximum harmonisation of environmental impact criteria at Community level in order to avoid any distortion of competition between Member States, but to delegate responsibility for the implementation phase and checks on the operation of the establishments to the competent authorities of the Member States, in full accordance with the principle of subsidiarity; e.g. parameters on environmental impact, use of water resources, feeding of farmed fish, molluscs and crustaceans in production units, product traceability and labelling, as well as fish health and welfare standards etc.;

26. Believes that the aquaculture sector should be duly supervised and should cover a wider range of marine activities, such as maritime transport, nautical tourism, offshore wind farms, fishing, etc.;

27. Calls on the Commission to strive to ensure that the Member States make a formal undertaking to document and apply their countries' existing environmental and tourism protection legislation and – in respect of those zones not subject to restrictions – to adopt the necessary development plans for the management of marine, coastal and inland water areas, so that sectoral plans for aquaculture can be set up, clearly identifying the areas available for the establishment of plants in the sector;

28. Calls on the Member States to work towards a 'maritime development plan' and the integrated management of coastal areas, as provided for under the EU's new maritime policy and in line with environmental impact assessments, which covers all the different product categories in the sector, such as shellfishing, sub-coastal aquaculture, offshore and freshwater aquaculture, and to undertake to reduce existing bureaucratic obstacles to obtaining the requisite permits and concessions to start a sustainable aquaculture activity, possibly by setting up 'one-stop shops' that centralise the administrative formalities incumbent on operators in a single location; calls too on the Member States to draw up long-term strategic plans to foster the sustainable development of this activity and on the Commission to bring forward proposals for all measures required to promote competitiveness in the sector, taking into account the specificities of each Member State;

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29. Hopes that the future European Fisheries Fund in support of the reformed Common Fisheries Policy will provide for specific budget lines for sustainable aquaculture development and support for investment in that sector, following best environmental practice, and to promote economic activity and employment with a particular focus on technologically innovative plants with a lesser environmental impact (e.g. water purification systems for eliminating residues and pollutants), farms that promote fish health and welfare and sustainable forms of aquaculture;

30. Hopes that this Fund will take into due account the need to provide financial support for enterprises in the sector, particularly for SMEs and family-run enterprises, based on their contribution to the social and economic development of the coastal area and with the emphasis on remote and border areas;

31. Supports the Member States in simplifying the licensing procedures that would encourage access to new sites and facilitate long-term access to existing sites, especially those sites where SMEs and family-run enterprises operate;

32. Emphasises too the need to ensure increased financial contributions for scientific research, innovation and technology transfers in the field of sustainable, organic, offshore and freshwater aquaculture, and for enterprises which are to convert part or all of conventional production to organic production, by means of sectoral policies covering all key aspects, from the supply chain to the optimisation and promotion of products on the market, with better management of those aspects in the thematic axes set out under the Structural Funds and in Community programmes;

33. Urges the Commission to equip the aquaculture sector with a real economic crisis instrument and to devise support systems to deal with biological natural disasters (like toxic algal blooms), man-made disasters (like the Erika or the Prestige) or extreme weather events (cyclones, floods, etc.);

34. Calls on the Commission and the Member States to support the experimental farming of native species, technologies for the production of healthy fish and efforts to combat diseases occurring in aquaculture, in the interests of diversifying Community aquaculture production, so that it can offer high-quality and high added-value products, by encouraging research and exchanges of best practices on those species and on the production methods concerned, in order to enable aquaculture products better to compete with other innovative food products;

35. Stresses the need to take measures to ensure stocks to replenish species that are becoming rarer in rivers, in particular traditionally migratory species with a significant economic impact on local populations (sturgeon, shad, salmon, etc.) and certain species at sea, and draws the attention of the Commission and the Member States to the need to guarantee the necessary funding for the implementation of such initiatives;

36. Calls on the Commission to take into account the trend towards the development of offshore aquaculture facilities as a potential solution to the problem of the availability of space on European coasts, and to take account of the difficult environmental and climate conditions in which this type of aquaculture is carried out;

37. Calls on the Commission and the Member States to guarantee appropriate vocational training in the field of aquaculture, boost the competitiveness of the sector and encourage the possible retraining of members of the professional fishing industry in alternative methods of managing aquatic environments, thus also helping to create secure jobs for young people in rural and coastal areas and in the outermost regions, and especially in regions that depend to a great extent on fisheries and aquaculture activities;

38. Calls on the Member States to consider creating specialist organisations for the promotion of aquaculture products; calls also on the Commission to extend the rules on the common market organisations to the sustainable aquaculture sector and to support and provide incentives for promotional campaigns at EU level and on external markets;

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*Quality and consumer protection policy*

39. Takes the view that sustainable aquaculture development cannot take precedence over a stringent quality policy, environment-friendly production methods respectful of animal welfare – as regards the transport of aquaculture stock, methods of slaughter and the sale of live fish – rigorous health standards and a high level of consumer protection;

40. Calls on the Commission, therefore, to develop a specific EU quality label for aquaculture products, along with a specific organic aquaculture label, establishing strict rules in accordance with EU principles of high-quality organic production, so as to assure the consumer of the reliability of the system for the production, control and full traceability of aquaculture products; encourages the Commission to consider using already existing labelling structures for high-quality organic aquaculture production;

41. Takes the view that the responsible production of ingredients to feed fish, including marine ingredients, is a prerequisite for the sustainability of aquaculture;

42. Calls on the Commission to organise and promote, in close cooperation with the Member States, institutional information campaigns to promote aquaculture products, including organic aquaculture products;

43. Reiterates the views it has already expressed in its resolution of 4 December 2008 <sup>(1)</sup> on the adoption of a European Cormorant Management Plan, and points out that reducing the prejudice caused by cormorants and other birds of prey to aquaculture firms is a major factor in production costs and thus in their survival and competitiveness; draws attention to the need to assess losses caused by cormorants and other birds of prey in the aquaculture sector and to draw up plans for corrective action in the sector;

44. Calls on the Commission to take the steps called for in Parliament's resolution of 4 December 2008, particularly with regard to the implementation of a staged cormorant population management plan, coordinated at European level, and scientific data gathering on the size of cormorant populations; calls on the Commission to bring forward proposals for comprehensive legislation in this field;

45. Calls on the Commission, in close cooperation with the Member States and having taken account of the various geographical and climatological conditions, the production techniques used and the particular nature of the species farmed, to propose specific sustainable criteria in relation to the well-being of farmed fish, such as maximum levels of farming density, the quantity of vegetable and animal proteins that can be used in feedstuffs on the different types of fish farms, and which take into account the specific factors relating to the farming of individual species, the nutritional requirements of the fish species farmed, the phases in their life cycle and the environmental conditions, and to promote transportation and slaughter practices which limit sources of stress and the changing of water in fish ponds in such a way as to guarantee the well-being of the fish being farmed there; understands that the long-term goal must be to substitute animal proteins with vegetable proteins for all species where it is possible, considering their nutritional needs, and that strategic research into replacements for the essential ingredients should be of highest priority, considering that research into the essential nutrients and how to produce them from alternative sources such as microalgae and yeast would reduce the need for fish meal in the longer term;

46. Calls on the Commission to extend the scope of Council Regulation (EC) No 1/2005 on the protection of animals during transport <sup>(2)</sup> so as to limit the transport of fish over long distances, thus promoting locally based hatchery operations and encouraging slaughter close to the fish farm;

47. Calls on the Commission to ensure that the sourcing of raw materials used for fish feed follows an environmentally acceptable practice and does not have negative impacts on the ecosystems from which these ingredients are harvested;

<sup>(1)</sup> European Parliament resolution of 4 December 2008 on the adoption of a European Cormorant Management Plan to minimise the increasing impact of cormorants on fish stocks, fishing and aquaculture (Texts adopted, P6\_TA(2008)0583).

<sup>(2)</sup> OJ L 3, 5.1.2005, p. 1.

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48. Calls on the Commission to ensure that pre-slaughter procedures classed by the European Food Safety Authority (EFSA) as harmful to the wellbeing of the fish are avoided; methods of slaughter, such as asphyxiation in ice slurry, in which, according to the EFSA, fish retain consciousness for a long time before death, should be prohibited;

49. Urges the Commission to issue specific technical guidelines on the certification of sustainable fish feed;

*External relations*

50. Calls on the Commission and the Member States to strive to ensure that Community legislation is applied rigorously throughout the whole chain of aquaculture products, including feedstuffs and raw materials for feedstuffs, imported from third countries;

51. Calls on the Commission to investigate at first hand production methods on fish farms outside the European Union and report on any health hazards;

52. Emphasises the need to ensure that aquatic food products that are manufactured in or imported into the EU comply with high environmental protection and consumer health and safety standards;

53. Calls on the Commission to strive to ensure that the principle of mutual recognition and free movement of goods is applied to curative and preventive pharmaceuticals used in aquaculture, to promote reciprocal advanced know-how agreements with third countries and to promote the introduction of best practices by other countries and international bodies;

54. Reiterates the importance of conducting systematic checks at places giving access to the internal market and key import hubs in order to provide consumers with a watertight guarantee that the aquaculture products imported from third countries are systematically subjected to stringent quality control and are therefore fully compliant with EU rules in the field of hygiene and public health;

55. Calls on the Commission and the Member States to champion those principles both at the WTO and in all the relevant institutional fora;

56. Calls on the Commission to sponsor, as part of the EU's policy on cooperation with developing countries, support and training measures designed to help promote sustainable aquaculture and steer the awareness of aquaculturists in those countries towards a policy on quality and higher production standards, particularly as regards the environment, hygiene and social standards in the industry;

57. Calls on the Commission to submit a report on environmental and social standards in the aquaculture industry outside the EU and to explore ways of improving the provision of information to consumers;

58. Calls on the Commission to launch impact assessment studies concerning the possible effects that Community trade agreements may have on the aquaculture sector;

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

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## **Democratic Republic of Congo: the case of Floribert Chebeya Bahizire**

P7\_TA(2010)0244

### **European Parliament resolution of 17 June 2010 on the Democratic Republic of Congo: the case of Floribert Chebeya Bahizire**

(2011/C 236 E/25)

*The European Parliament,*

- having regard to its previous resolutions on the Democratic Republic of Congo (DRC),
  - having regard to the Cotonou Partnership Agreement signed in June 2000,
  - having regard to the ACP-EU Joint Parliamentary Assembly resolution of 22 November 2007 on the situation in the Democratic Republic of Congo, in particular in the east, and its impact on the region,
  - having regard to United Nations General Assembly Resolution 60/1 of 24 October 2005 on the 2005 World Summit Outcome, and in particular paragraphs 138 to 140 thereof on the responsibility to protect populations,
  - having regard to the statement by a spokesperson for Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton on 3 June 2010 on the brutal death of Floribert Chebeya Bahizire,
  - having regard to the 2004 EU guidelines for the protection of human rights defenders and the local strategy for implementation of the guidelines for the DRC, adopted by the Heads of Mission on 20 March 2010,
  - having regard to UN Security Council resolution 1856 (2008) on MONUC's mandate,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Floribert Chebeya Bahizire, the executive director of human rights organisation La Voix des Sans Voix (VSV), was found dead in his car in Kinshasa on Wednesday, 2 June 2010 after having been summoned by the police,
- B. whereas, according to media reports, on the afternoon of Tuesday, 1 June 2010, Mr Chebeya Bahizire received a phone call from the central police station requesting him to attend a meeting with DRC chief of police Inspector General John Numbi Banza Tambo; whereas, on arrival at the police station, Mr Chebeya Bahizire could not contact the Inspector General and informed his family, in a text message, that he was returning to the city,
- C. whereas Mr Chebeya Bahizire's work in the defence of democracy and human rights in the DRC since the 1990s – on issues including corruption in the military, links between militias and foreign political forces, upholding of the constitution, illegal arrests, arbitrary detention and the improvement of prison conditions – earned him the respect and admiration of his compatriots and of the international community,
- D. whereas Fidèle Bazana Edadi, Mr Chebeya Bahizire's driver, is still missing,



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- E. whereas Mr Chebeya Bahizire's family was not authorised to have full access to his body and there are contradictory statements regarding the condition of the body when it was found,
- F. whereas the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, said the circumstances of the killing 'strongly suggest official responsibility',
- G. whereas Inspector General Numbi Banza Tambo was suspended until further notice and three other police officers were also arrested in connection with the killing; whereas deputy police chief Colonel Daniel Mukalayi has reportedly confessed to killing Mr Chebeya Bahizire on the order of his superior, General Numbi Banza Tambo,
- H. whereas Mr Chebeya Bahizire had told Amnesty International on several occasions that he felt he had been followed and that he was under surveillance by the security services,
- I. whereas Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton, UN Secretary-General Ban Ki-moon, UN High Commissioner for Human Rights Navi Pillay, UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston and Alan Dos, Head of the UN Peacekeeping Force in the DRC, have all issued statements condemning the murder of Mr Chebeya Bahizire and have called for an independent investigation,
- J. whereas the killing is part of a growing trend of intimidation and harassment of human rights defenders, journalists, political opponents, victims and witnesses in the DRC; whereas numerous journalists and human rights activists have been killed in suspicious circumstances in the DRC in the past five years,
- K. whereas many NGOs had observed increased oppression of human rights defenders in the DRC in the past year, including illegal arrests, prosecutions, telephone threats and repeated summoning to the offices of the intelligence services,
- L. whereas inquiries into the killings of human rights defender Pascal Kabungulu Kibembi in 2005 and of journalists, including Franck Ngycke Kangundu and his wife, Hélène Mpaka, in November 2005, Serge Maheshe in June 2007, and Didace Namujimbo in November 2008, were led by the Congolese military authorities and were characterised by serious irregularities,
- M. whereas, in regard to the April 2008 International Criminal Court (ICC) arrest warrant against Bosco Ntaganda for war crimes including enlisting child soldiers, the DRC, as a party to the Rome Statute, is in breach of its legal obligations to cooperate with the ICC, *inter alia* by apprehending persons under arrest warrant; whereas, instead, the DRC has promoted Bosco Ntaganda to a top position in the Congolese army, thus heightening the impression that there is impunity for human rights violations and thereby contributing to the increasing incidence of such crimes,
- N. whereas a state of civil war has prevailed for years in certain parts of the DRC, resulting in massacres, mass rape and the widespread enlisting of child soldiers,
- O. whereas the massacres, particularly those perpetrated by the Lord's Resistance Army (LRA), a paramilitary group which originated in Uganda, currently affect all the countries bordering on the DRC,
- P. whereas NGO staff are also affected by these forms of persecution of civilian populations and this has resulted in a contraction of humanitarian aid in the DRC,
- Q. whereas the 50th anniversary of the DRC's independence is to be celebrated shortly and whereas human rights and democracy are crucial to the development of the country,

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1. Forcefully condemns the killing of Floribert Chebeya Bahizire and the fact that Fidèle Bazana Edadi, Mr Chebeya Bahizire's driver, is missing; expresses its fullest support for their families;
  2. Calls for an independent, credible, thorough and transparent commission of inquiry to be set up to investigate the death of Mr Chebeya Bahizire and the whereabouts of Mr Bazana Edadi, and for steps to be taken to ensure that the families of both men are protected;
  3. Demands that those responsible be identified, brought before the courts and punished in accordance with Congolese law and international provisions for the protection of human rights;
  4. Welcomes the fact that the authorities responded to a request by Mr Chebeya Bahizire's family for an independent autopsy by inviting an expert Dutch forensics team, led by Dr Franklin Van de Groot, to determine the cause of death;
  5. Expresses its deep concern regarding the general degradation of the situation of human rights defenders in the DRC; calls on the DRC authorities to comply fully with the Declaration on Human Rights Defenders adopted by the UN General Assembly in 1998 and to implement the UN's 2009 Universal Periodic Review recommendations as measures to protect the rights of human rights defenders; stresses that punishing those responsible for the assassinations of human rights defenders and journalists in recent years is an essential element in the democratisation of the country;
  6. Condemns the ongoing oppression of human rights activists, journalists, political opponents, victims and witnesses in the DRC; calls on the Member States to ensure that they are protected and to provide logistical and technical support to that end in accordance with the guidelines for the protection of human rights defenders;
  7. Condemns the atrocities committed by the LRA and other armed groups in the DRC;
  8. Stresses the need to tackle corruption and bring to justice the perpetrators of human rights abuses within the Congolese armed and police forces, and underlines MONUC's crucial role in doing this through joint planning and implementation of operations and proper accountability mechanisms for abuses; in particular, urges the DRC to fulfil its international legal obligations and to arrest Bosco Ntaganda and transfer him to the ICC;
  9. Calls on all parties to step up the fight against impunity and to uphold the rule of law; calls on the Government of the DRC to ensure that those responsible for breaching human rights and international humanitarian law are held to account and that it cooperates fully with the ICC;
  10. Underlines the fact that the EU and the DRC are signatories to the Cotonou Agreement, which includes explicit reference to the responsibilities of all the parties with regard to human rights, democracy and the rule of law; calls for particular attention to be paid to these matters in the context of evaluation of the Agreement;
  11. Calls on the Government of the DRC, on the occasion of the 50th anniversary of the country's independence, resolutely to commit itself to promoting political practice that upholds human rights and strengthens the rule of law;
  12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the institutions of the African Union, the United Nations Secretary-General, the United Nations Security Council, the United Nations Human Rights Council and the governments and parliaments of the Great Lakes region.
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Thursday 17 June 2010

## Nepal

P7\_TA(2010)0245

### European Parliament resolution of 17 June 2010 on Nepal

(2011/C 236 E/26)

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 statement of 29 May 2010 by UN Secretary-General Ban Ki-moon on the political situation in Nepal,
  - having regard to the statement by the spokesperson of High Representative Catherine Ashton of 30 April 2010 on the political situation in Nepal,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 21 November 2006 a Comprehensive Peace Agreement (CPA) between the Seven Party Alliance and the Maoists (UCPN), who controlled large parts of the country, terminated a 10-year armed conflict with some 13 000 deaths,
- B. whereas this historic agreement showed what can be achieved when political forces negotiate in good faith, paving the way for elections to a Constituent Assembly (CA), the creation of an interim government including the Maoists, the disarmament of the Maoist fighters and their housing in camps, as well as the confinement of the Nepalese army to barracks,
- C. whereas many of the terms of the peace agreement of 2006 concluded after a decade-long armed conflict between Maoists and the government remain unfulfilled,
- D. whereas after the elections to the CA on 10 April 2008, assessed by the EU EOM as meeting many, if not all, international standards, in which the UCPN (M) gained close to 40 % of the votes, the CA decided to abolish the 240-year-old monarchy and to transform Nepal into a Federal Democratic Republic,
- E. whereas Nepal has become less peaceful in recent years, especially in 2009 and 2010, according to the Global Peace Index (GPI),
- F. whereas in May 2009 Prime Minister Pushpa Kamal Dahal (Prachanda) resigned and his party, the UCPN (M), withdrew from government over a dispute with the President (Nepali Congress) concerning the dismissal of the army chief, who had been at odds with the Maoists regarding the reintegration of the former fighters of the People's Liberation Army (PLA) into the Nepali army,
- G. whereas in the resulting political instability, increased by Maoist civil and parliamentary disruption campaigns, a fragile 22-party anti-Maoist alliance under Prime Minister Madhav Kumar Nepal (CPN-UML) has been unable to deliver the two key expectations: a broadly acceptable new constitution for the federal republic before the two-year deadline of 28 May 2010 and an agreement on the reintegration/rehabilitation of the approximately 20 000 former PLA combatants,

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- H. whereas formal talks between party leaders of the party alliance and CPN-UML on forming a new government have resumed after a last-minute three-point agreement was reached, providing for the extension of the CA by one year, the formation of a national consensus government and the resignation of Prime Minister Madhav Kumar Nepal 'as soon as possible', together with 'progress on the peace agreement',
- I. whereas the Shaktikhor video, which appeared to substantiate charges of deception over combatant numbers and plans to use 'democratisation' to politicise the national army, raises legitimate questions which the UCPN (M) has not yet clarified,
- J. whereas the ongoing political instability is having a crucial impact on the social, economic and touristic development of Nepal, which, being located in the middle between India and China, the world's fastest growing major economies, needs political stability in order to capitalise on its strategic location,
- K. whereas Nepal continues to suffer from serious economic and social underdevelopment; whereas close to 30 % of the population fall below the absolute poverty line, 16 % of the population are severely malnourished, the illiteracy rate remains one of the highest in South Asia and development is crippled by nationwide shortages of basic fuels, causing power cuts, restrictions to transport and increases in food prices,
- L. whereas the situation of many refugees in Nepal, in particular the Tibetans, gives cause for concern,
- M. whereas the Nepalese authorities are to be commended for having honoured the 'Gentlemen's Agreement' on the Tibetan refugees,
- N. whereas no member of the state security forces or the former Maoist combatants has so far been held criminally responsible for the grave and systematic abuses of the laws of war committed during the conflict,
- O. whereas the European Parliament's Delegation for relations with South Asia undertook a mission to Kathmandu in the crucial period of 23-29 May 2010,
1. Expresses deep concern about the non-existence of a permanent constitution based on democratic values and human rights and expresses its solidarity with the Nepali people and all families who have lost relatives through the violence of recent years;
  2. Welcomes the last-minute decision on 28 May 2010 by the political parties to take the necessary steps to extend the tenure of the CA, and commends notably the important influence of the Women's Caucus;
  3. Urges the CA and all the political actors involved to negotiate without preconditions, to show flexibility, to avoid any provocative actions and to work together for national unity in order to find a clear structure for the new constitution, to establish a functioning federal democracy and to respect the new deadline which was extended by one year on 28 May 2010;
  4. Calls on all parties to facilitate and promote the work of the Constitutional Committees (CC) on the future roadmap since the extension of the CA's term;
  5. Stresses the need for a clear and public communication of all the agreed items and thus welcomes the white paper promised to explain to the population the progress achieved so far in drafting the constitution of the federal republic; commends the three thematic committees, which, out of eleven, have completed their work;
  6. Welcomes the decision of the Nepali Congress (NC) of 31 May 2010 to commit to a national unity government open to all political parties, including the main opposition party UCPN (M);

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7. Calls on the UCPN (M) to engage in constructive planning and to find a way to integrate former Maoist combatants into society, including the groups residing in the UNMIN-monitored camps;
8. Calls on the EU and the Member States to support all efforts of the Nepalese Government and the parties to find a solution to the integration of former Maoist combatants into the National Army or other security forces and viable alternative solutions for those who cannot be integrated into these organisations;
9. Calls on the political parties, and notably on the UCPN-M, to rein in their militant youth wings and to stop recruiting children; calls on the UCPN-M to ensure unhindered access to the rehabilitation packages for minors discharged recently from their camps;
10. Calls directly on the UN, ideally in cooperation with the government, to establish procedures to vet potential members of the security forces to exclude those clearly guilty of human rights violations from any UN peacekeeping positions; reminds the Nepali army that, sadly, its known professionalism and reputation are already at stake and will very clearly remain so as long as long-standing and well-documented impunity issues within its ranks continue not to be addressed objectively, i.e. by the judiciary;
11. Expresses its concern about reports of new recruitments to the national army; recalls that the Supreme Court has ruled them compatible with the CPA insofar as they involve only technical personnel; notes nonetheless that such a recruitment drive may exacerbate the difficulties faced in the transition process;
12. Remains deeply convinced that, two years after the abolition of the monarchy, the army should be brought under full democratic oversight, including budgetary aspects; affirms its solidarity with the CA in any steps it could take in this respect;
13. Reiterates to the EU Member States that lethal weapons exports to Nepal remain prohibited under the CPA and calls on them to lend financial and technical support to creative solutions for the restructuring of the Nepalese army;
14. Expresses its full support for the crucial role that UNMIN plays, and believes that its mandate should be extended at least until the peace process has entered a consolidated phase;
15. Expresses its concern about the reports of the increasing incidence of torture and violent aggression; applauds in this context the work of the National Human Rights Commission of Nepal;
16. Expresses its concern that the Government of Nepal extended the mandate of the UNOHCHR by one year with only a revised mandate, gradually shutting down the body's regional operations, which runs counter to hopes that its human rights monitoring function could be stepped up;
17. Calls for the establishment of the Commission on Disappearances, the Truth and Reconciliation Commission and the Commission on National Peace and Rehabilitation as specified in the CPA;
18. Deplores strongly the fact that, so far, there has not been a single prosecution in the civilian courts for any of the serious crimes committed during the conflict by both sides;
19. Urges the parties and the government to end political interference in criminal proceedings, to create a politically independent judiciary within the constitutional process and in the same connection to plan ratification of the Statute of the International Criminal Court;

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20. Hails the announcement in 2009 by Nepal that it would support the draft United Nations principles and guidelines to eliminate caste discrimination but expresses its concern over the continuing practice of bonded labour, notably in Kamaiya, Haruwa and Charuwa, as well as the worrying situation of the millions of landless people, which is in danger of deteriorating further under the impact of climate change, and calls on the government and the parties to encourage the functioning of the Land Reform Commission;
21. Calls on the Nepal Government to address the problem of the 800 000 stateless Nepalese by simplifying bureaucratic procedures and reducing the costs of applying for citizenship certificates; considers it vital that they are also taken into account during the peace process negotiations;
22. Urges the Nepal Government to ensure standards of protection for all refugees and to continue with efforts to prevent and reduce statelessness, in particular of Bhutanese people, in accordance with international standards, to sign the 1951 Refugee Convention or its 1967 Protocol and to follow the standards set out by the UNHCR;
23. Considers that the continuation of the full implementation of the Gentlemen's Agreement on the Tibetan refugees by the Nepalese authorities is essential for maintaining contact between the UNHCR and Tibetan communities; welcomes in this regard the possibilities to afford access to the territory in the framework of the 'Gentlemen's Agreement' with the UNHCR and provide for more durable solutions;
24. Calls on the High Representative of the EU through its delegation in Kathmandu to closely monitor the political situation in Nepal and to use her influence to appeal to the neighbouring powers in the region, in particular China and India, to support the negotiations to create a government of national unity;
25. 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 Nepal, the Governments and Parliaments of India and the People's Republic of China, and the Secretary-General of the United Nations.

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## Executions in Libya

P7\_TA(2010)0246

### European Parliament resolution of 17 June 2010 on executions in Libya

(2011/C 236 E/27)

*The European Parliament,*

- having regard to its previous resolutions on the abolition of the death penalty and its previous resolutions on annual reports on human rights in the world, notably that of 2008, and the need for an immediate moratorium on executions in those countries where the death penalty is still applied,
- having regard to United Nations General Assembly Resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008 calling for a moratorium on the use of the death penalty (on the report of the Third Committee (A/62/439/Add.2)),
- having regard to the EU guidelines on the death penalty of 16 June 1998, and the revised and updated version of 2008,
- having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,
- having regard to international conventions on the protection of human rights and fundamental freedoms,

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- having regard to the EU migration and asylum policy and the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
  - having regard to the informal dialogue taking place between the EU and Libya with a view to strengthening relations and to the current EU-Libya cooperation on migrations (two projects implemented under the Aeneas programme and Migrations and Asylum instrument) and HIV-AIDS (Action Plan for Benghazi),
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the abolition of the death penalty is part and parcel of the fundamental values of the European Union; whereas the European Parliament is strongly committed to the abolition of the death penalty and is striving to achieve universal acceptance of this principle,
- B. whereas the Libyan Government has resisted moves towards the abolition of the death penalty; in December 2007 and 2008, Libya was among the minority of states that voted against successful UN General Assembly resolutions calling for a worldwide moratorium on executions,
- C. whereas Libya was recently elected to the UN Human Rights Council, which implies increased responsibility in the area of human rights,
- D. whereas *Cerene*, a newspaper closely associated with Saif al-Islam al-Gaddafi, son of Libyan leader Muammar al-Gaddafi, reported that 18 people, including nationals of Chad, Egypt and Nigeria, were executed in Tripoli and Benghazi on 30 May after being convicted of premeditated murder; whereas their identities have not been made public by the Libyan authorities,
- E. whereas there is a fear that death sentences are handed down at the end of proceedings which fail to comply with international standards for fair trials,
- F. whereas the International Covenant on Civil and Political Rights, to which Libya is a party, and in particular Article 6.2 thereof, requires State Parties that have not abolished the death penalty to apply it 'only for the most serious crimes',
- G. whereas the Libyan courts continue to impose the death sentence, mostly for murder and drug-related offences, although it may also be imposed for a wide range of other offences, including the peaceful exercise of the right to freedom of expression and association,
- H. whereas there are no official statistics available on the number of people sentenced to death and executed annually in Libya; whereas, according to various sources, more than 200 people, including foreign nationals, are currently on death row in Libya,
- I. whereas foreign nationals are not often provided with access to their own consular representatives and with interpretation or translation assistance during legal proceedings,
- J. whereas Article 19(2) of the Charter of Fundamental Rights of the European Union bans any removal, expulsion or extradition to a State where there is a serious risk that the person concerned would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment,
- K. whereas, since the lifting of international sanctions on Libya in 2003, the European Union has developed a policy of gradual engagement with Libya, and at the end of 2007 started the process of negotiating a framework agreement,

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- L. whereas the EU has been holding an informal dialogue and a series of consultations with Libya with a view to signing a framework agreement, including on migration issues; whereas the ongoing negotiations have been marked to date by at least seven rounds of negotiations between the two parties which did not result in any substantial progress or clear commitments from Libya to respect for international human rights conventions,
- M. whereas the main obstacle in the relations between the EU and Libya is the lack of progress in the dialogue on human rights, fundamental freedoms and democracy, notably the lack of ratification of the Geneva Convention, as well as the Libyan regime's aggressive external policy, not least towards European states; whereas Libya has no national asylum system covering screening and registration of refugees, granting them asylum status, visits to detention facilities and provision of medical and humanitarian assistance, work that has been done by UNCHR,
- N. whereas according to UNHCR 9 000 refugees – mainly Palestinians, Iraqis, Sudanese and Somalis – have been registered in Libya, of whom 3 700 are asylum seekers, mainly from Eritrea; whereas refugees constantly risk being deported to their states of origin and transit without the Geneva Convention criteria being respected, putting them at risk of persecution and death; whereas cases of mistreatment, torture and killing have been reported in detention centres for refugees, as well as the abandonment of refugees on the deserted borders between Libya and other African countries,
- O. whereas on 8 June 2010 the Libyan authorities ordered the closure of the 26-strong UNHCR office, which has been present in Tripoli since 1991, because its representatives had allegedly 'committed illegal activities',
- P. whereas Libya, like countries that have signed association agreements, has been allocated a National Indicative Programme of EUR 60 million for the period 2011-2013 to enable it to offer further healthcare aid and combat illegal immigration,
1. Reiterates its longstanding opposition to the death penalty in all cases and under all circumstances; recalls the EU's strong commitment to working towards abolition of the death penalty everywhere, and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;
  2. Strongly condemns the execution of the 18 people on 30 May 2010 and expresses its condolences and its solidarity with the families of the deceased;
  3. Asks Libya to disclose the names of the 18 people executed, including those of the foreign nationals;
  4. Calls on the Libyan authorities to ensure that those detained in connection with the above events are guaranteed humane treatment while in custody and fair trials in accordance with international law, including access to a lawyer of their choosing, and the respect for the principle of presumption of innocence;
  5. Urges the Libyan authorities to make progress towards a moratorium on executions;
  6. Expresses deep concern at the closure of the UNHCR office in Libya;
  7. Urges the Libyan authorities to ratify the Geneva Convention on Refugees without delay and to allow and facilitate the running of UNHCR's activities in Libya, including the establishment of a national asylum system;



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8. Calls on Member States that deport migrants to Libya, in cooperation with Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), to stop doing so immediately where there is a serious risk that the person concerned would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment;
  9. Calls on the Commission and the Council to take action under the terms of Articles 265 and Article 218(10) TFEU, which provide that the EP shall be 'immediately and fully informed at all stages of the procedure' on the negotiations with Libya; reiterates its call to be fully informed regarding the negotiation mandate of the Commission in this regard;
  10. Affirms that any cooperation or agreement between the EU and Libya must be conditional on the ratification and implementation by Libya of the Geneva Convention on Refugees and of other major human right conventions and protocols;
  11. Welcomes the fact that a reform of the penal code is being undertaken by a committee chaired by former Supreme Court President Dr Abdulrahman Abu Tuta, and hopes that it will soon be able to present a report; calls on the Libyan authorities to launch a free and democratic national debate on the death penalty with a view to joining the worldwide shift in favour of its abolition;
  12. Welcomes the release of Swiss citizen Max Goeldi;
  13. Instructs its President to forward this resolution to the Council, the Commission, the Member States, UNHCR, UNGA, the United Nations High Commission for Refugees and the Libyan authorities.
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Wednesday 23 June 2010

## European early warning system for paedophiles and sex offenders

P7\_TA(2010)0247

### Declaration of the European Parliament of 23 June 2010 on setting up a European early warning system (EWS) for paedophiles and sex offenders

(2011/C 236 E/28)

*The European Parliament,*

- having regard to its resolution of 26 November 2009 on the elimination of violence against women <sup>(1)</sup>,
  - having regard to the Commission Communication of 22 May 2007 entitled ‘Towards a general policy on the fight against cyber crime’ (COM(2007)0267),
  - having regard to Rule 123 of its Rules of Procedure,
- A. whereas it is essential to ensure that the Internet continues to afford a high level of virtual democracy, which does not present any threat to women and children,
- B. whereas, however, improper use of the opportunities provided by technology may facilitate child pornography and sex offending,
- C. whereas the Internet also allows paedophiles and sex offenders to enjoy freedom of action, putting them on the same footing as honest citizens and making it difficult for the authorities to trace them,
1. Calls on the Council and the Commission to act on its above-mentioned Communication;
  2. Asks the Council and the Commission to implement Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks <sup>(2)</sup> and extend it to search engines in order to tackle online child pornography and sex offending rapidly and effectively;
  3. Calls on the Member States to coordinate a European early warning system involving their public authorities, based on the existing system for food safety, as a means of tackling paedophilia and sex offending;
  4. Instructs its President to forward this declaration, together with the names of the signatories <sup>(3)</sup>, to the Council and the Commission.

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<sup>(1)</sup> Texts adopted, P7\_TA(2009)0098.

<sup>(2)</sup> OJ L 105, 13.4.2006, p. 54.

<sup>(3)</sup> The list of signatories is published in Annex 1 to the Minutes of 23 June 2010 (P7\_PV(2010)06-23(ANN1)).

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## II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

**Adaptation of the Rules of Procedure to the Treaty of Lisbon**

P7\_TA(2010)0204

**European Parliament decision of 15 June 2010 on the adaptation of Parliament's Rules of Procedure  
to the Treaty of Lisbon (2009/2062(REG))**

(2011/C 236 E/29)

*The European Parliament,*

- having regard to Rules 211 and 212 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs incorporating the amendments proposed by the Committee on Budgets in its opinion of 31 March 2009 (A7-0043/2009),
- having regard to its decision of 25 November 2009 on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon <sup>(1)</sup>,

1. Decides to amend its Rules of Procedure as shown below;
2. Points out that the amendments will enter into force on the first day of the next part-session;
3. Instructs its President to forward this decision to the Council and the Commission, for information.

PRESENT TEXT

AMENDMENT

**Amendment 1****Parliament's Rules of Procedure  
Rule 7 – paragraph 2**

2. The committee shall make a proposal for a decision which **simply** recommends the adoption or rejection of the request for the waiver of immunity or for the defence of immunity and privileges.

2. The committee shall make a proposal for a **reasoned** decision which recommends the adoption or rejection of the request for the waiver of immunity or for the defence of immunity and privileges.

<sup>(1)</sup> Texts adopted, P7\_TA(2009)0088.

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PRESENT TEXT

AMENDMENT

**Amendment 121****Parliament's Rules of Procedure  
Rule 8**

*Unless otherwise stipulated, the rules governing implementation of the Statute for Members of the European Parliament shall be laid down by the Bureau.*

*Parliament shall adopt the Statute for Members of the European Parliament and any modification thereof on the basis of a proposal by the committee responsible. Rule 138(1) shall apply mutatis mutandis. The Bureau shall be responsible for the application of these rules and shall decide on the financial envelopes on the basis of the annual budget.*

**Amendment 4****Parliament's Rules of Procedure  
Rule 23 – paragraph 2 and paragraph 2 a (new)**

2. The Bureau shall take financial, organisational and administrative decisions on matters concerning **Members and** the internal organisation of Parliament, its Secretariat and its bodies.

2. The Bureau shall take financial, organisational and administrative decisions on matters concerning the internal organisation of Parliament, its Secretariat and its bodies.

*2a. The Bureau shall take financial, organisational and administrative decisions on matters concerning Members on a proposal of the Secretary-General or a political group.*

**Amendment 5****Parliament's Rules of Procedure  
Rule 23 – paragraph 11 a (new)**

*11a. The Bureau shall nominate two Vice-Presidents who shall be entrusted with the implementation of relations with national parliaments.*

*They shall report back regularly to the Conference of Presidents on their activities in this regard.*

*(The second and third sentences of Rule 25(3) shall be deleted.)*

**Amendment 86****Parliament's Rules of Procedure  
Rule 24 – paragraph 2**

2. The non-attached Members *shall delegate one of their numbers* to attend meetings of the Conference of Presidents, without having the right to vote.

2. The **President of Parliament shall invite one of the** non-attached Members to attend meetings of the Conference of Presidents, without having the right to vote.

**Amendment 117****Parliament's Rules of Procedure  
Rule 37 a (new)****Rule 37a****Delegation of legislative powers**

1. When scrutinising a proposal for a legislative act which delegates powers to the Commission as provided for in Article 290 of the Treaty on the Functioning of the European Union, Parliament shall pay particular attention to the objectives, content, scope and duration of the delegation, and to the conditions to which it is subject.

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PRESENT TEXT

AMENDMENT

2. *The committee responsible for the subject-matter may at any time request the opinion of the committee responsible for the interpretation and application of Union law.*

3. *The committee responsible for the interpretation and application of Union law may also, on its own initiative, take up questions concerning the delegation of legislative powers. In such cases it shall duly inform the committee responsible for the subject-matter.*

#### Amendment 10

##### Parliament's Rules of Procedure Rule 56 – paragraph 3 – subparagraph 2

In the event of referral back, the committee responsible shall, orally or in writing, report back to Parliament within a period decided by Parliament which may not exceed two months.

In the event of referral back, the committee responsible shall ***decide on the procedure to be followed and shall***, orally or in writing, report back to Parliament within a period decided by Parliament which may not exceed two months.

#### Amendment 113

##### Parliament's Rules of Procedure Rule 74 a – paragraph 1 a (new)

1a. *Where Parliament is consulted, in accordance with Article 48(3) of the Treaty on European Union, on a proposal for a decision of the European Council in favour of examining amendments to the Treaties, the matter shall be referred to the committee responsible. The committee shall draw up a report comprising:*

- *a motion for a resolution which states whether Parliament approves or rejects the proposed decision and which may contain proposals for the attention of the Convention or of the conference of representatives of the governments of the Member States;*
- *if appropriate, an explanatory statement.*

#### Amendment 114

##### Parliament's Rules of Procedure Rule 74 b – paragraph 1 a (new)

1a. *Where Parliament is consulted, in accordance with Article 48(6) of the Treaty on European Union, on a proposal for a decision of the European Council amending Part Three of the Treaty on the Functioning of the European Union, Rule 74a(1a) shall apply mutatis mutandis. In that event, the motion for a resolution may contain proposals for amendments only of provisions of Part Three of the Treaty on the Functioning of the European Union.*

Tuesday 15 June 2010

PRESENT TEXT

AMENDMENT

**Amendment 118**  
**Parliament's Rules of Procedure**  
**Rule 96**

1. When Parliament is consulted pursuant to Article 36 of the Treaty on European Union, the matter shall be referred to the committee responsible which may make recommendations pursuant to Rule 97.

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

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

*(See also interpretation under Rule 121.)*

4. The **Council, the Commission and/or the** Vice-President/High Representative shall be invited to every plenary debate that involves either foreign, security or defence policy.

1. When Parliament is consulted pursuant to Article 36 of the Treaty on European Union, the matter shall be referred to the committee responsible which may make recommendations pursuant to Rule 97.

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

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

*(See also interpretation under Rule 121.)*

4. The Vice-President/High Representative shall be invited to every plenary debate that involves either foreign, security or defence policy.

**Amendment 116**  
**Parliament's Rules of Procedure**  
**Title IV – Chapter 3 – title**

**QUESTIONS TO THE COUNCIL, THE COMMISSION AND THE EUROPEAN CENTRAL BANK**

**PARLIAMENTARY QUESTIONS**

**Amendment 107**  
**Parliament's Rules of Procedure**  
**Rule 116**

1. Question Time with the Council and the Commission shall be held at each part-session at times decided by Parliament on a proposal from the Conference of Presidents. **A specific period of time may be set aside for questions to the President and individual Members of the Commission.**

1. Question Time with the Council and the Commission shall be held at each part-session at times decided by Parliament on a proposal from the Conference of Presidents.

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## PRESENT TEXT

## AMENDMENT

2. No Member may put more than one question to the Council and one question to the Commission at any given part-session.

3. Questions shall be submitted in writing to the President, who shall rule on their admissibility and on the order in which they are to be taken. The questioner shall be notified immediately of this decision.

4. The detailed procedure shall be governed by guidelines laid down in an annex to these Rules of Procedure.

2. No Member may put more than one question to the Council and one question to the Commission at any given part-session.

3. Questions shall be submitted in writing to the President, who shall rule on their admissibility and on the order in which they are to be taken. The questioner shall be notified immediately of this decision.

4. The detailed procedure shall be governed by guidelines laid down in an annex to these Rules of Procedure.

**5. In accordance with guidelines established by the Conference of Presidents, specific question hours may be held with the President of the Commission, with the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and with the President of the Eurogroup.**

(Annex II Point 15 (Format) is to be deleted.)

**Amendment 108****Parliament's Rules of Procedure  
Rule 117 – title and paragraph 1**

Questions for written answer **to the Council or the Commission**

1. Any Member may put questions for written answer to the Council **or** the Commission in accordance with guidelines laid down in an annex to these Rules of Procedure. The content of questions shall be the sole responsibility of their authors.

Questions for written answer

1. Any Member may put questions for written answer to **the President of the European Council**, the Council, the Commission **or the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy** in accordance with guidelines laid down in an annex to these Rules of Procedure. The content of questions shall be the sole responsibility of their authors.

**Amendment 115****Parliament's Rules of Procedure  
Rule 117 – paragraph 2**

2. Questions shall be submitted in writing to the President who shall forward them to the **institution concerned**. Doubts concerning the admissibility of a question shall be settled by the President. The questioner shall be notified of his decision.

2. Questions shall be submitted in writing to the President who shall forward them to the **addressees**. Doubts concerning the admissibility of a question shall be settled by the President. The questioner shall be notified of his decision.

(Horizontal amendment: the words 'institution concerned' shall be replaced in Rule 117(2) and (4) and points 1 and 3 of Annex III to the Rules of Procedure by the word 'addressees'.)

**Amendment 110****Parliament's Rules of Procedure  
Rule 130 – paragraphs 1 a, 1 b, 1 c (new)**

**1a. The organisation and promotion of effective and regular interparliamentary cooperation within the Union, pursuant to Article 9 of the Protocol on the role of national parliaments in the European Union, shall be negotiated on the basis of a mandate given by the Conference of Presidents, after consulting the Conference of Committee Chairs.**

Tuesday 15 June 2010

PRESENT TEXT

AMENDMENT

*Parliament shall approve any agreements on such matters in accordance with the procedure set out in Rule 127.*

*1b. A committee may directly engage in a dialogue with national parliaments at committee level within the limits of budgetary appropriations set aside for this purpose. This may include appropriate forms of pre-legislative and post-legislative cooperation.*

*1c. Any document concerning a legislative procedure at Union level which is officially transmitted by a national parliament to the European Parliament shall be forwarded to the committee responsible for the subject-matter dealt with in that document.*

#### Amendment 112

##### Parliament's Rules of Procedure Rule 131

1. On a proposal from the President, the Conference of Presidents shall name the members of, and may confer a mandate on, Parliament's delegation to COSAC. The delegation shall be headed by **one of the Vice-Presidents** responsible for implementation of relations with the national parliaments.

2. The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting, **taking due account of the overall political balance within Parliament.** A report shall be submitted by the delegation after each meeting.

1. On a proposal from the President, the Conference of Presidents shall name the members of, and may confer a mandate on, Parliament's delegation to COSAC. The delegation shall be headed by **a Vice-President of the European Parliament** responsible for implementation of relations with the national parliaments **and by the Chair of the committee responsible for institutional matters.**

2. The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting **and shall comprise, as far as possible, representatives of the committees responsible for those subjects.** A report shall be submitted by the delegation after each meeting.

**3. Due account shall be taken of the overall political balance within Parliament.**

#### Amendment 66

##### Parliament's Rules of Procedure Rule 191 – paragraph 1

1. At the first committee meeting after the election of committee members pursuant to Rule 186, the committee shall elect a bureau consisting of a chair and **one, two or three** vice-chairs who shall be elected in separate ballots.

1. At the first committee meeting after the election of committee members pursuant to Rule 186, the committee shall elect a bureau consisting of a chair and **of** vice-chairs who shall be elected in separate ballots. **The number of vice-chairs to be elected shall be determined by Parliament upon a proposal by the Conference of Presidents.**

#### Amendment 109

##### Parliament's Rules of Procedure Annex III – point 1 – indent -1 (new)

— **clearly specify the addressee to whom they are to be transmitted through the usual interinstitutional channels;**



Tuesday 15 June 2010

**Proposal for a decision on the setting up and numerical strength of the Delegation to the CARIFORUM-EU Parliamentary Committee**

P7\_TA(2010)0211

**European Parliament decision of 15 June 2010 on the setting up and numerical strength of the Delegation to the CARIFORUM-EU Parliamentary Committee**

(2011/C 236 E/30)

*The European Parliament,*

- having regard to the Constituent Act of 29 December 2008 of the CARIFORUM-EU Parliamentary Committee,
  - having regard to Rule 198 of its Rules of Procedure,
1. Decides to set up a Delegation to the CARIFORUM-EU Parliamentary Committee;
  2. Decides that the numerical strength of the delegation shall be 15 full members;
  3. Decides that nine members shall be taken from the Committee on International Trade and six from the Committee on Development;
  4. Instructs its President to forward this decision to the Council and the Commission for information.
-

Wednesday 16 June 2010

## **Setting up and numerical strength of the special committee on the policy challenges and budgetary resources for a sustainable European Union after 2013**

P7\_TA(2010)0225

**European Parliament decision of 16 June 2010 on setting up a special committee on the policy challenges and budgetary resources for a sustainable European Union after 2013, its powers, numerical composition and term of office**

(2011/C 236 E/31)

*The European Parliament,*

- having regard to the decisions taken by the Conference of Presidents on 22 April and 12 and 20 May 2010 proposing the setting up of a special committee on the political challenges and the budgetary means available to the Union after 2013,
  - having regard to Art. 312(5) of the Treaty on the Functioning of the European Union, which stipulates that throughout the procedure leading to the adoption of the financial framework, Parliament, the Council and the Commission shall take any measure necessary to facilitate its adoption,
  - having regard to the need to gather and coordinate the opinions of the various committees concerned and to establish a mandate for the Committee on Budgets for its negotiations with the Council aiming to adopt a regulation containing the future multi-annual financial framework (MFF), and possibly, the definition of supporting measures to be defined in an interinstitutional agreement,
  - having regard to the work undertaken by Parliament's special committee on the financial, economic and social crisis and the need for a follow-up of the work of that committee, especially with regard to support for sustainable and qualitative growth and long-term investments, in order to tackle the long-term effects of the crisis,
  - having regard to Rule 184 of its Rules of Procedure,
1. Decides to set up a special committee with the following remit:
    - (a) to define Parliament's political priorities for the post-2013 MFF, both in legislative terms and budgetary terms;
    - (b) to estimate the financial resources necessary for the Union to attain its objectives and carry out its policies for the period starting 1 January 2014;
    - (c) to define the duration of the next MFF;
    - (d) to propose, in accordance with those priorities and objectives, a structure for the future MFF, indicating the main areas of Union activity;
    - (e) to submit guidelines for an indicative allocation of resources between and within the different headings of expenditure of the MFF in line with the priorities and proposed structure;
    - (f) to specify the link between a reform of the financing system of the EU budget and a review of expenditure to provide the Committee on Budgets with a sound basis for negotiations on the new MFF;
  2. Decides to establish the special committee for a term of 12 months from 1 July 2010 in order to submit a report to Parliament before the Commission presents its proposal with figures for the next MFF, planned for July 2011;
  3. Recalls that the specific budgetary and legislative proposals will be dealt with by the relevant committees in accordance with Annex VII of its Rules of Procedure;
  4. Decides that the special committee shall have 50 members.
-

Tuesday 15 June 2010

## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

**European Globalisation Adjustment Fund: ES/Region of Valencia**

P7\_TA(2010)0197

**European Parliament resolution of 15 June 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0216 – C7-0115/2010 – 2010/2066(BUD))**

(2011/C 236 E/32)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0216 – C7-0115/2010),
  - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup> (IIA of 17 May 2006), and in particular point 28 thereof,
  - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund <sup>(2)</sup> (EGF Regulation),
  - having regard to the report of the Committee on Budgets (A7-0180/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,
- C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,
- D. whereas Spain has requested assistance in respect of cases concerning 2 425 redundancies in 181 enterprises operating in the NACE Revision 2 division 23 ('Manufacture of other non-metallic mineral products') sector in the NUTS II region of Comunidad Valenciana <sup>(3)</sup>,

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

<sup>(3)</sup> EGF/2009/014 ES/Comunidad Valenciana.

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- E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
  2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have suffered redundancies as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of the workers made redundant into the labour market;
  3. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of the individual redundant workers into employment; reiterates that assistance from the EGF shall not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
  4. Notes that the information provided on the co-ordinated package of personalised services to be funded from the EGF includes a detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call for the Commission to present a comparative evaluation of these data in the EGF's annual reports as well;
  5. Reminds the Commission, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the ESF, since the EGF was created as a separate specific instrument with its own objectives and deadlines;
  6. Recalls that the functioning and the added value of the EGF should be evaluated in the context of the general assessment of the programmes and other various instruments created by the IIA of 17 May 2006, within the process of the 2007-2013 multiannual financial framework mid-term review;
  7. Welcomes the new format of the Commission's proposal, presenting in its explanatory memorandum clear and detailed information on the application, analysing the eligibility criteria and explaining the reasons which led to its approval, which is in line with Parliament's requests;
  8. Approves the decision annexed to this resolution;
  9. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  10. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
-

Tuesday 15 June 2010

## ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup>, and in particular point 28 thereof,

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

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Spain submitted an application on 2 September 2009 to mobilise the EGF, in respect of redundancies in 181 enterprises operating in the NACE Revision 2 division 23 ('Manufacture of other non-metallic mineral products') sector in a single NUTS II region, Comunidad Valenciana (ES52), and supplemented it by additional information until 22 February 2010. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission therefore proposes to mobilise an amount of EUR 6 598 735.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Spain.

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 6 598 735 in commitment and payment appropriations.

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

Tuesday 15 June 2010

Article 2

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

Done at Strasbourg, ... June 2010

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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## **Mobilisation of European Globalisation Adjustment Fund: Ireland/Waterford Crystal**

P7\_TA(2010)0198

**European Parliament resolution of 15 June 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0196 – C7-0116/2010 – 2010/2067(BUD))**

(2011/C 236 E/33)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0196 – C7-0116/2010),
  - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup> (IIA of 17 May 2006), and in particular point 28 thereof,
  - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund <sup>(2)</sup> (EGF Regulation),
  - having regard to the report of the Committee on Budgets (A7-0181/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,
- C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

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- D. whereas Ireland has requested assistance in respect of cases concerning redundancies in Waterford Crystal and in three of its suppliers (Thomas Fennell Engineering Ltd, RPS Engineering Services, Abbey Electric) operating in the crystal sector <sup>(1)</sup>,
- E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
  2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have suffered redundancies as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of the workers made redundant into the labour market;
  3. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of the individual redundant workers into employment; reiterates that assistance from the EGF shall not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
  4. Notes that the information provided on the co-ordinated package of personalised services to be funded from the EGF includes a detailed information on the complementarity with actions funded by the Structural Funds, reiterates its call for the Commission to present a comparative evaluation of these data in the EGF's annual reports as well;
  5. Reminds the Commission that, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the ESF, since the EGF was created as a separate specific instrument with its own objectives and deadlines;
  6. Recalls that the functioning and the added value of the EGF should be evaluated in the context of the general assessment of the programmes and other various instruments created by the IIA of 17 May 2006, within the process of the 2007-2013 multiannual financial framework mid-term review;
  7. Welcomes the new format of the Commission's proposal, presenting in its explanatory memorandum, clear and detailed information on the application, analysing the eligibility criteria and explaining the reasons which led to its approval, which is in line with the Parliament's requests;
  8. Approves the decision annexed to this resolution;
  9. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  10. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

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<sup>(1)</sup> EGF/2009/012 IE/Waterford Crystal.

Tuesday 15 June 2010

ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Ireland submitted an application on 7 August 2009 to mobilise the EGF, in respect of redundancies in the enterprise Waterford Crystal and in three of its suppliers or downstream producers, and supplemented it by additional information until 3 November 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 2 570 853.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Ireland.

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 2 570 853 in commitment and payment appropriations.

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.



Tuesday 15 June 2010

## Article 2

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

Done at Strasbourg, ... June 2010

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **Mobilisation of European Globalisation Adjustment Fund: ES/Castilla - La Mancha**

P7\_TA(2010)0199

**European Parliament resolution of 15 June 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0205 – C7-0117/2010 – 2010/2068(BUD))**

(2011/C 236 E/34)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0205 – C7-0117/2010),
  - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup> (IIA of 17 May 2006), and in particular point 28 thereof,
  - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund <sup>(2)</sup> (EGF Regulation),
  - having regard to the report of the Committee on Budgets (A7-0179/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,
- C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

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- D. whereas Spain has requested assistance in respect of cases concerning 585 redundancies in 36 enterprises operating in the NACE Revision 2 division 16 ('Manufacture of wood and of products of wood and cork except furniture; manufacture of article of straw and plaiting materials') sector in the NUTS II region of Castilla-La Mancha <sup>(1)</sup>,
- E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
  2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have suffered redundancies as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of the workers made redundant into the labour market;
  3. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of the individual redundant workers into employment; reiterates that assistance from the EGF shall not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
  4. Notes that the information provided on the co-ordinated package of personalised services to be funded from the EGF includes a detailed information on the complementarity with actions funded by the Structural Funds, reiterates its call for the Commission to present a comparative evaluation of these data in the EGF's annual reports as well;
  5. Reminds the Commission that, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the ESF, since the EGF was created as a separate specific instrument with its own objectives and deadlines;
  6. Recalls that the functioning and the added value of the EGF should be evaluated in the context of the general assessment of the programmes and other various instruments created by the IIA of 17 May 2006, within the process of the 2007-2013 multiannual financial framework mid-term review;
  7. Welcomes the new format of the Commission's proposal, presenting in its explanatory memorandum, clear and detailed information on the application, analysing the eligibility criteria and explaining the reasons which led to its approval, which is in line with the Parliament's requests;
  8. Approves the decision annexed to this resolution;
  9. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  10. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

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<sup>(1)</sup> EGF/2009/020 ES/Castilla-La Mancha.

Tuesday 15 June 2010

ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup>, and in particular point 28 thereof,

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

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Spain submitted an application on 9 October 2009 to mobilise the EGF, in respect of redundancies in 36 enterprises operating in the NACE Revision 2 division 16 ('Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials') sector in a single NUTS II region, Castilla-La Mancha (ES42) and supplemented it by additional information until 22 February 2010. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission therefore proposes to mobilise an amount of EUR 1 950 000.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Spain.

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 1 950 000 in commitment and payment appropriations.

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

Tuesday 15 June 2010

Article 2

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

Done at Strasbourg, ... June 2010

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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**Mobilisation of European Globalisation Adjustment Fund: technical assistance at the initiative of the Commission**

P7\_TA(2010)0200

**European Parliament resolution of 15 June 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0182 – C7-0099/2010 – 2010/2060(BUD))**

(2011/C 236 E/35)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0182 – C7-0099/2010),
  - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup>, and in particular point 28 thereof,
  - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund <sup>(2)</sup> (EGF Regulation),
  - having regard to the report of the Committee on Budgets (A7-0178/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to help the reintegration into the labour market of workers affected by trade-related redundancies and the consequences of the financial and economic crisis,
- B. whereas the Commission is obliged to implement the EGF in accordance with the general rules set up by the Financial Regulation <sup>(3)</sup> and the implementing rules applicable to this form of implementation of the budget,

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

<sup>(3)</sup> OJ L 248, 16.9.2002, p. 1.

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- C. whereas up to 0,35 % of the annual EGF amount can be made available each year for technical assistance at the initiative of the Commission, in order to finance monitoring, information, administrative and technical support, audit, control and evaluation activities necessary to implement the EGF Regulation, as stipulated in Article 8(1) of that Regulation, including the provision of information and guidance for the Member States in using, monitoring and evaluating the EGF and providing information on using the EGF to the European and national social partners (Article 8(4) of the EGF Regulation),
- D. whereas, in accordance with Article 9(2) of the EGF Regulation, the Commission is to set up an internet site, available in all languages, to provide information on applications, highlighting the role of the budget authority,
- E. whereas on the basis of these Articles the Commission requested mobilisation of the EGF in order to cover its administrative needs for the preparatory work in view of the mid-term evaluation of the functioning of the EGF, covering studies on implementation, reintegration of workers into the labour market, development of networks between Member State services in charge of the EGF, exchange of good practices and also for the update and development of the website, of applications and documents in all languages and audiovisual activities, which is in line with Parliament's will to raise citizens' awareness with regard to EU actions,
- F. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
  2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF;
  3. Approves the decision annexed to this resolution;
  4. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

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ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup>, and in particular point 28 thereof,

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<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

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having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund <sup>(1)</sup>, and in particular Article 8(2) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Regulation (EC) No 1927/2006 provides that 0,35 % of the annual maximum amount can be made available each year for technical assistance at the initiative of the Commission. The Commission therefore proposes to mobilise an amount of EUR 1 110 000.
- (5) The EGF should, therefore, be mobilised in order to provide technical assistance at the initiative of the Commission.

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 1 110 000 in commitment and payment appropriations.

*Article 2*

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

Done at Strasbourg, ... June 2010

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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<sup>(1)</sup> OJ L 406, 30.12.2006, p. 1.

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**EU financial contributions to the International Fund for Ireland (2007-2010) \*\*\*I**

P7\_TA(2010)0202

**European Parliament legislative resolution of 15 June 2010 on the proposal for a regulation of the European Parliament and of the Council concerning European Union financial contributions to the International Fund for Ireland (2007-2010) (COM(2010)0012 – C7-0024/2010 – 2010/0004(COD))**

(2011/C 236 E/36)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0012),
  - having regard to Article 294(2), and Article 175 and Article 352(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0024/2010),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinions sent to its President by national parliaments relating to the compliance of the draft act with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 29 April 2010 <sup>(1)</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development (A7-0190/2010),
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.

<sup>(1)</sup> Not yet published in the Official Journal.

**P7\_TC1-COD(2010)0004****Position of the European Parliament adopted at first reading on 15 June 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council concerning European Union financial contributions to the International Fund for Ireland (2007 to 2010)**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1232/2010)*

Tuesday 15 June 2010

## European rail network for competitive freight \*\*\*II

P7\_TA(2010)0203

**European Parliament legislative resolution of 15 June 2010 on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning a European rail network for competitive freight (11069/5/2009 – C7-0043/2010 – 2008/0247(COD))**

(2011/C 236 E/37)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (11069/5/2009 – C7-0043/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2008)0852),
- having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0509/2008),
- 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 its position at first reading <sup>(1)</sup>,
- having regard to Article 294(7) and Article 91(1) 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 the opinion of the Committee of the Regions <sup>(3)</sup>,
- having regard to Rule 66 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0162/2010),

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.

<sup>(1)</sup> Texts adopted, 23.4.2009, P6\_TA(2009)0285.

<sup>(2)</sup> OJ C 317, 23.12.2009, p. 94.

<sup>(3)</sup> OJ C 79, 27.3.2010, p. 45.

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## P7\_TC2-COD(2008)0247

**Position of the European Parliament adopted at second reading on 15 June 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council concerning a European rail network for competitive freight**

*(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 913/2010)*

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Wednesday 16 June 2010

**Joint Baltic Sea Research and Development Programme (Bonus-169) \*\*\*I**

P7\_TA(2010)0212

**European Parliament legislative resolution of 16 June 2010 on the proposal for a decision of the European Parliament and of the Council on participation by the Community in a Joint Baltic Sea Research and Development Programme (Bonus-169) undertaken by several Member States (COM(2009)0610 – C7-0263/2009 – 2009/0169(COD))**

(2011/C 236 E/38)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0610),
- having regard to Article 251(2) and Articles 169 and 172(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0263/2009),
- 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 Articles 185 and 188(2) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 29 April 2010 <sup>(1)</sup>,
- 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 opinion of the Committee on the Environment, Public Health and Food Safety (A7-0164/2010),

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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<sup>(1)</sup> Not yet published in the Official Journal.

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**P7\_TC1-COD(2009)0169**

**Position of the European Parliament adopted at first reading on 16 June 2010 with a view to the adoption of Decision No .../2010/EU of the European Parliament and of the Council on the participation of the Union in a Joint Baltic Sea Research and Development programme (BONUS) undertaken by several Member States**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 862/2010/EU)*

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Wednesday 16 June 2010

## **Structures for the management of the European satellite radio navigation programmes \*\*\*I**

P7\_TA(2010)0213

**European Parliament legislative resolution of 16 June 2010 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes (COM(2009)0139 – C7-0103/2009 – 2009/0047(COD))**

(2011/C 236 E/39)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0139),
- having regard to Article 251(2) and Article 156 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0103/2009),
- 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 172 of the Treaty of the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 15 July 2009 <sup>(1)</sup>,
- after consulting the Committee of the Regions,
- 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 opinion of the Committee on Budgets (A7-0160/2010),

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.

<sup>(1)</sup> OJ C 317, 23.12.2009, p. 103.

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### **P7\_TC1-COD(2009)0047**

**Position of the European Parliament adopted at first reading on 16 June 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 912/2010)*

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Wednesday 16 June 2010

**European Earth monitoring programme (GMES) (2011–2013) \*\*\*I**

P7\_TA(2010)0214

**European Parliament legislative resolution of 16 June 2010 on the proposal for a regulation of the European Parliament and of the Council on the European Earth observation programme (GMES) and its initial operations (2011–2013) (COM(2009)0223 – C7-0037/2009 – 2009/0070(COD))**

(2011/C 236 E/40)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0223),
  - having regard to Article 251(2) and Article 157(3) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0037/2009),
  - having regard to the Communication from the Commission 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 189 of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 20 January 2010 <sup>(1)</sup>,
  - after consulting the Committee of the Regions,
  - having regard to the undertaking given by the Council representative by letter of 5 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,
  - 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 (A7-0161/2010),
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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<sup>(1)</sup> Not yet published in the Official Journal.

Wednesday 16 June 2010

**P7\_TC1-COD(2009)0070**

**Position of the European Parliament adopted at first reading on 16 June 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 911/2010)*

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**Statute of the International Renewable Energy Agency (IRENA) \*\*\***

P7\_TA(2010)0215

**European Parliament legislative resolution of 16 June 2010 on the draft Council decision on the conclusion of the Statute of the International Renewable Energy Agency (IRENA) by the European Union (08612/2010 – C7-0109/2010 – 2009/0085(NLE))**

(2011/C 236 E/41)

(Consent - renewed referral)

*The European Parliament,*

- having regard to the draft Council decision on the conclusion of the Statute of the International Renewable Energy Agency (IRENA) by the European Union (08612/2010),
- having regard to the Commission proposal to the Council (COM(2009)0326),
- having regard to its position of 20 October 2009 <sup>(1)</sup>,
- having regard to the Communication from the Commission 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 COM(2010)0147),
- having regard to Article 194(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union, pursuant to which the Council requested the consent of Parliament (C7-0109/2010),
- having regard to Rules 59(3), 81 and 90(8) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Industry, Research and Energy (A7-0176/2010),

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

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<sup>(1)</sup> Texts adopted, P7\_TA(2009)0030.

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**Enhanced cooperation in the area of the law applicable to divorce and legal separation \*\*\***

P7\_TA(2010)0216

**European Parliament legislative resolution of 16 June 2010 on the draft Council decision authorising enhanced cooperation in the area of the law applicable to divorce and legal separation (09898/2/2010 – C7-0145/2010– 2010/0066(NLE))**

(2011/C 236 E/42)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision authorising enhanced cooperation in the area of the law applicable to divorce and legal separation (09898/2/2010),
  - having regard to the request for consent submitted by the Council pursuant to Article 329(1) of the Treaty on the Functioning of the European Union (C7-0145/2010),
  - having regard to Rules 74 g and 81(1) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Legal Affairs (A7-0194/2010),
- A. whereas on 17 July 2006 the Commission adopted a proposal for a Council regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters ('Rome III') (COM(2006)0399),
- B. whereas that proposal was based on Articles 61(c) and 67(1) of the EC Treaty, which required a unanimous vote in the Council,
- C. whereas on 21 October 2008 Parliament, acting under the consultation procedure, approved the Commission proposal as amended <sup>(1)</sup>,
- D. whereas, already by mid-2008, it had become clear that some Member States had specific problems which made it impossible for them to accept the proposed regulation; whereas, in particular, one Member State was unable to accept that its courts might have to apply foreign divorce law, which it regarded as more restrictive than its own divorce law, and wished to continue applying its own substantive law to any divorce sought in its courts; whereas, in contrast, a large majority of Member States considered that rules on applicable law were an essential element of the proposed regulation and that such rules would in some cases entail courts applying foreign law,
- E. whereas, at its meeting on 5 and 6 June 2008, the Council concluded that 'there was no unanimity to go ahead with the proposed regulation and that insurmountable difficulties existed, making a decision requiring unanimity impossible now and in the foreseeable future' and that 'the objectives of the proposed regulation could not be attained within a reasonable period by applying the relevant provisions of the Treaties',

<sup>(1)</sup> OJ C 15 E, 21.1.2010, p. 128.

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- F. whereas, according to Article 20 of the Treaty on European Union, a minimum of nine Member States may establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences, while using its institutions and exercising those competences by applying the provisions of the Treaties, subject to the limits and in accordance with the arrangements laid down in that Article and in Articles 326 to 334 of the Treaty on the Functioning of the European Union,
- G. whereas, to date, fourteen Member States <sup>(1)</sup> have indicated their intention to establish enhanced cooperation between themselves in the area of the law applicable in matrimonial matters,
- H. whereas Parliament has verified compliance with Article 20 of the Treaty on European Union and Articles 326 to 334 of the Treaty on the Functioning of the European Union,
- I. whereas, in particular, this enhanced cooperation may be regarded as enhancing the Union's objectives, protecting its interests and reinforcing its integration process within the meaning of Article 20 of the Treaty on European Union, in the light of the Commission's extensive consultation of stakeholders as part of its impact assessment in connection with its Green Paper (COM(2005)0082), the large number of 'international' marriages and the approximately 140 000 divorces with an international element in the Union in 2007, bearing in mind that two of the countries intending to participate in the enhanced cooperation, Germany and France, had the highest share of new 'international' divorces in that year,
- J. whereas harmonisation of conflict-of-law rules will facilitate the mutual recognition of judgments in the area of freedom, security and justice in that it will reinforce mutual trust; whereas at present 26 different sets of conflict-of-law rules as regards divorce exist in the Member States participating in judicial cooperation in civil matters, and the establishment of enhanced cooperation in this field will reduce this number to 13, thus making for greater harmonisation of the rules of private international law and reinforcing the integration process,
- K. whereas it appears clearly from the antecedents of this initiative that the proposed decision is being put forward in the last resort and that the objectives of the cooperation could not be attained within a reasonable period; whereas at least nine Member States intend to participate in it; whereas, therefore, the requirements of Article 20 of the Treaty on European Union are satisfied,
- L. whereas the requirements of Articles 326 to 334 of the Treaty on the Functioning of the European Union are also satisfied,
- M. whereas in particular enhanced cooperation in this area complies with the Treaties and Union law since it will not affect the *acquis*, since the only Union rules existing in this area relate to jurisdiction, recognition and enforcement of judgments and not to the applicable law; whereas it will not cause any discrimination on grounds of nationality contrary to Article 18 of the Treaty on the Functioning of the European Union, since the proposed conflict-of-law rules will apply to all parties before the courts of the participating Member States irrespective of their nationality or residence,
- N. whereas enhanced cooperation will not undermine the internal market or social and territorial cohesion and will not constitute a barrier to or discrimination in trade between Member States or distort competition; whereas, instead, it will facilitate the proper functioning of the internal market by eliminating possible obstacles to the free movement of persons and simplify matters for individuals and practitioners in the participating Member States, without causing any discrimination to arise as between citizens,

<sup>(1)</sup> Belgium, Bulgaria, Germany, Spain, France, Italy, Latvia, Luxembourg, Hungary, Malta, Austria, Portugal, Romania and Slovenia.

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- O. whereas enhanced cooperation will respect the rights, competences and obligations of the non-participating Member States in so far as they will maintain their existing private international law rules in this area; whereas there are no international agreements between participating and non-participating Member States which would be breached by enhanced cooperation; and whereas it will not interfere with the Hague Conventions on parental responsibility and maintenance obligations,
- P. whereas Article 328(1) of the Treaty on the Functioning of the European Union provides that enhanced cooperation is to be open at any time to all Member States that wish to participate,
- Q. whereas Article 333(2) of the Treaty on the Functioning of the European Union allows the Council (or, more precisely, those members of the Council representing the Member States participating in enhanced cooperation) to adopt a decision stipulating that it will act under the ordinary legislative procedure, rather than the special legislative procedure provided for in Article 81(3) of the Treaty on the Functioning of the European Union, under which Parliament is merely consulted,
1. Consents to the draft Council decision;
  2. Calls on the Council to adopt a decision pursuant to Article 333(2) of the Treaty on the Functioning of the European Union stipulating that, when it comes to the proposal for a Council Regulation implementing enhanced cooperation in the area of the law applicable to divorce and legal separation, it will act under the ordinary legislative procedure;
  3. Instructs its President to forward its position to the Council and the Commission.

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### **Adoption by Estonia of the euro on 1 January 2011 \***

P7\_TA(2010)0217

**European Parliament legislative resolution of 16 June 2010 on the proposal for a Council decision on the adoption by Estonia of the euro on 1 January 2011 (COM(2010)0239 – C7-0131/2010 – 2010/0135(NLE))**

(2011/C 236 E/43)

(Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2010)0239),
- having regard to the Commission Convergence Report 2010 (COM(2010)0238) as regards Estonia and the European Central Bank Convergence Report of May 2010,
- having regard to its resolution of 1 June 2006 on the enlargement of the euro zone <sup>(1)</sup>,
- having regard to its resolution of 25 March 2010 on the ECB Annual Report 2008 <sup>(2)</sup>,
- having regard to its resolution of 25 March 2010 on Report on the 2009 Annual Statement on the Euro Area and Public Finances <sup>(3)</sup>,

<sup>(1)</sup> OJ C 298 E, 8.12.2006, p. 249.

<sup>(2)</sup> Texts Adopted, P7\_TA(2010)0090.

<sup>(3)</sup> Texts Adopted, P7\_TA(2010)0072.

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- having regard to its resolution of 18 November 2008 on the EMU@10: The first 10 years of Economic and Monetary Union and future challenges <sup>(1)</sup> (resolution on the EMU@10),
  - having regard to its resolution of 20 June 2007 on improving the method for consulting Parliament in procedures relating to the enlargement of the euro area <sup>(2)</sup>,
  - having regard to its resolution of 13 March 2003 on the recommendation of the European Central Bank for a proposal for a Council decision on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank <sup>(3)</sup>,
  - having regard to Council Decision 2003/223/EC of 21 March 2003 on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank <sup>(4)</sup>,
  - having regard to Article 140(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0131/2010),
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0182/2010),
- A. whereas Article 140(1) of the Treaty on the Functioning of the European Union (TFEU) defines the achievement of a high degree of sustainable convergence by reference to the fulfilment by each Member State of the following criteria: the achievement of a high degree of price stability; the sustainability of the government's financial position; the observance of the normal fluctuation margins provided for by the exchange rate mechanism; and the durability of convergence achieved by the Member State and of its participation in the exchange-rate mechanism of the European Monetary System being reflected in the long-term interest-rate levels,
- B. whereas Estonia has complied with the Maastricht criteria in accordance with Article 140(1) TFEU and the Protocol (No 13) on the convergence criteria annexed to the Treaty on European Union and to the TFEU,
- C. whereas the Rapporteur visited Estonia to assess the readiness of that country to enter the euro area,
- D. whereas the Commission has stated that EUROSTAT, in close cooperation with the Estonian statistical office has examined the quality of all relevant data transmitted by the Estonian authorities,
1. Approves the Commission proposal;
  2. Favours the adoption of the euro by Estonia on 1 January 2011;

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

<sup>(2)</sup> OJ C 146 E, 12.6.2008, p. 251.

<sup>(3)</sup> OJ C 61 E, 10.3.2004, p. 374.

<sup>(4)</sup> OJ L 83, 1.4.2003, p. 66.



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3. Notes that the assessment of the Commission and the European Central Bank (ECB) has taken place against the background of the global financial, economic and social crisis which has affected the prospects for nominal convergence of many other Member States;
  4. Notes that Estonia has fulfilled the criteria, as a result of determined, credible and sustained efforts by the Estonian Government and the Estonian people;
  5. Shows concern regarding the discrepancies between the convergence reports of the Commission and the ECB as regards the sustainability of price stability;
  6. Notes that the ECB's 2010 Convergence Report identifies the maintenance of inflation convergence, once the current economic adjustment is over, as very challenging;
  7. Calls on the Estonian Government to maintain its prudent fiscal policy stance, together with its overall stability-oriented policies, in the face of future macroeconomic imbalances and price stability risks;
  8. Calls on the Member States to allow the Commission to assess compliance with the Maastricht criteria on the basis of definite, independent, current, reliable, and high-quality data;
  9. Asks the Commission to simulate the effect of the euro area rescue package on the Estonian budget when the country joins the euro area and thus becomes a member of the group guaranteeing the rescue funds;
  10. Calls on the Commission and the ECB to consider all aspects when recommending the final exchange rate for the Estonian kroon;
  11. Calls on the Estonian authorities to speed up their practical preparations to ensure a smooth changeover process; calls on the Estonian Government to ensure that the introduction of the euro is not used for hidden price increases;
  12. Calls on the Commission and the ECB to report to Parliament on steps being considered to minimise asset inflation as a consequence of low interest rates;
  13. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  14. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  15. Instructs its President to forward its position to the Council, the Commission, the European Central Bank, the Eurogroup and the governments of the Member States.
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Wednesday 16 June 2010

## Draft amending budget No 4/2010: Section III – Commission (2009 surplus)

P7\_TA(2010)0218

**European Parliament resolution of 16 June 2010 on Council's position on Draft amending budget No 4/2010 of the European Union for the financial year 2010, Section III – Commission (10930/2010 – C7-0153/2010 – 2010/2056(BUD))**

(2011/C 236 E/44)

*The European Parliament,*

- having regard to Articles 310 and 314 of the Treaty on the Functioning of the European Union and Article 106a of the Euratom Treaty,
  - 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>(1)</sup> ('the Financial Regulation'), and particularly Article 15(3) and Articles 37 and 38 thereof,
  - having regard to the general budget of the European Union for the financial year 2010, as finally adopted on 17 December 2009 <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>,
  - having regard to Draft amending budget No 4 to the general budget 2010, which the Commission presented on 16 April 2010 (COM(2010)0169),
  - having regard to Council's position on Draft amending budget No 4/2010 established on 11 June 2010 (10930/2010 - C7-0153/2010),
  - having regard to Rules 75b and 75e of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A7-0200/2010),
- A. whereas Draft amending budget No 4/2010 aims to enter in the 2010 budget the surplus of the 2009 financial year, amounting to EUR 2 253 591 199,37,
- B. whereas the main components of this surplus are an over-registering in revenue of EUR 400 703 258, an under-spending in expenditure of EUR 1 667 346 181 and positive exchange rate differences for EUR 185 541 760,
- C. whereas for heading 1 the under-spending of payment appropriations in 2009 amounted to EUR 451 million, for heading 2 to EUR 244 million, for heading 3 to EUR 106 million, for heading 4 to EUR 603 million and for heading 5 to EUR 263 million,
- D. whereas the combined effect of the very tight budgetary margins and emerging financial needs is to put at risk existing political priorities, while significant under-spending reduces at the same time the delivery of EU policies,
- E. whereas the calculation of 2009 budgetary under-implementation should take account of both Draft amending budget No 4/2010 and Amending budget 10/2009,

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(2)</sup> OJ L 64, 12.3.2010.

<sup>(3)</sup> OJ C 139, 14.6.2006, p. 1.

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1. Takes note of Draft amending budget No 4/2010 devoted solely to the budgeting of the 2009 surplus, in accordance with Article 15 of the Financial Regulation;
2. Stresses that the actual under-implementation of the 2009 budget is not limited to the surplus presented in Draft amending budget No 4/2010 but amounts to more than EUR 5 000 000 000, taking also into account Amending budget No 10/2009; warns therefore that the year-end Amending budgets reducing the level of payment appropriations, while diminishing accordingly the global contribution of the Member States to the financing of the EU budget, give a distorted picture of budgetary implementation;
3. Approves Council's position on Draft amending budget No 4/2010 unamended and instructs its President to declare that Amending budget No 2/2010 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
4. Instructs its President to forward this resolution to the Council and the Commission.

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### **Rights to interpretation and translation in criminal proceedings \*\*\*I**

P7\_TA(2010)0220

**European Parliament legislative resolution of 16 June 2010 on the draft directive of the European Parliament and of the Council on the rights to interpretation and to translation in criminal proceedings (00001/2010 – C7-0005/2010 – 2010/0801(COD))**

(2011/C 236 E/45)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the initiative of a group of Member States (00001/2010),
- having regard to point (b) of Article 76 and point (b) of the second subparagraph of Article 82(2) of the Treaty on the Functioning of the European Union, pursuant to which the initiative was submitted to Parliament (C7-0005/2010),
- having regard to Article 294(3) and (15) of the Treaty on the Functioning of the European Union,
- having regard to the Commission proposal (COM(2010)0082), which has the same legislative objective,
- having regard to the reasoned opinions sent to its President by national parliaments on whether the initiative complies with the principle of subsidiarity,
- having regard to Rules 44 and 55 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0198/2010),

1. Adopts its position at first 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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Wednesday 16 June 2010

**P7\_TC1-COD(2010)0801**

**Position of the European Parliament adopted at first reading on 16 June 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2010/64/EU)*

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**Organisation of working time: persons performing mobile road transport activities \*\*\*I**

P7\_TA(2010)0221

**European Parliament legislative resolution of 16 June 2010 on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities (COM(2008)0650 – C6-0354/2008 – 2008/0195(COD))**

(2011/C 236 E/46)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2008)0650),
- having regard to Article 251(2) and Articles 71 and 137(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0354/2008),
- 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 Articles 91 and 153(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 25 March 2009 <sup>(1)</sup>,
- after consulting the Committee of the Regions,
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on Employment and Social Affairs (A7-0137/2010),

1. Rejects the Commission proposal;
2. Calls on the Commission to withdraw its proposal and take appropriate steps together with Parliament to submit a new proposal;
3. 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 228, 22.9.2009, p. 78.

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**Food information to consumers \*\*\*I**

P7\_TA(2010)0222

**European Parliament legislative resolution of 16 June 2010 on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers (COM(2008)0040 – C6-0052/2008 – 2008/0028(COD))**

(2011/C 236 E/47)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Parliament and the Council (COM(2008)0040),
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0052/2008),
  - having regard to the Communication from the Commission to the European Parliament and to 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 18 September 2008 <sup>(1)</sup>,
  - 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 opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Agriculture and Rural Development (A7-0109/2010),
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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<sup>(1)</sup> OJ C 77, 31.3.2009, p. 81.

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## P7\_TC1-COD(2008)0028

**Position of the European Parliament adopted at first reading on 16 June 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directives 94/54/EC and 1999/10/EC, Directive 2000/13/EC, Commission Directives 2002/67/EC and 2004/77/EC and Commission Regulation (EC) No 608/2004**

(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) Article 169 of the Treaty on the Functioning of the European Union (TFEU) provides that the Union is to contribute to the attainment of a high level of consumer protection through the measures it adopts pursuant to Article 114 thereof.
- (2) The free movement of safe ■ food is an essential aspect of the internal market and contributes significantly to the health and well-being of citizens, and to their social and economic interests. **This Regulation will both serve the interests of the internal market, by simplifying the law, ensuring legal certainty and reducing red tape, and benefit citizens by requiring clear, comprehensible and legible labelling of foods.**
- (3) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it should be ensured that consumers are appropriately informed as regards the food they consume. **Purchasing decisions** can be influenced by, *inter alia*, health, economic, environmental, social and ethical considerations.
- (4) 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>(3)</sup> provides that it is a general principle of food law to provide a basis for consumers to make informed choices in relation to food they consume and to prevent any practices that may mislead the consumer.
- (5) 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>(4)</sup> covers certain aspects of the provision of information to consumers specifically to prevent misleading actions and omissions of information. The general principles on unfair commercial practices should be complemented by specific rules concerning the provision of food information to consumers.
- (6) Union rules on food labelling applicable to all foods are laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(5)</sup>. The majority of the provisions laid down in that Directive date back to 1978 and should therefore be updated.

<sup>(1)</sup> OJ C 77, 31.3.2009, p. 81.

<sup>(2)</sup> Position of the European Parliament of 16 June 2010.

<sup>(3)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(4)</sup> OJ L 149, 11.6.2005, p. 22.

<sup>(5)</sup> OJ L 109, 6.5.2000, p. 29.

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- (7) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(1)</sup> lays down rules on the content and presentation of nutrition information on prepacked foods. The inclusion of nutrition information is voluntary unless a nutrition related claim is made concerning the food. The majority of the provisions laid down in that Directive date back to 1990 and should therefore be updated.
- (8) The general labelling requirements are complemented by a number of provisions applicable to all foods in particular circumstances or to certain categories of foods. In addition, there are a number of specific rules which are applicable to specific foods.
- (9) While the original objectives and the core components of the current labelling legislation are still valid, it is necessary to streamline it in order to ensure easier **application** and greater **legal certainty** for stakeholders and to modernise it in order to take account of new developments in the field of food information.
- (10) There is ■ interest **amongst the general public** in the relationship between diet and health and in the choice of an appropriate diet to suit individual needs. The Commission White Paper of 30 May 2007 on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues noted that nutrition labelling is **one method of informing** consumers about the composition of the foods and **of helping** them to make an informed choice. **Education and information campaigns are an important mechanism for improving consumer understanding of food information.** The Union consumer policy strategy 2007 - 2013 underlined that allowing consumers to make an informed choice is essential both to effective competition and consumer welfare. Knowledge of the basic principles of nutrition and appropriate nutrition information on foods would contribute significantly towards enabling the consumer to make such an informed choice. **In addition, it is worthwhile and right that consumers in the Member States should be able to turn to a neutral information source in order to clarify individual nutrition questions. The Member States should, therefore, establish appropriate hotlines, to the financing of which the food industry could contribute.**
- (11) In order to enhance legal certainty and ensure rationality and consistency of enforcement, it is appropriate to repeal Directives 90/496/EEC and 2000/13/EC and to replace them by a single Regulation which would ensure certainty for both consumers and the industry and reduce the administrative burden.
- (12) For the sake of clarity, it is appropriate to repeal and include in this Regulation other horizontal acts, namely Commission Directive 87/250/EEC of 15 April 1987 on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer <sup>(2)</sup>, Commission Directive 94/54/EC of 18 November 1994 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC <sup>(3)</sup>, Commission Directive 1999/10/EC of 8 March 1999 providing for derogations from the provisions of Article 7 of Council Directive 79/112/EEC as regards the labelling of foodstuffs <sup>(4)</sup>, Commission Directive 2002/67/EC of 18 July 2002 on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine <sup>(5)</sup>, Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytosterols and/or phytosterol esters <sup>(6)</sup> and Commission Directive 2004/77/EC of 29 April 2004 amending Directive 94/54/EC as regards the labelling of certain foods containing glycyrrhizic acid and its ammonium salt <sup>(7)</sup>.

<sup>(1)</sup> OJ L 276, 6.10.1990, p. 40.

<sup>(2)</sup> OJ L 113, 30.4.1987, p. 57.

<sup>(3)</sup> OJ L 300, 23.11.1994, p. 14.

<sup>(4)</sup> OJ L 69, 16.3.1999, p. 22.

<sup>(5)</sup> OJ L 191, 19.7.2002, p. 20.

<sup>(6)</sup> OJ L 97, 1.4.2004, p. 44.

<sup>(7)</sup> OJ L 162, 30.4.2004, p. 76.

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- (13) It is necessary to set common definitions, principles, requirements and procedures so as to form a clear framework and a common basis for Union and national measures governing food information.
- (14) In order to follow a comprehensive and evolutionary approach to the information provided to consumers relating to food they consume, there should be a broad definition of food information law covering rules of a general and specific nature as well as a broad definition of food information **and education** covering information provided also by means other than the label.
- (15) **Union** rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional **delivery of food to third parties, the serving of meals** and **the** selling of food by private persons, **for example at charity events** or local community fairs and meetings, **and the sale of food in the various forms of direct marketing by farmers**, do not fall within the scope of this Regulation. **In order to avoid excessive burden, in particular, for small and medium-sized enterprises (SMEs) in the handcrafted food production sector and the food retail trade, which also include providers of mass catering services, non-prepacked products should be excluded from the labelling requirements.**
- (16) **Catering services provided by transport undertakings should fall within the scope of this Regulation only if they are provided on routes between two points within Union territory.**
- (17) **Catering services provided by cinemas - excluding SMEs - should fall within the scope of this Regulation where the food is packed at the point of sale in standardised packages, whose capacity is pre-determined and thus the final quantity and content of food or beverages is defined and measurable.**
- (18) Food information law should **also be based on consumers'** information requirements **█** and ensure **that innovation in the food industry is not stifled. The possibility for food business operators to provide voluntary additional information allows for additional flexibility.**
- (19) The **purpose of** requiring mandatory food information **is** to enable consumers to **make well-informed purchasing decisions** that suit their individual dietary **wishes and** needs.
- (20) In order to enable food information law to adapt to changing consumers' needs for information **and to avoid unnecessary packaging waste, mandatory food labelling should be confined to basic information which is demonstrably of great interest to** the majority of consumers **█**.
- (21) New mandatory food information requirements **or new forms of presentation of food information** should however only be established if and where necessary, in accordance with the principles of subsidiarity, proportionality, **transparency** and sustainability.
- (22) **In addition to the existing rules designed to combat misleading advertising,** the rules on food information should prohibit the **indication of any particular** that would mislead the consumer, **particularly regarding the energy content, provenance or composition of the food.** To be effective, that prohibition should also apply to the advertising and presentation of foods.
- (23) **It is claimed of certain products that specific physical benefits result from their use. Such claims should be expressed in a way that ensures that the effect of using those products is measurable or verifiable.**



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- (24) In order to prevent a fragmentation of the rules concerning the responsibility of food business operators with respect to **incorrect, misleading or missing** food information it is **essential that** the responsibilities of food business operators in this area **be clearly laid down. Without prejudice to Article 19 of Regulation (EC) No 178/2002, food business operators responsible for retail or distribution activities which do not affect food information should act promptly when they learn that such information does not comply with the provisions of this Regulation.**
- (25) A list should be drawn up of all mandatory information which should **■** be provided for all foods intended for the final consumer and the mass caterers. That list should maintain the information that is already required under existing legislation given that it is generally considered as a valuable *acquis* for consumer information.
- (26) ***New information and communication technologies can play an important role in conveying additional information to consumers, as they allow information to be exchanged rapidly and inexpensively. It is possible to envisage consumers obtaining additional information via terminals placed in supermarkets. Those terminals would, by reading the barcode, furnish information about the product concerned. Likewise, it is possible to envisage consumers accessing additional information via a web page on the Internet.***
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- (27) When used in the production of foods and still present, certain ingredients or other substances **can cause** allergies or intolerances, **and in individual cases can even** constitute a danger to the health of those concerned. It is important, **therefore**, that information on the presence of food additives, processing aids and other substances with **a scientifically proven** allergenic effect **or which may increase the risk of illness** should be given to **■** consumers **so that in particular those** suffering from a food allergy or intolerance **can in a targeted manner choose foods which are safe for them. Traces of such substances should also be indicated, so that those suffering from more serious allergies can make safe choices. Common rules should be drawn up for this purpose.**
- (28) Food labels should be clear and understandable to assist consumers wanting to make **selective** food and dietary choices. Studies show that **easy** legibility is an important element in maximising the possibility that labelled information can influence its audience and that **illegible product information** is one of the main causes of consumer dissatisfaction with food labels. **Consequently, factors such as font, colour and contrast should be considered together.**
- (29) In order to ensure the provision of food information, it is necessary to **include** selling food by means of distance communication. Although it is clear that any food supplied through distant selling should meet the same information requirements as food sold in shops, it is necessary to clarify that in such cases the relevant mandatory food information **must** also be available before the purchase is concluded.
- (30) With a view to providing consumers with food information that is necessary to make an informed choice, alcoholic mixed beverages should also provide information on their ingredients.
- (31) ***In accordance with the resolution of the European Parliament of 5 September 2007 on a European Union strategy to support Member States in reducing alcohol-related harm <sup>(1)</sup>, the opinion of the European Economic and Social Committee of 18 September 2008 on the provision of food information to consumers, the work of the Commission, and the general public concern about alcohol-related harm, especially to young and vulnerable consumers, the Commission together with the Member States should establish a definition for beverages such as ‘alcopops’ specifically targeted at young people. Due to their alcoholic nature, ‘alcopops’ should have stricter labelling requirements, and be clearly separated from soft drinks in shops.***

<sup>(1)</sup> OJ C 187 E, 24.7.2008, p. 160.

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- (32) It is also important to provide consumers with information on the other alcoholic beverages. Specific Union rules already exist on the labelling of wine. Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup> provides an exhaustive set of technical standards which fully cover all oenological practices, manufacturing methods and means of presentation and labelling of wines, thus ensuring that all stages in the chain are covered and that consumers are protected and properly informed. In particular, that Regulation describes in a precise and exhaustive manner the substances likely to be used in the production process, together with the conditions for their use via a positive list of oenological practices and treatments; any practice not included in this list is prohibited. Therefore, it is appropriate to exempt wine at this stage from the obligation to list the ingredients and to provide for a nutrition declaration. As regards beer and spirits as defined in Article 2(1) of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks <sup>(2)</sup>, and in order to ensure a consistent approach and coherence with the conditions established for wine, the same kind of exemptions shall apply. However, the Commission will produce a report after five years of the entry into force of this Regulation and may propose, if necessary, specific requirements in the context of this Regulation.
- (33) The indication of the country **■** or **■** place of provenance of a food should be provided **on a mandatory basis in accordance with Article 9(1)(k) and** whenever its absence is likely to mislead consumers as to the true country **■** or place of provenance of that product. In other cases, **■** the indication of country **■** or place of provenance should be provided in a manner which does not deceive the consumer and on the basis of clearly defined criteria which ensure a level playing field for the industry and improve consumers' understanding of the information related to the country **■** or place of provenance of a food. Such criteria **shall** not apply to indications related to the name or address of the food business operator.
- (34) **If** food business operators **■** indicate that the origin of a food is the **Union** to draw the consumers' attention to the qualities of their product and to the Union's production standards, such indications **must** comply with harmonised criteria. **The same applies, where relevant, to indication of the Member State.**
- (35) The Union's non-preferential rules of origin are laid down in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(3)</sup> and its implementing provisions in Commission Regulation (EEC) No 2454/93 of 2 July 1993 <sup>(4)</sup>. Determination of the country of origin of foods will be based on those rules, which are well known to trade operators and administrations and should ease its implementation.
- (36) The nutrition declaration on a food concerns information on the presence of energy and certain nutrients **and ingredients** in foods. The mandatory provision of nutrition information **on the front and back of the packaging** should **be supported by actions by Member States, such as a nutritional action plan as part of their public health policy, which will provide specific recommendations for** nutrition education for the public and support informed food choice.
- (37) The above-mentioned Commission White Paper of 30 May 2007 highlighted certain nutritional elements of importance to public health. Therefore, it is appropriate **for** the requirements on the mandatory provision of nutrition information **to be in line with the recommendations of that White Paper.**
- (38) In general, consumers are not aware of the potential contribution of alcoholic beverages to their overall diet. **It would, therefore, be helpful if manufacturers were to provide** information on the **energy** content of **■** alcoholic beverages **■**.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(2)</sup> OJ L 39, 13.2.2008, p. 16.

<sup>(3)</sup> OJ L 302, 19.10.1993, p. 1.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.

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- (39) In the interest of **legal certainty** and coherence of **Union** legislation the voluntary inclusion of nutrition or health claims on food labels should be in accordance with Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>.
- (40) To avoid unnecessary burdens on **food manufacturers and traders**, it is appropriate to exempt certain categories of foods that are unprocessed or for which nutrition information is not a determining factor for **consumers' purchasing decisions, or whose outer packaging or label is too small to permit the mandatory labelling to be performed**, from the mandatory inclusion of a nutrition declaration, unless the obligation to provide such information is provided under other **Union** legislation.
- (41) To appeal to the average consumer and to serve the informative purpose for which it is introduced, **the information** should be **easily understandable for the average consumer. It would be appropriate to provide the information in one field of vision**, to ensure that consumers can readily see the essential nutrition information when purchasing foods **.**
- (42) Recent developments in the expression of the nutrition declaration, other than per 100g/100ml/portion, by some Member States and organisations in the food sector suggest that consumers like such schemes as they can help them make **quick** choices. However, there is **no scientific** evidence across the **Union** on how the average consumer understands and uses the alternative expression of the information. **To facilitate comparisons of products in differing package sizes, it is therefore appropriate to retain the mandatory stipulation that the nutrition declaration should refer to 100 g/100 ml amounts and, if appropriate, to allow additional portion-based declarations. If the food is prepacked as an individual portion, a nutrition declaration per portion should, in addition, be compulsory. In order to rule out misleading indications relating to portion size, portion sizes should be standardised throughout the Union by means of a consultation process.**
- (43) The declaration in the principal field of vision of the amounts of nutritional elements and comparative indicators in an easily recognisable form to enable an assessment of the nutritional properties of a food should be considered in its entirety as part of the nutrition declaration and not be treated as a group of individual claims.
- (44) Experience shows that in many cases voluntary food information is provided to the detriment of the clarity of the mandatory food information. Therefore, criteria should be provided to help food business operators and enforcement authorities to strike a balance between the provision of mandatory and voluntary food information.
- (45) **Information concerning** potential allergens is **also** very important **for allergic persons in connection with food which is not prepacked and mass catering services**. Therefore, such information should always be **available** to the consumer.
- (46) Member States should not be able to adopt provisions other than those laid down in this Regulation in the field it harmonises, unless specifically indicated in it. **Furthermore, as national labelling requirements may give rise to obstacles to free movement in the internal market, Member States should demonstrate why such measures are necessary and set out the steps they will take to ensure that they are applied in the manner which least restricts trade.**
- (47) Food information rules should be able to adapt to a rapidly changing social, economic and technological environment.
- (48) In respect of certain aspects of food information that give rise to the development of innovative and modern commercial practices, it is necessary to allow sufficient experiments and consumer research and to provide solid evidence about the best systems. Therefore, in such cases Union food information law should restrict itself to setting out the mandatory essential requirements determining the level of consumer protection and information and leave flexibility for the fulfilment of such requirements, in a manner that is compatible with the internal market provisions.

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

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- (49) In order to ensure that more detailed food information requirements are designed and established in a dialectic manner and emerge from best practices, there should be flexible mechanisms at Union and national level based on an open and transparent public consultation and sustained interaction between a wide range of representative stakeholders. Such mechanisms may result in the development of national non-binding schemes on the basis of solid consumer research and wide stakeholder consultation. There should be mechanisms for consumers to be able to identify foods labelled in compliance with the national scheme such as through an identification number or symbol.
- (50) In order to ensure a level of consistency in the results achieved in the different Member States, it is necessary to promote the constant exchange and sharing of best practices and experience between Member States and with the Commission and promote the participation of stakeholders in such exchanges.
- (51) Member States should carry out official controls in order to enforce compliance with this Regulation in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>.
- (52) References to Directive 90/496/EEC in Regulation (EC) No 1924/2006 and in Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods <sup>(2)</sup> should be updated to take this Regulation into account. Regulations (EC) No 1924/2006 and (EC) No 1925/2006 should therefore be amended accordingly.
- (53) In order to enable interested parties, especially SMEs, to provide nutrition information on their products, the application of the measures to make nutrition information mandatory should be introduced gradually through extended transition periods with an additional transition period provided for micro-businesses.
- (54) ***Naturally, products of the handcrafted food production sector and fresh products of the food retail trade which are produced directly at the place of sale may contain substances which give rise to allergic or intolerance reactions in sensitive people. As, however, it is precisely non-prepacked products which are sold in direct contact with the customer, the corresponding information should be provided, for example, through dialogue at the time of sale or by means of a clearly visible sign in the sales area or by means of information material on display.***
- (55) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore 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.
- I**
- (56) ***The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU. It is of particular importance that the Commission carry out appropriate consultation during its preparatory work, including at expert level.***

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 404, 30.12.2006, p. 26.

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- (57) *In order to ensure uniform conditions for implementation, implementing powers should be conferred on the Commission to adopt technical guidelines for the interpretation of the list of ingredients causing allergies or intolerances, to determine how to indicate the date of minimum durability and in respect of taking a position on national provisions adopted by a Member State. In accordance with Article 291 TFEU, rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers are to be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, and given the necessity to adopt as soon as possible this Regulation, control by Member States should be exercised in accordance with the provisions of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>, with the exception of the regulatory procedure with scrutiny, which is not applicable, insofar as those provisions remain compatible with the amended Treaties. References to those provisions should nevertheless be replaced with references to the rules and principles set out in the new regulation as soon as that regulation enters into force,*

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation establishes the general principles, requirements and responsibilities governing food information, and in particular food labelling. It lays down the means to guarantee the right of consumers to information and procedures for the provision of food information, taking into account the need to provide sufficient flexibility to respond to future developments and new information requirements.

2. This Regulation applies to all stages of the food chain, where **the provision of food information to the final consumer is concerned.**

It shall apply to all **prepacked** foods intended for **delivery to** the final consumer **and** foods intended for supply to mass caterers.

**It shall not apply to foods which are packaged directly at the place of sale before delivery to the final consumer.**

**Catering services provided by transport undertakings shall fall within the scope of this Regulation only if they are provided on routes between two points within Union territory.**

3. **This Regulation shall only apply to food prepared in the course of a business, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional handling, serving and selling of food by private persons at events such as charities or local community fairs and meetings shall not fall within the scope of this Regulation.**

4. **Foods originating from third countries may only be distributed within the Union once they fulfil the requirements of this Regulation.**

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

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5. This Regulation shall apply without prejudice to labelling requirements provided in specific **Union** legislation applicable to particular foods. **The Commission shall publish by ... (\*) a comprehensive and updated list of all labelling requirements provided for in specific Union legislation applicable to particular foods and shall make this list accessible on the Internet.**

**The Commission shall, not later than ... (\*\*), submit a report to the European Parliament and the Council on the compliance of those specific labelling requirements with this Regulation. The Commission shall, if appropriate, accompany that report with a relevant proposal to amend this Regulation.**

## Article 2

### Definitions

1. For the purposes of this Regulation the following definitions shall apply:
  - (a) the definitions of 'food', 'food law', 'food business', 'food business operator', 'retail', 'placing on the market' and 'final consumer' in Article 2 and in Article 3(1), (2), (3), (7), (8) and (18) of Regulation (EC) No 178/2002;
  - (b) the definition of 'processing', 'unprocessed products' and 'processed products' in points (m), (n) and (o) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(1)</sup>;
  - (c) the definitions of 'food additives' and 'processing aids' in Article 1(2) and in Article 1(3)(a) of 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 foods intended for human consumption <sup>(2)</sup>;
  - (d) the definition of 'flavouring' in point (a) of Article 1(2) of Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production <sup>(3)</sup>;
  - (e) the definitions of 'meat' and 'mechanically separated meat' in points 1.1 and 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(4)</sup>;
  - (f) the definitions of 'claim', 'nutrient', 'other substance', 'nutrition claim' and 'health claim' in points 1 to 5 of Article 2(2) of Regulation (EC) No 1924/2006.
2. The following definitions shall also apply:
  - (a) 'food information' means information concerning a food made available to the final consumer by means of a label, other accompanying material, or any other means including modern **technologies** or verbal communication. It does not cover commercial communication as defined in Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market <sup>(5)</sup>;

(\*) **Date of entry into force of this Regulation.**

(\*\*) **18 months after the date of entry into force of this Regulation.**

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 27.

<sup>(3)</sup> OJ L 184, 15.7.1988, p. 61.

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(5)</sup> OJ L 178, 17.7.2000, p. 1.

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- (b) 'mass caterers' means any establishment (including **vending machines**, a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals **and catering enterprises, in which**, in the course of a business, food is prepared **which is intended for immediate consumption by** the final consumer ■;
- (c) 'prepacked food' means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food **in** packaging ■, whether such packaging encloses the food completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging;
- (d) '**non-prepacked food**' means food which is offered for sale to the final consumer without packaging and is packaged, if at all, only at the time of sale to the final consumer and food and fresh products which are prepacked at the place of sale on the day of sale for immediate sale;
- (e) '**handcrafted food product**' means a food product which is produced in a company listed in national registers, under national commercial law, as a craft enterprise, and which is produced directly for consumers;
- (f) 'ingredient' means any substance, including food additives and food enzymes, and any **ingredient** of a compound ingredient, used in the manufacture or preparation of a food and **contained** in the finished product, even if in an altered form ■;
- (g) 'place of provenance' means **the** place, **country or region** where **the products or agricultural ingredients are wholly obtained**, in accordance with **Article 23(2)** of Regulation (EEC) No 2913/92;
- (h) 'compound ingredient' is an ingredient that is itself the product of more than one ingredient;
- (i) 'label' means any tag, brand, mark, pictorial or other descriptive matter written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;
- (j) 'labelling' means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food;
- (k) 'field of vision' means all the surfaces of a package that can be read from a single viewing point, permitting rapid and easy access to labelling information ■;
- (l) '**legibility**' means texts **inter alia** written, printed, embossed, marked, engraved or stamped in such a way that a normally-sighted consumer can understand the substance of food labels without using optical aids; **legibility is contingent on the font size, the typeface, the stroke width, the spacing between letters, words and lines, the width-height ratio of the letters and the degree of contrast between the print and the background;**
- 
- (m) 'customary name' means a name which is **understood** as the name of the food without it needing further explanation by consumers in the Member State in which it is sold;
- (n) 'descriptive name' means a name providing a description of the food, and if necessary of its use, which is sufficiently clear to enable the consumers to know its true nature and distinguish it from other products with which it might be confused;
-

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- (o) **'single-ingredient product' means any food which, except for salt, sugar, spices, water, additives, flavourings or enzymes, contains only one ingredient;**
- (p) 'essential requirements' means the requirements whereby the level of consumer protection and food information is determined with respect to a given issue and which are laid down in a **Union act**;
- (q) 'date of minimum durability' means the date until which the food retains its specific properties when **stored as indicated or stored in accordance with specific instructions given on the package**;
- (r) **'use-by date' means the date by which a food must be consumed; after that date, the food may no longer be delivered to consumers or further processed;**
- (s) **'date of manufacture' means the date on which products were produced and possibly packed and deep-frozen;**
- (t) 'best practices' means standards, schemes, initiatives, or any other activities endorsed by competent authorities that have been shown through experience and research to be the most effective for the majority of consumers and are considered as models for others to follow;
- (u) **'food imitation' means food that gives the impression of being another food in which an ingredient usually used is wholly or partly mixed with or replaced by another ingredient.**

3. For the purposes of this Regulation the country of origin of a food shall refer to the origin of a food as determined in accordance with Articles 23 to 26 of Regulation (EEC) No 2913/92.

4. The specific definitions set out in Annex I shall also apply.

## CHAPTER II

### GENERAL PRINCIPLES ON FOOD INFORMATION

#### Article 3

##### General objectives

1. The provision of food information shall pursue a high level of protection of **health, transparency and comparability of products, in the interests of consumers, and shall provide a basis for** informed choices and **safe use of food**.
2. **Food labelling must be easily recognisable, legible and understandable for the average consumer.**
3. Food information law shall aim to achieve in the Union free movement of food legally produced and marketed.
4. When food information law establishes new requirements, **unless such requirements relate to the protection of human health**, a transitory period **shall be granted** after the entry into force of the new requirements, during which foods bearing labels not complying with the new requirements can be placed on the market and for stocks of such foods that have been placed on the market before the end of the transitory period to continue to be sold until exhausted. **New food labelling rules shall be introduced in accordance with a standard date of implementation to be set by the Commission after consulting Member States and interest groups.**



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## Article 4

## Principles governing mandatory food information

1. Where **the law makes food information mandatory, the information concerned shall be that which** falls, in particular, into one of the following categories:
- (a) information on the identity and composition, **quantities**, properties or other characteristics of the food;
  - (b) information on the protection of consumers' health and the safe use of a food. In particular, it shall concern information on:
    - (i) compositional attributes that may be harmful to the health of certain groups of consumers,
    - (ii) durability, storage, **conservation requirements once the product is opened, if applicable**, and safe use;
  - (c) information on nutritional characteristics so as to enable consumers, including those with special dietary requirements, to make informed choices.
2. When considering the need for mandatory food information, account shall be taken of **the potential costs and benefits to stakeholders, including** consumers, **producers and others, of providing** certain information ■.

## Article 5

## Consultation of the European Food Safety Authority

Any food information law measures likely to have an effect on public health shall be adopted after consultation of the European Food Safety Authority (the 'Authority').

## CHAPTER III

## GENERAL FOOD INFORMATION REQUIREMENTS AND RESPONSIBILITIES OF FOOD BUSINESS OPERATORS

## Article 6

## Basic requirement

Any food intended for supply to the final consumer or to mass caterers shall be accompanied by food information in accordance with this Regulation.

## Article 7

## Fair information practices

1. Food information shall not be misleading ■, particularly:
- (a) **in that the description and/or pictorial representation of the food could mislead the consumers with regard** to its nature, identity, properties, composition, **individual ingredients and their quantity in the product**, durability, country of origin or place of provenance, method of manufacture or production;
  - (b) **by suggesting in the description or pictorial representations on the packaging the presence of a particular product or an ingredient although in reality the product which the packaging contains is an imitation food or contains a substitute for an ingredient normally used in a product. In such cases, the packaging must prominently bear the marking 'imitation' or 'produced with (designation of the substitute ingredient) instead of (designation of the ingredient replaced)';**

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- (c) **by suggesting, in the case of meat products, that a product comprises one piece of meat, although it in fact consists of combined meat pieces. In such cases, the product must be labelled on the front of the packaging 'formed meat - from combined meat pieces';**
  - (d) by attributing to the food effects or properties which it does not possess;
  - (e) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics **or by specifically emphasising the absence of certain ingredients and/or nutrients which the food in question does not contain as a matter of course;**
  - (f) **by explicitly advertising a substantial reduction in sugar and/or fat content, even though there is no corresponding reduction in the energy content (expressed in kilojoules or kilocalories) of the food in question;**
  - (g) **by using the description 'suitable for persons with special dietary requirements', although the food in question does not comply with Union rules on foods intended for persons with such requirements;**
  - (h) **for milk, by denoting milk as 'fresh' when its use-by-date is more than seven days after the filling date.**
2. Food information shall be accurate, clear, and easy to understand for the consumer.
3. Subject to derogations provided for by **Union** legislation applicable to natural mineral waters and foods for particular nutritional uses, food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.
4. **Paragraphs 1 and 3** shall also apply to:
- (a) advertising;
  - (b) the presentation of foods in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed.

#### Article 8

##### Responsibilities

1. **The person responsible for food information shall ensure the presence and substantive accuracy of the particulars given.**
2. **The person responsible for food information shall be the food business operator who first places a food on the Union market or, where applicable, the food business operator under whose name or business name the food is marketed.**
3. **To the extent that their activities affect the food information within the business under their control, food business operators shall ensure that the information provided satisfies the requirements of this Regulation.**
4. Food business operators responsible for retail or distribution activities which do not affect food information shall act with due care to **help** ensure, within the limits of their respective activities, **compliance with** the **■** food information requirements, in particular by **refraining from** supplying **food** which they know or presume **■**, on the basis of the information in their possession **and** as professionals, **does not comply with those requirements.**

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5. Food business operators within the business under their control shall ensure that information relating to non-prepacked food **is made available** to the operator **handling** the food **for further sale or further processing** in order to enable **him or her, when asked, to provide the final consumer with** the mandatory food information specified in **points (a) to (c), (f) and (h) of Article 9(1)**.

6. In the following cases, food business operators, within the businesses under their control shall ensure that the mandatory particulars required under Article 9 appear on the external packaging in which the food is presented for marketing, or on the commercial documents referring to the foods where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery:

- (a) where prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer and where sale to a mass caterer is not involved at that stage;
- (b) where prepacked food is intended for supply to mass caterers for preparation, processing, splitting or cutting up.

Notwithstanding the first subparagraph, food business operators shall ensure that the particulars referred to in **points (a), (e), (f), (h) and (j) of Article 9(1)** also appear on the external packaging in which the food is presented for marketing.

#### CHAPTER IV

#### MANDATORY FOOD INFORMATION

#### SECTION 1

#### CONTENT AND PRESENTATION

#### Article 9

#### List of mandatory particulars

1. In accordance with Articles 11 to 33 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory:

- (a) the name **under which the product is sold**;
- (b) the list of ingredients;
- (c) **the ingredients** listed in Annex II causing allergies or intolerances, and any substance derived therefrom, **with due respect to specific provisions for non-prepacked foods**;
- (d) the quantity of certain ingredients or categories of ingredients, **in accordance with Annex VII**;
- (e) the net quantity of the food, **at the moment of packaging**;
- (f) the date of minimum durability or, **in the case of foodstuffs which, from the microbiological point of view, are perishable**, the 'use by' date;
- (g) **the date of manufacture in the case of frozen products**;
- (h) any special storage conditions **and/or** conditions of use **including specifications on refrigeration and storage conditions and on the conservation of the product before and after the opening of the package, when it would be impossible to make appropriate use of the food in the absence of this information**;

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- (i) *instructions for use when it would be impossible to make appropriate use of the food in the absence of such instructions;*
- (j) *the name or business name or a registered trademark and the address of the manufacturer established within the Union, of the packager and, for products coming from third countries, of the seller the importer or, where appropriate, of the food business operator under whose name or business name the food is marketed;*
- (k) *the country or place of provenance in the case of the following products:*
- *meat,*
  - *poultry,*
  - *dairy products,*
  - *fresh fruit and vegetables,*
  - *other single-ingredient products, and*
  - *meat, poultry and fish when used as an ingredient in processed foods.*

*For meat and poultry, the country or place of provenance may be given as a single place for animals only where the animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given.*

*Where there are reasons which would make it impractical to label the country of origin, the following statement may be given instead: 'Of unspecified origin'.*

*For all other foods, the country or place of provenance where failure to indicate this might mislead the consumer to a material degree as to the true country or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country or place of provenance; in such cases the indication shall be adopted by means of delegated acts, in accordance with the rules laid down in Article 42 and subject to conditions laid down in Articles 43 and 44;*

■

- (l) *with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;*
- (m) *a nutrition declaration.*

2. The particulars referred to in paragraph 1 shall be indicated with words and numbers ■.

■

## Article 10

### *Derogations for micro-enterprises*

*Handcrafted products produced by micro-enterprises shall be exempted from the requirement laid down in point (m) of Article 9(1). Those products may also be exempted from the information requirements laid down in points (a) to (l) of Article 9(1) if they are sold on the site of production and the sales staff is able to provide the information on request. Alternatively, the information may be given via labels on the shelves.*

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## Article 11

Additional mandatory particulars for specific types or categories of food

1. In addition to the particulars listed in Article 9(1), additional mandatory particulars for specific types or categories of food are laid down in Annex III.
2. The Commission may amend Annex III **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**



## Article 12

Weights and measures

Article 9 shall be without prejudice to more specific Union provisions regarding weights and measures. **The provisions of Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products <sup>(1)</sup> shall be complied with.**

## Article 13

Availability and placement of mandatory food information

1. Mandatory food information shall be available and shall be easily accessible, in accordance with this Regulation, for all foods.
2. In the case of prepacked food, mandatory food information shall appear on the package ■.



## Article 14

Presentation of mandatory particulars

1. Without prejudice to specific **Union** legislation applicable to particular foods as regards to the requirements referred to in points (a) to (l) of Article 9(1), when appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) shall be printed on the package or on the label **in such a way as to ensure their clear legibility. Criteria such as font size, font type, contrast between the font and background, line and character pitch should be considered.**

**In the context of a consultation procedure, the Commission shall draw up by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44, a binding concept together with the stakeholders concerned, including consumer organisations, specifying guidelines for legibility of consumer information on food.**

2. **In the case of products intended for particular nutritional uses, as defined in Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes <sup>(2)</sup> and infant formulae, follow-on formulae and diversification foods intended for infants and young children, which fall within the scope of Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae <sup>(3)</sup> and Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children <sup>(4)</sup>, which are subject to mandatory labelling requirements under Union legislation in addition to those particulars referred to in Article 9(1) of this Regulation, the font size should be such that it meets the need for information for consumers to be legible and for additional information related to the particular use of those foods.**

<sup>(1)</sup> OJ L 247, 21.9.2007, p. 17.

<sup>(2)</sup> OJ L 91, 7.4.1999, p. 29.

<sup>(3)</sup> OJ L 401, 30.12.2006, p. 1.

<sup>(4)</sup> OJ L 339, 6.12.2006, p. 16.

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3. The particulars listed in Article 9(1) (a), (e) and (l) shall appear in the same field of vision.

■

4. Paragraph 3 shall not apply in the case of foods specified in Article 17(1) and (2). **Specific national provisions may be adopted for such packaging or containers in the case of Member States which have more than one official language.**

5. **Abbreviations, including initials, may not be used if they are liable to mislead consumers.**

6. Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, ■ or interrupted by any other written or pictorial matter, any other intervening material **or the food packaging itself, for example an adhesive hinge.**

7. **Indicating the mandatory particulars shall not lead to an increase in the size and/or bulk of the packing material or food container and shall not otherwise increase the burden on the environment.**

#### Article 15

##### Distance selling

Without prejudice to the information requirements laid down in Article 9, in the case of foods offered for sale by means of distance communication as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts <sup>(1)</sup>:

- (a) **the** food information **stipulated in Articles 9 and 29** shall be available **at the request of consumers** before the purchase is concluded and **may** appear on the material supporting the distance selling or be provided through other appropriate means;
- (b) the particulars provided in **Article 9(1)(f) and (i)** shall be mandatory only at the moment of delivery.

#### Article 16

##### Language requirements

1. Without prejudice to Article 9(2), mandatory food information shall appear in a language easily understood by the consumers of the Member States where a food is marketed.
2. Within their own territory, the Member States in which a food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Union.
3. **Foods sold in a duty-free zone may be placed on the market presented solely in English.**
4. Paragraphs 1 and 2 shall not preclude the particulars from being indicated in several languages.

#### Article 17

##### **Derogations from the requirement to provide** certain mandatory particulars

1. In the case of glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar only the particulars listed in **Article 9(1)(a), (c), (e) and (f)** shall be mandatory.

<sup>(1)</sup> OJ L 144, 4.6.1997, p. 19.

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2. In the case of packaging or containers the largest **printable** surface of which has an area of less than **80 cm<sup>2</sup>** only the particulars listed in Article 9(1) (a), (c), (e) and (f) **and in Article 29(1)(a)** shall be mandatory on the package or on the label. **Provision of further particulars on the package shall be possible on a voluntary basis.** The particulars referred to in Article 9(1)(b) shall be provided through other means or shall be available at the request of the consumer.

3. Without prejudice to other Union legislation requiring mandatory nutrition declaration, the **nutrition** declaration referred to in Article 9(l)(m) shall not be mandatory for the foods listed in Annex IV.

**The particulars listed in Articles 9 and 29 shall not be mandatory for non-prepacked products, including those provided by mass caterers within the meaning of Article 2(2)(b).**

## SECTION 2

### DETAILED PROVISIONS ON MANDATORY PARTICULARS

#### Article 18

##### Name of the food

1. The name of the food shall be its **a** name **as provided for in the relevant legislation**. In the absence of such **a** name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.
2. Specific provisions on the use of the name of the food and particulars that shall accompany it are laid down in Annex V.

#### Article 19

##### List of ingredients

1. The list of ingredients shall be headed or preceded by a suitable heading which consists of or includes the word 'ingredients'. It shall include all the ingredients of the food, in descending order of weight, as recorded at the time of their use in the manufacture of the food.
2. **For products containing nanomaterials, this must be clearly indicated, using the word 'nano', in the list of ingredients.**
3. Ingredients shall be designated by their specific name, where applicable, in accordance with the rules laid down in Article 18 and in Annex V.
4. Technical rules for applying paragraphs 1 and 3 are laid down in Annex VI.

#### Article 20

##### **General derogations from the requirement to list **a** ingredients**

The following foods shall not be required to bear a list of ingredients:

- (a) fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated;
- (b) carbonated water, the description of which indicates that it has been carbonated;
- (c) fermentation vinegars derived exclusively from a single basic product, provided that no other ingredient has been added;

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- (d) cheese, butter, fermented milk and cream, to which no ingredient has been added other than lactic products, enzymes and micro-organism cultures essential to manufacture, or in the case of cheese other than fresh cheese and processed cheese the salt needed for its manufacture;
- (e) **drinks that contain alcohol**; the Commission shall produce a report after ... (\*) concerning the application **of this paragraph** on these products and may accompany this report by specific measures determining the rules for **providing consumers with nutritional information on these products**. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44**;
- (f) foods consisting of a single ingredient, where:
  - (i) the name of the food is identical with the ingredient name; or
  - (ii) the name of the food enables the nature of the ingredient to be clearly identified.

#### Article 21



The following **shall not be regarded as ingredients** of a food ■:

- (a) the constituents of an ingredient which have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions;
- (b) food additives and enzymes:
  - (i) whose presence in a given food is solely due to the fact that they were contained in one or more ingredients of that food, provided that they serve no technological function in the finished product, or
  - (ii) which are used as processing aids;
- (c) substances used in the quantities strictly necessary as solvents or media for nutritional substances, food additives, **enzymes** or flavouring;
- (d) substances which are not food additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form;
- (e) water:
  - (i) where the water is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form, or
  - (ii) in the case of a liquid medium which is not normally consumed.

#### Article 22

##### Labelling of certain substances causing allergies or intolerances

1. Any ingredient listed in Annex II or any substance originating from an ingredient listed in that Annex, subject to the exceptions **thereto** provided for in that Annex, shall **always** be indicated **in the list of ingredients in such a way that the potential for allergy or intolerance is immediately clearly recognisable**.

(\*) Five years after the date of entry into force of this Regulation.



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That indication shall not be required in cases where:

- (a) the name of the food clearly refers to the ingredient concerned;
- (b) the ingredient listed in Annex II from which a substance originates is already included in the list of ingredients; or
- (c) **the food is not prepacked; in this case it must be indicated in a clearly visible manner in the sales area or on menus that:**
  - **customers can obtain information regarding allergenic substances directly during the sales talk and/or by means of material displayed on the premises,**
  - **the possibility of cross-contamination cannot be excluded.**

2. The list in Annex II shall be systematically re-examined and, where necessary, updated by the Commission on the basis of the most recent scientific and technical knowledge **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

3. Where necessary, technical guidelines may be issued for the interpretation of the list in Annex II, in accordance with the regulatory procedure referred to in Article 41(2).

#### Article 23

##### Quantitative indication of ingredients

1. The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where:

- (a) the ingredient or category of ingredients concerned appears in the name **under which** the food **is sold** or is usually associated with that name by the consumer; or
- (b) the ingredient or category of ingredients concerned is emphasised on the labelling in words, pictures or graphics; or
- (c) the ingredient or category of ingredients concerned is essential to characterise a food and to distinguish it from products with which it might be confused because of its name or appearance.

■

2. Technical rules for applying paragraph 1, including specific cases where the quantitative indication shall not be required in respect of certain ingredients, are laid down in Annex VII.

#### Article 24

##### Net quantity

1. The net quantity of a food shall be expressed, using litres, centilitres, millilitres, kilograms or grams, as appropriate:

- (a) in units of liquid in the case of liquids **within the meaning of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption** <sup>(1)</sup>;

<sup>(1)</sup> OJ L 176, 6.7.1985, p. 18.

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(b) in units of mass in the case of other products.

2. The expression of the net quantity for certain specified foods in a different manner than the one described in paragraph 1 may be established by the Commission **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

3. Technical rules for applying paragraph 1, including specific cases where the indication of the net quantity shall not be required, are laid down in Annex VIII.

#### Article 25

##### Minimum durability date, 'use-by' date **and date of manufacture**

1. In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the 'use by' date.

2. The appropriate date **shall be easy to find and shall not be hidden. It** shall be expressed **as follows:**

(a) **date of minimum durability:**

(i) **the date shall be preceded by the words:**

- **'Best before ...' when the date includes an indication of the day; or**
- **'Best before end ...' in other cases;**

(ii) **the words referred to in point (i) shall be accompanied by either:**

- **the date itself; or**
- **a reference to where the date is given on the labelling.**

**If necessary, those particulars shall be followed by a description of the storage conditions which must be observed if the product is to keep for the specified period;**

(iii) **the date shall consist of the day, month and year, uncoded, in that order.**

**However, in the case of foods:**

- **which will keep for less than three months, the day and month shall be stated,**
- **which will keep for more than three but no more than 18 months, the month and year shall be stated,**
- **which will keep for more than 18 months, an indication of the year will suffice.**

**Detailed rules for the indication of the date of minimum durability under this point (iii) can be adopted pursuant to the regulatory procedure referred to in Article 41(2),**

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- (iv) *the date of minimum durability shall be indicated on each individual prepackaged portion,*
- (v) *subject to Union provisions imposing other types of date indication, an indication of the date of minimum durability shall not be required for:*
- *fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated; this derogation shall not apply to sprouting seeds and similar products such as legume sprouts,*
  - *wines, liqueur wines, sparkling wines, aromatised wines and similar products obtained from fruits other than grapes, and beverages falling within CN codes 2206 00 91, 2206 00 93 and 2206 00 99 and manufactured from grapes or grape musts,*
  - *beverages containing 10 % or more by volume of alcohol,*
  - *soft drinks, fruit juices, fruit nectars and alcoholic beverages containing more than 1,2 % by volume of alcohol in individual containers of more than five litres, intended for supply to mass caterers,*
  - *bakers' or pastry cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture,*
  - *vinegar,*
  - *cooking salt,*
  - *solid sugar,*
  - *confectionery products consisting almost solely of flavoured and/or coloured sugars,*
  - *chewing gums and similar chewing products;*
- (b) *'use-by' date:*
- (i) *the date shall be preceded by the words 'use by ...',*
  - (ii) *the words in point (i) shall be accompanied by:*
    - *either the date itself; or*
    - *a reference to where the date is given on the labelling.*
- Those particulars shall be followed by a description of the storage conditions which must be observed,*
- (iii) *the date shall consist of the day, the month and, possibly, the year, in that order and in uncoded form;*

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(c) *date of manufacture:*

(i) *the date shall be preceded by the words: 'Manufactured on',*

(ii) *the words referred to in point (i) shall be accompanied by either:*

— *the date itself; or*

— *a reference to where the date is given on the labelling,*

(iii) *the date shall consist of the day, the month and, possibly, the year, in that order and in uncoded form.*

■

#### Article 26

##### Instructions for use

1. The instructions for use of a food shall be indicated in such a way as to enable appropriate use to be made thereof. **Where appropriate, instructions shall be provided on refrigeration and storage conditions and on the time limit for consumption after opening the packaging.**

2. The Commission may lay down **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44,** rules as regards the way in which those instructions shall be indicated in the case of certain foods. ■

#### Article 27

##### Alcoholic strength

1. The rules concerning indication of the alcoholic strength by volume shall, in the case of products classified under the Common Customs Tariff headings 22.04 and 22.05, be those laid down in the specific Union provisions applicable to such products.

2. The actual alcoholic strength by volume of beverages containing more than 1,2 % by volume of alcohol other than those referred to in paragraph 1 shall be indicated in accordance with Annex IX.

### SECTION 3

#### NUTRITION LABELLING

#### Article 28

##### Relation with other legislation

1. The provisions of this Section shall not apply to foods within the scope of the following legislation:

(a) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements <sup>(1)</sup>;

(b) Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters <sup>(2)</sup>.

<sup>(1)</sup> OJ L 183, 12.7.2002, p. 51.

<sup>(2)</sup> OJ L 229, 30.8.1980, p. 1.

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2. The provisions of this Section apply without prejudice to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses <sup>(1)</sup> and specific Directives as referred to in Article 4(1) of that Directive.

## Article 29

## Content

1. The nutrition declaration shall include the following (hereinafter referred to as 'mandatory nutrition declaration'):

(a) energy value;

(b) the amounts of fat, saturates, ■ sugars, and salt;

**(c) the amounts of protein, carbohydrates, fibre, natural and artificial transfats.**

This paragraph shall not apply to **beverages containing alcohol**. The Commission shall produce a report after ... (\*) concerning the application of this paragraph on these products and may accompany this report by specific measures determining the rules for **providing consumers with nutritional information on** these products, **adopted by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

2. The nutrition declaration may also **additionally** include the amounts of one or more of the following:

■ (a) mono-unsaturates;

(b) polyunsaturates;

(c) polyols;

**(d) cholesterol;**

(e) starch;

■

(f) any of the minerals or vitamins **present in significant amounts pursuant to** point 1 of Part A of Annex X, **in accordance with the values indicated** in point 2 of Part A of Annex X;

**(g) other substances within the meaning of Part A of Annex XII and constituents of those nutrients;**

**(h) other substances as defined in Regulation (EC) No 1925/2006.**

3. The declaration of the amount of substances which belong to or are components of one of the categories of nutrients referred to in paragraph 2 shall be required where a nutrition and/or health claim is made.

■

## Article 30

## Calculation

1. The amount of energy shall be calculated using the conversion factors in Annex XI.

<sup>(1)</sup> OJ L 186, 30.6.1989, p. 27.

(\*) Five years after the date of entry into force of this Regulation.

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2. Conversion factors for the vitamins and minerals mentioned in point 1 of Part A of Annex X, in order to calculate more precisely their content in foods, **shall** be set and included in Annex XI by the Commission **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

3. The amounts of energy and nutrients referred to in Article 29(1) and (2) shall be those of the food as sold.

Where appropriate, the information may relate to the food after preparation, provided that sufficiently detailed preparation instructions are given and the information relates to the food as prepared for consumption.

4. The declared values shall, according to the individual case, be average values **at the end of the minimum durability period taking account of appropriate tolerances and shall be** based on:

(a) the manufacturer's analysis of the food; or

(b) a calculation from the known or actual average values of the ingredients used; or

(c) a calculation from generally established and accepted data.

The rules for implementing the declaration of energy and nutrients with regard to the precision of the declared values such as the differences between the declared values and those established in the course of official checks **shall be adopted, after the Authority has given its opinion, by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

#### Article 31

##### Forms of expression

1. The amount of energy and nutrients or their components referred to in Article 29(1) and (2) shall be expressed using the measurement units listed in **■** Annex XII.

2. **The 'front of pack mandatory nutrition declaration' shall include the amount of energy in kcal as set out in Article 29(1)(a) and the mandatory nutrients in Article 29(1)(b) expressed in grams.**

**It shall be presented in a clear format in the following order: energy, fat, saturates, sugars, and salt.**

3. **The 'back of pack mandatory nutrition declaration' shall include the amount of energy in kcal and all the mandatory nutrients referred to in Article 29(1) and where appropriate the voluntary nutrients referred to in Article 29(2).**

**It shall be expressed as appropriate, in the order of presentation provided for in Part C of Annex XII, both per 100 g/ml and per portion.**

**It shall be presented in tabular form, with the numbers aligned.**

4. The mandatory nutrition declaration shall be expressed, as appropriate, as a percentage of the reference intakes set out in Part B of Annex X in relation to per 100 g or per 100 ml or per portion. When provided, the declaration on vitamins and minerals shall also be expressed as a percentage of the reference intakes set out in point 1 of Part A of Annex X.

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5. *If indications pursuant to paragraph 4 are provided, the following additional information must be indicated in close proximity to the table concerned: 'Average daily requirement of a middle-aged woman. Your personal daily requirement may differ.'*

6. The declaration of polyols and/or starch and the declaration of type of fatty acids, other than the mandatory declaration of saturates **and trans fats** referred to in Article 29(1)(b), shall be presented in accordance with Annex XII **■**.

**■**

## Article 32

## Additional forms of expression

In addition to the forms of expression referred to in Article 31(2) to (4), the nutrition declaration may be **repeated in** other forms of expression **and, where appropriate, elsewhere on the packaging, for example by means of graphic representations or symbols**, provided that **they meet the following requirements**:

- (a) **such forms of expression shall not mislead the consumer or divert attention from the mandatory nutrition declaration;**
- (b) they are based either on **the** reference intakes **in Part B of Annex X**, or **■** on **valid** scientific **findings** on intakes of energy or nutrients;
- (c) they are supported by **scientific** evidence of understanding of and use of the presentation of the information by the average consumer; **and**
- (d) **they are supported by independent consumer research evidence which shows that the average consumer understands the form of expression.**

**■**

## Article 33

## Presentation

1. **In addition to the presentation of nutrition declaration pursuant to Articles 29 and 31, the energy content labelling required pursuant to Article 29(1)(a) and Annex X, Part B, shall appear in the bottom right-hand corner of the front of the packaging, in a font size of 3 mm and surrounded by a border.**

2. **Gift packaging is exempt from the requirement to repeat the energy content on the front of the packaging as provided for in paragraph 1.**

3. The **voluntarily expanded** nutrition declaration in relation to the nutrients referred to in Article 29(2) shall appear **■**, as appropriate, in the order of presentation provided in **■** Annex XII. **Paragraph 1 shall apply mutatis mutandis.**

4. **If the nutrition declaration for foods listed in Annex IV is mandatory because a nutrition or health claim is made, the nutrition declaration shall not be required to appear in the principal field of vision.**

5. **Paragraph 1 shall not apply to foods defined in Directive 89/398/EEC and in the specific directives referred to in Article 4(1) of that Directive.**

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6. In cases where the amount of energy or nutrient(s) in a product is negligible, the nutrition declaration on those elements may be replaced by a statement such as 'Contains negligible amounts of ...' in close proximity to the nutrition declaration when present.

■

7. Rules relating to other aspects of presentation of nutrition declaration ■ may be established by the Commission *by means of delegated acts* in accordance with **Article 42 and subject to the conditions laid down in Articles 43 and 44.**

**8. The Commission shall present by ... (\*) an evaluation report on the form of presentation described in paragraphs 1 to 7.**

## CHAPTER V

### VOLUNTARY FOOD INFORMATION

#### Article 34

#### ■ Requirements

**1. Voluntary information shall not be displayed to the detriment of the space available for mandatory information.**

**2. All relevant information regarding voluntary food information schemes, such as the underlying criteria and scientific studies, shall be made available to the public.**

**3. Additional voluntary nutrition information for specific target groups, for example children, shall continue to be permitted provided that these specific reference values are scientifically proven, do not mislead the consumer and are in accordance with the general requirements laid down in this Regulation.**

4. Without prejudice to labelling in accordance with specific Union legislation, paragraph 5 shall apply where the country of origin or the place of provenance of a food is voluntarily indicated to inform consumers that a food originates or comes from the Union or a given country or place.

■

5. For meat, other than beef and veal, the indication on the country of origin or place of provenance may be given as a single place only where animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given.

■

**6. The term 'vegetarian' shall not be applied to foods that are, or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. The term 'vegan' shall not be applied to foods that are, or are made from or with the aid of, animals or animal products, including products from living animals.**

## ■ CHAPTER VI

### NATIONAL PROVISIONS

#### Article 35

#### Principle

Member States may only adopt provisions in the field of food information where this is provided for by this Regulation.

(\*) *Five years after the date of entry into force of this Regulation.*



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## Article 36

## National provisions on additional mandatory particulars

In addition to the mandatory particulars referred to in Article 9(1) and in Article 11, Member States may, in accordance with the procedure laid down in Article 39, require additional mandatory particulars for specific types or categories of foods, justified on grounds of:

- (a) the protection of public health;
- (b) the protection of consumers;
- (c) the prevention of fraud;
- (d) the protection of industrial and commercial property rights, indications of **regional** provenance, registered designations of origin and the prevention of unfair competition.

**Such measures shall not give rise to obstacles to the free movement of goods in the internal market.**

## Article 37

## Milk and milk products

Member States may adopt measures derogating from Article 9(1) and Article 11(2) in the case of milk and milk products presented in glass bottles intended for reuse.

They shall communicate to the Commission the text of those measures without delay.

## I

## Article 38

## I Non-prepacked food

1. **With regard to the non-prepacked foods, the particulars in Article 9(1)(c) shall be provided.**
2. **The provision of other particulars referred to in Articles 9 and 11 is not obligatory.**
3. **Member States may adopt detailed rules concerning the manner in which the information referred to in paragraphs 1 and 2 is to be made available.**
4. Member States shall communicate to the Commission the text of the measures referred to in paragraphs 1 and 3 without delay.

## Article 39

## Notification procedure

1. When reference is made to this Article, the Member State which deems it necessary to adopt new food information legislation shall notify in advance the Commission and the other Member States of the measures envisaged and give the reasons justifying them.
2. The Commission shall consult the Standing Committee on the Food Chain and Animal Health set up by Article 58(1) of Regulation (EC) No 178/2002 if it considers such consultation to be useful or if a Member State so requests. **The Commission shall also introduce a formal notification procedure for all stakeholders in accordance with the provisions of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services <sup>(1)</sup>.**

<sup>(1)</sup> OJ L 204, 21.7.1998, p. 37.

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3. The Member State concerned may take the envisaged measures only three months after the notification referred to in paragraph 1, provided that it has not received a negative opinion from the Commission.

4. If the Commission's opinion is negative, it shall initiate the regulatory procedure referred to in Article 41(2) before the expiry of that three-month period in order to determine whether the envisaged measures may be implemented. The Commission may require certain amendments to be made to the envisaged measures. The Member State concerned may take the envisaged measures only after the Commission has adopted its final decision.

■

## CHAPTER VII

### IMPLEMENTING, AMENDING AND FINAL PROVISIONS

#### Article 40

##### Technical adaptations

Subject to the provisions relating to the amendments to Annexes II and III referred to in Article 11(2) and Article 22(2), the Annexes may be amended by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted **by means of delegated acts**, in accordance with **Article 42 and subject to the conditions laid down in Articles 43 and 44**.

#### Article 41

##### Committee

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

■

#### Article 42

##### Exercise of the delegation

1. **The power to adopt the delegated acts referred to in Articles 9(1)(k), 11(2), 14(1), 20(e), 22(2), 24(2), 26(2), 29(1), 30(2) and (4), 33(7) and 40 shall be conferred on the Commission for a period of five years from ... (\*). The Commission shall make a report in respect of the delegated powers not later than six months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 43.**

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 43 and 44.**

(\*) **Date of entry into force of this Regulation.**

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**Article 43****Revocation of the delegation**

1. *The delegation of powers referred to in Articles 9(1)(k), 11(2), 14(1), 20(e), 22(2), 24(2), 26(2), 29(1), 30(2) and (4), 33(7) and 40 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 powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and 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 44****Objections to delegated acts**

1. *The European Parliament or the Council may object to a delegated act within a period of two 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 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 shall enter into force at the date stated therein.*

*The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.*

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 45****Amendments to Regulation (EC) No 1924/2006**

In Article 7 of Regulation (EC) No 1924/2006, the first and second paragraphs are replaced by the following:

*The obligation and the modalities for providing information pursuant to Chapter IV, Section 3 of Regulation (EU) No .../... of the European Parliament and of the Council of ... on the provision of food information to consumers (\*) where a nutrition and/or health claim is made shall apply *mutatis mutandis*, with the exception of generic advertising.*

*In addition, and as the case may be, the amount(s) of the substance(s) to which a nutrition or health claim relates that does not appear in the nutrition labelling shall also be stated in the same field of vision as the nutrition declaration and be expressed in accordance with Articles 30 and 31 of Regulation (EU) No .../... [on the provision of food information to consumers].*

---

(\*) OJ L ...'.

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Article 46

Amendments to Regulation (EC) No 1925/2006

Regulation (EC) No 1925/2006 is amended as follows:

1. In Article 6 paragraph 6 is replaced by the following:

'6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to point 2 of Part A of Annex X of Regulation (EU) No .../... of the European Parliament and of the Council of ... on the provision of food information to consumers (\*). The minimum amounts, including any lower amounts, by derogation from the significant amounts mentioned above, for specific foods or categories of foods shall be adopted in accordance with the procedure referred to in Article 14(2).

(\*) OJ L ...';

2. In Article 7 paragraph 3 is replaced by the following:

'3. Nutrition labelling of products to which vitamins and minerals have been added and which are covered by this Regulation shall be compulsory. The information to be provided shall consist of that specified in Article 29(1) of Regulation (EU) No .../... [on the provision of food information to consumers] and of the total amounts present of the vitamins and minerals when added to the food.'

Article 47

Repeal

1. Directives 87/250/EEC, 94/54/EC, 1999/10/EC, 2000/13/EC, 2002/67/EC and 2004/77/EC and Regulation (EC) No 608/2004 are repealed with effect from ... (\*).
2. Directive 90/496/EEC is repealed from ... (\*\*).
3. References to the repealed acts shall be construed as references to this Regulation.

Article 48

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*.

Article 14(1) shall apply from ... (\*\*).

Articles 29 to 33 shall apply from ... (\*\*\*) except in the case of foods labelled by food business operators with, on ... (\*\*\*\*), less than **100 employees** and whose annual turnover and/or annual balance sheet total does not exceed **EUR 5 million** where they shall apply ... (\*\*\*\*\*).

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

(\*) Date of entry into force of this Regulation.

(\*\*) Five years after the date of entry into force of this Regulation.

(\*\*\*) Date of the first day of the month 36 months after the date of entry into force of this Regulation.

(\*\*\*\*) Date of entry into force of this Regulation.

(\*\*\*\*\*) Date of the first day of the month 60 months after the date of entry into force of this Regulation.

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## ANNEX I

## SPECIFIC DEFINITIONS

As referred to in Article 2(4)

1. 'nutrition declaration' or 'nutrition labelling' means information **stating**:
  - (a) energy value; or
  - (b) energy value and one or more of the following nutrients **and their components**:
    - fat,
    - carbohydrate,
    - fibre,
    - protein,
    - salt,
    - vitamins and minerals listed in Annex X, Part A, point 1 and present in significant amounts as defined in Annex X, Part A, point 2;
2. 'fat' means total lipids, and includes phospholipids;
3. 'saturates' means fatty acids without double bond;
4. 'trans fat' means fatty acids with at least one non-conjugated (namely interrupted by at least one methylene group) carbon-carbon double bond in the trans configuration;
5. 'mono-unsaturates' means fatty acids with one cis double bond;
6. 'polyunsaturates' means fatty acids with cis, cis-methylene interrupted double bonds;
7. 'carbohydrate' means any carbohydrate which is metabolized in man, and includes polyols;
8. 'sugars' means all monosaccharides and disaccharides present in food, but excludes polyols, **isomaltulose and D-tagatose**;
9. 'polyols' means alcohols containing more than two hydroxyl groups;
10. 'protein' means the protein content calculated using the formula: protein = total Kjeldahl nitrogen  $\times$  6,25 **and, in the case of milk protein, total Kjeldahl nitrogen  $\times$  6,38**;
11. 'salt' means the salt content calculated using the formula: salt = sodium  $\times$  2,5;
12. '**culinary gold leaf**' means **an edible decoration for food or beverages consisting of gold leaf with a thickness of approximately 0,000125 mm in flake or powder form**;
13. 'average value' means the value which best represents the amount of the nutrient which a given food contains, and reflects allowances for seasonal variability, patterns of consumption and other factors which may cause the actual value to vary;
14. '**front of the package**' means **the side or surface of the food packaging** that is most likely to be displayed or visible under normal or customary conditions of sale or use.

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ANNEX II

INGREDIENTS **WHICH MAY CAUSE** ALLERGIES OR INTOLERANCES

1. Cereals containing gluten (namely wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof, except:
  - (a) wheat based glucose syrups including dextrose <sup>(1)</sup>;
  - (b) wheat based maltodextrins <sup>(1)</sup>;
  - (c) glucose syrups based on barley;
  - (d) cereals used for making **alcoholic** distillates **■**.
2. Crustaceans and products thereof.
3. Eggs and products thereof.
4. Fish and products thereof, except:
  - (a) fish gelatine used as carrier for vitamin or carotenoid preparations;
  - (b) fish gelatine or Isinglass used as fining agent in beer and wine.
5. Peanuts and products thereof.
6. Soybeans and products thereof, except:
  - (a) fully refined soybean oil and fat <sup>(1)</sup>;
  - (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources;
  - (c) vegetable oils derived phytosterols and phytosterol esters from soybean sources;
  - (d) plant stanol ester produced from vegetable oil sterols from soybean sources.
7. Milk and products thereof (including lactose), except:
  - (a) whey used for making **alcoholic** distillates **■**;
  - (b) lactitol.
8. Nuts, namely almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangerh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia nuts and Queensland nuts (*Macadamia ternifolia*), and products thereof, except:
  - (a) nuts used for making **alcoholic** distillates **■**.
9. Celery and products thereof.
10. Mustard and products thereof.
11. Sesame seeds and products thereof.
12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>, **in the product as intended for consumption**.
13. Lupin and products thereof.
14. Molluscs and products thereof.

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<sup>(1)</sup> And the products thereof, in so far as the process that they have undergone is not likely to increase the level of allergenicity assessed by the Authority for the relevant product from which they originated.

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## ANNEX III

## FOODS FOR WHICH THE LABELLING MUST INCLUDE ONE OR MORE ADDITIONAL PARTICULARS

TYPE OR CATEGORY OF FOOD	PARTICULARS
<b>1. FOODS PACKAGED IN CERTAIN GASES</b>	
1.1 Foods whose durability has been extended by means of packaging gases authorised pursuant to Directive 89/107/EEC	'Packaged in a protective atmosphere'
<b>2. MEAT PRODUCTS FROM SPECIAL SLAUGHTER</b>	
2.1 <i>Meat and meat products derived from animals that have not been stunned prior to slaughter, i.e. have been ritually slaughtered</i>	' <i>Meat from slaughter without stunning</i> '
<b>3. FOODS CONTAINING SWEETENERS</b>	
3.1 Foods containing a sweetener or sweeteners authorised pursuant to Directive 89/107/EEC	'with sweetener(s)' this statement shall accompany the name of the food <b>in the principal field of vision</b> .
3.2 Foods containing both an added sugar or sugars and a sweetener or sweeteners authorised pursuant to Directive 89/107/EEC	'with sugar(s) and sweetener(s)' this statement shall accompany the name of the food.
3.3 Foods containing aspartame authorised pursuant to Directive 89/107/EEC	'contains <b>aspartame</b> '
3.4 Foods containing more than 10 % added polyols authorised pursuant to Directive 89/107/EEC	'excessive consumption may produce laxative effects'
<b>4. FOODS CONTAINING GLYCYRRHIZINIC ACID OR ITS AMMONIUM SALT</b>	
4.1 Confectionery or beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> , at concentration of 100 mg/kg or 10 mg/l or above.	'contains liquorice' shall be added immediately after the list of ingredients, unless the term 'liquorice' is already included in the list of ingredients or in the name of the food. In absence of a list of ingredients, the statement shall accompany the name of the food.
4.2 Confectionery containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 4 g/kg or above.	'contains liquorice - people suffering from hypertension should avoid excessive consumption' shall be added immediately after the list of ingredients. In absence of list of ingredients, the statement shall accompany the name of the food.
4.3 Beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 50 mg/l or above, or of 300 mg/l or above in the case of beverages containing more than 1,2 % by volume of alcohol <sup>(1)</sup> .	'contains liquorice - people suffering from hypertension should avoid excessive consumption' shall be added immediately after the list of ingredients. In absence of list of ingredients, the statement shall accompany the name of the food.
<b>5. FOODS CONTAINING GLUTAMIC ACIDS OR ITS SALTS</b>	
5.1 <i>Foods containing one or more of the food additives E620, E621, E622, E623, E624 and E625</i>	'contains <b>appetite-enhancing ingredients</b> '

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TYPE OR CATEGORY OF FOOD	PARTICULARS
<b>6. MEAT CONSISTING OF COMBINED MEAT PARTS</b>	
<b>6.1 Meat consisting of combined meat parts, which may give the impression it is made of a whole piece</b>	<b>'with combined meat parts' this statement shall accompany the name of the food</b>
<b>7. BEVERAGES WITH HIGH CAFFEINE CONTENT</b>	
<p>7.1 Beverages, with the exception of those based on coffee, tea or coffee or tea extract where the name of the food includes the term 'coffee' or 'tea', which:</p> <ul style="list-style-type: none"> <li>— are intended for consumption without modification and contain caffeine, from whatever source, in a proportion in excess of 150 mg/l, or</li> <li>— are in concentrated or dried form and after reconstitution contain caffeine, from whatever source, in a proportion in excess of 150 mg/l</li> </ul>	'High caffeine content' in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 14(4) of this Regulation to the caffeine content expressed in mg/100 ml.
<b>8. FOODS WITH ADDED PHYTOSTEROLS, PHYTOSTEROL ESTERS, PHYTOSTANOLS OR PHYTOSTANOL ESTERS</b>	
8.1 Foods or food ingredients with added phytosterols, phytosterol esters, phytostanols or phytostanol esters	<ol style="list-style-type: none"> <li>(1) 'with added plant sterols' or 'with added plant stanols' in the same field of vision as the name of the food;</li> <li>(2) the amount of added phytosterols, phytosterol esters, phytostanols or phytostanol esters content (expressed in % or as g of free plant sterols/plant stanols per 100 g or 100 ml of the food) shall be stated in the list of ingredients;</li> <li>(3) a statement that the food is intended exclusively for people who want to lower their blood cholesterol level;</li> <li>(4) a statement that patients on cholesterol lowering medication should only consume the product under medical supervision;</li> <li>(5) an easily visible statement that the food may not be nutritionally appropriate for pregnant or breastfeeding women and children under the age of five years;</li> <li>(6) advice that the food is to be used as part of a balanced and varied diet, including regular consumption of fruit and vegetables to help maintain carotenoid levels;</li> <li>(7) in the same field of vision as the statement required under point (3), a statement that the consumption of more than 3 g/day of added plant sterols/plant stanols should be avoided;</li> <li>(8) a definition of a portion of the food or food ingredient concerned (preferably in g or ml) with the amount of the plant sterol/plant stanol that each portion contains.</li> </ol>
<b>9. MEAT AND POULTRY PRODUCTS</b>	
<b>9.1 Poultry products in the production of which beef or pork proteins have been used.</b>	<b>The use of beef or pork proteins shall always be clearly labelled on the packaging.</b>
<p>(<sup>1</sup>) The level shall apply to the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers.</p>	



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## ANNEX IV

FOODS WHICH ARE EXEMPTED FROM THE REQUIREMENT FOR **MANDATORY NUTRITION LABELLING**

- **fresh fruit and vegetables and** unprocessed products that comprise a single ingredient or category of ingredients;
- processed products which the only processing they have been subjected to is smoking or maturing and that comprise a single ingredient or category of ingredients;
- **natural mineral waters or other** waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings;
- **herbs, a flavouring, spices, seasonings and** mixtures thereof;
- salt and salt substitutes;
- **sugars and novel sugars;**
- **varieties of flour;**
- products covered by Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts <sup>(1)</sup>, whole or milled coffee beans and whole or milled decaffeinated coffee beans;
- herbal infusion, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or tea extract, which do not contain added ingredients;
- fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings;
- flavourings;
- food additives;
- processing aids;
- food enzymes;
- **colouring foods;**
- **culinary gold leaf;**
- gelatine;
- jam setting compounds;
- yeast;
- **chewing gum products;**
- **food items with a seasonal, luxury and gift design or packaging;**
- **seasonal confectionery and sugar and chocolate figures;**
- **mixed multi-packs;**
- **assortments;**
- food in packaging or containers the largest surface of which has an area of less than **75 cm<sup>2</sup>; the energy content as set out in Article 29(1)(a) shall still be provided in the principal field of vision;**
- food sold by private persons in the context of occasional activities, and not as part of an undertaking that would imply a certain continuity of activities and a certain degree of organisation;
- **non-prepacked food, including mass catering products, intended for immediate consumption;**
- **handcrafted products;**

<sup>(1)</sup> OJ L 66, 13.3.1999, p. 26.

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- *foods directly marketed by farmers;*
- food directly supplied by **small undertakings** in small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer;
- food in inner package not designed for sale without the outer package (nutrition information shall be provided on the outer package unless it belongs to the categories of foods that are exempted under this Annex);
- *food in a quantity of less than 5 g/ml;*
- *indelibly marked glass bottles.*

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#### ANNEX V

##### NAME OF THE FOOD AND SPECIFIC ACCOMPANYING PARTICULARS

###### PART A – NAME OF THE FOOD

1. The use in the Member State of marketing of the name of the food under which the product is legally manufactured and marketed in the Member State of production shall be allowed.

However, where the application of the other provisions of this Regulation, in particular those set out in Article 9, would not enable consumers in the Member State of marketing to know the true nature of the food and to distinguish it from foods with which they could confuse it, the name of the food shall be accompanied by other descriptive information which shall appear **in the same field of vision adjacent** to the name of the food **and be written in a clear and easily legible font**.

2. In exceptional cases, the name of the food of the Member State of production shall not be used in the Member State of marketing when the food which it designates is so different, as regards its composition or manufacture, from the food known under that name that the provisions of point 1 are not sufficient to ensure, in the Member State of marketing, correct information for purchaser.
3. No name protected as intellectual property, brand name or fancy name may be substituted for the name of the food.

###### PART B – MANDATORY PARTICULARS ACCOMPANYING THE NAME OF THE FOOD

1. The name of the food shall include or be accompanied by particulars as to the physical condition of the food or the specific treatment which it has undergone (for example, powdered, **refrozen**, freeze-dried, deep-frozen, quick-frozen, **defrosted**, concentrated, smoked) in all cases where omission of such information could mislead the purchaser.

2. Foods treated with ionising radiation shall bear one of the following indications:

‘irradiated’ or ‘treated with ionising radiation’.

3. **The name of the food shall indicate any added ingredients from a different animal origin to the primary animal, for meat products that have the appearance of a cut, joint, slice, portion or carcass and for fish products.**

4. **The name of the food in the labelling of any meat product which has the appearance of a cut, joint, slice, portion or carcass of meat, or of cured meat shall include an indication of:**

(a) **any added ingredient of a different animal origin to the rest of the meat; and**

(b) **any added water in the following circumstances:**

- **in the case of cooked and uncooked meat, or cooked cured meat, any added water making up more than 5 % of the weight of the product,**
- **in the case of uncooked cured meat, any added water making up more than 10 % of the weight of the product.**

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5. *The name of the food in the labelling of any fish product which has the appearance of a cut, fillet, slice, or portion of fish shall include an indication of:*

(a) *any added ingredient of vegetable origin, and of an animal origin other than fish; and*

(b) *any added water making up more than 5 % of the weight of the product.*

PART C – SPECIFIC REQUIREMENTS CONCERNING THE DESIGNATION OF ‘MINCED MEAT’

1. Composition criteria checked on the basis of a daily average:

	Fat content	Connective tissue: meat protein ratio
— lean minced meat	≤ 7 %	≤ 12
— minced pure beef	≤ 20 %	≤ 15
— minced meat containing pigmeat	≤ 30 %	≤ 18
— minced meat of other species	≤ 25 %	≤ 15

2. By way of derogation from the requirements laid down in Chapter IV of Section V of Annex III to Regulation (EC) No 853/2004, the following words shall appear on the labelling:

‘percentage of fat under ...’,

‘connective tissue: meat protein ratio under ...’.

3. The Member States may allow the placing on their national market of minced meat which does not comply with the criteria laid down in point 1 of this Part under a national mark that cannot be confused with the marks provided for in Article 5(1) of Regulation (EC) No 853/2004.

PART D – SPECIFIC REQUIREMENTS CONCERNING THE DESIGNATION OF ‘SAUSAGE CASINGS’

*Sausage casings shall be indicated as follows in the list of ingredients:*

— ‘*natural casing*’ if the casing used in sausage production is derived from the intestinal tract of even-toed ungulates;

— ‘*artificial casing*’ in other cases.

*If an artificial casing is not edible, this must be indicated.*

PART E – OFFICIAL DESIGNATION OF FOODS WHICH GIVE THE IMPRESSION OF BEING A DIFFERENT FOOD (THE FOLLOWING LIST CONTAINS EXAMPLES)

*Foods which give the impression of being a different food or in which an ingredient has been replaced by an imitation shall be labelled as follows:*

<i>Divergence in terms of type, quality and composition</i>	<i>Official designation</i>
<i>As compared with cheese, full or partial replacement of milk fat with vegetable fat</i>	<i>‘Imitation cheese’</i>
<i>As compared with ham, altered composition consisting of chopped-up ingredients with a much lower meat content</i>	<i>‘Imitation ham’</i>

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## ANNEX VI

## INDICATION AND DESIGNATION OF INGREDIENTS

## PART A – SPECIFIC PROVISIONS CONCERNING THE INDICATION OF INGREDIENTS BY DESCENDING ORDER OF WEIGHT

Category of ingredient	Provision concerning indication by weight
1. Added water and volatile products	Shall be listed in order of their weight in the finished product. The amount of water added as an ingredient in a food shall be calculated by deducting from the total amount of the finished product the total amount of the other ingredients used. This amount shall not be required to be taken into consideration if it does not exceed 5 % by weight of the finished product.
2. Ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture	May be listed in order of weight as recorded before their concentration or dehydration.
3. Ingredients used in concentrated or dehydrated foods, which are intended to be reconstituted by the addition of water	May be listed in order of proportion in the reconstituted product provided that the list of ingredients is accompanied by an expression, such as 'ingredients of the reconstituted product', or 'ingredients of the ready-to-use product'.
4. Fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, used in a mixture as ingredients of a food	May be grouped together in the list of ingredients under the designation 'fruit', 'vegetables' or 'mushrooms' followed by the phrase 'in varying proportions', immediately followed by a list of the fruit, vegetables or mushrooms present. In such cases, the mixture shall be included in the list of ingredients in accordance with Article 19(1), on the basis of the total weight of the fruit, vegetables or mushrooms present.
5. Mixtures <i>or preparations</i> of spices or herbs, where none significantly predominates in proportion by weight	May be listed in another order provided that that list of ingredients is accompanied by an expression such as 'in variable proportion'.
6. Ingredients constituting less than 2 % of the finished product	May be listed in a different order after the other ingredients.
7. Ingredients which are similar or mutually substitutable, likely to be used in the manufacture or preparation of a food without altering its composition, its nature or its perceived value, and in so far as they constitute less than 2 % of the finished product	May be referred to in the list of ingredients by means of the phrase 'contains ... and/or ...', where at least one of no more than two ingredients is present in the finished product. This provision shall not apply to food additives or to ingredients listed in Part C of this Annex.

## PART B – DESIGNATION OF CERTAIN INGREDIENTS BY THE NAME OF A CATEGORY RATHER THAN A SPECIFIC NAME

Ingredients which belong to one of the categories of foods listed below and are constituents of another food shall only be required to be named by the designation of that category.

Definition of category of food	Designation
1. Refined oils other than olive oil	<p>'Oil' together with either the adjective <b>■</b> 'animal' (<i>or the indication of their specific animal origin</i>) <i>or</i>, as appropriate, an indication of their specific vegetable <b>■</b> origin.</p> <p><b><i>In cases where certain vegetable oils cannot be guaranteed not to be present, the use of 'May contain...' is required.</i></b></p> <p>The adjective 'hydrogenated' must accompany the indication of a hydrogenated oil <b>■</b>.</p>

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Definition of category of food	Designation
2. Refined fats	'Fat', together with an indication of their specific vegetable or animal origin.  The adjective 'hydrogenated' must accompany the indication of a hydrogenated fat unless the amount of saturates and trans fats are included in the nutrition declaration
3. Mixtures of flour obtained from two or more cereal species	'Flour', followed by a list of the cereals from which it has been obtained, in descending order by weight
4. Starches, starches modified by physical means or by enzymes, <b>roasted or dextrinated starches, starches modified by acid or alkali treatment and bleached starches</b>	'Starch'
5. All species of fish where the fish constitutes an ingredient of another food and provided that the name and presentation of such food does not refer to a specific species of fish	'Fish'
6. All types of cheese where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the name and presentation of such food does not refer to a specific type of cheese	'Cheese'
7. All spices not exceeding 2 % by weight of the food	'Spice(s)' or 'mixed spices'
8. All herbs or parts of herbs not exceeding 2 % by weight of the food	'Herb(s)' or 'mixed herbs'
9. All types of gum preparations used in the manufacture of gum base for chewing gum	'Gum base'
10. All types of crumbed baked cereal products	'Crumbs' or 'rusks' as appropriate
11. All types of sucrose	'Sugar'
12. Anhydrous dextrose or dextrose monohydrate	'Dextrose'
13. Glucose syrup and anhydrous glucose syrup	'Glucose syrup'
14. All types of milk protein (caseins, caseinates and whey proteins) and mixtures thereof	'Milk proteins'
15. Press, expeller or refined cocoa butter	'Cocoa butter'
16. <b>Natural extracts from fruit, vegetables and edible plants or parts of plants obtained by means of mechanical/physical procedures and used in concentrated form to colour food.</b>	'Colouring food'
17. All types of wine as defined in Regulation (EC) No 1493/1999	'Wine'
18. Skeletal muscles <sup>(1)</sup> of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue, where the total fat and connective tissue content does not exceed the values indicated below and where the meat constitutes an ingredient of another food.  <b><i>This definition includes meat obtained from flesh-bearing bones by mechanical means and which is not covered by the definition of mechanically separated meat within the meaning of Regulation (EC) No 853/2004.</i></b>  Maximum fat and connective tissue contents for ingredients designated by the term '... meat'	'... meat' and the name(s) <sup>(2)</sup> of the animal species from which it comes

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Definition of category of food			Designation
Species	Fat (%)	Connective tissue <sup>(1)</sup> (%)	
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25	
Porcines	30	25	
Birds and rabbits	15	10	
<sup>(1)</sup> The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8.			
If these maximum limits are exceeded, but all other criteria for the definition of 'meat' are satisfied, the '... meat' content must be adjusted downwards accordingly and the list of ingredients must mention, in addition to the term '... meat', the presence of fat and/or connective tissue.			
19. All types of products covered by the definition of 'mechanically separated meat'.			'mechanically separated meat' and the name(s) <sup>(2)</sup> of the animal species from which it comes
<sup>(1)</sup> The diaphragm and the masseters are part of the skeletal muscles, while the heart, tongue, the muscles of the head (other than the masseters), the muscles of the carpus, the tarsus and the tail are excluded.			
<sup>(2)</sup> For labelling in English, this designation may be replaced by the generic name of the ingredient for the animal species concerned.			

PART C – DESIGNATION OF CERTAIN INGREDIENTS BY THE NAME OF THEIR CATEGORY FOLLOWED BY THEIR SPECIFIC NAME OR EC NUMBER

Food additives and enzymes other than those specified in Article 21(b) belonging to one of the categories listed in this Part must be designated by the name of that category, followed by their specific name or, if appropriate, EC number. If an ingredient belongs to more than one of the categories, the category appropriate to the principal function in the case of the food in question shall be indicated. However, the designation 'modified starch' must always be accompanied by the indication of its specific vegetable origin, when that ingredient may contain gluten.

Acid  
 Acidity regulator  
 Anti-caking agent  
 Anti-foaming agent  
 Antioxidant  
 Bulking agent  
 Colour  
 Emulsifier  
 Emulsifying salts <sup>(1)</sup>  
**Enzymes** <sup>(2)</sup>  
 Firming agent  
 Flavour enhancer  
 Flour treatment agent  
 Gelling agent  
 Glazing agent  
 Humectant  
 Modified starch <sup>(2)</sup>  
**Cellulose extract** <sup>(2)</sup>

<sup>(1)</sup> Only for processed cheeses and products based on processed cheeses.

<sup>(2)</sup> The specific name or EC number shall not be required to be indicated.

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Preservative  
Propellant gas  
Raising agent  
Stabiliser  
Sweetener  
Thickener

#### PART D – DESIGNATION OF FLAVOURINGS IN THE LIST OF INGREDIENTS

1. Flavourings shall be designated either by the word 'flavouring(s)' or by a more specific name or description of the flavouring.
2. Quinine and/or caffeine used as a flavouring in the production or preparation of a food shall be mentioned by name in the list of ingredients immediately after the term 'flavouring(s)'.
3. The word 'natural' or any other word having substantially the same meaning may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1(2)(b)(i) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1(2)(c) of that Directive.
4. If the name of the flavouring contains a reference to the vegetable or animal nature or origin of the incorporated substances, the word 'natural' or any other word having substantially the same meaning may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the food or the flavouring source concerned.

#### PART E – DESIGNATION OF COMPOUND INGREDIENTS

1. A compound ingredient may be included in the list of ingredients, under its own designation in so far as this is laid down by law or established by custom, in terms of its overall weight, and immediately followed by a list of its ingredients.
2. The list of ingredients for compound ingredients shall not be compulsory:
  - (a) where the composition of the compound ingredient is defined in current Union legislation, and in so far as the compound ingredient constitutes less than 2 % of the finished product; however, this provision shall not apply to food additives, subject to the provisions of Article 21(a) to (d); or
  - (b) for compound ingredients consisting of mixtures of spices and/or herbs that constitute less than 2 % of the finished product, with the exception of food additives, subject to the provisions of Article 21(a) to (d); or
  - (c) where the compound ingredient is a food for which a list of ingredients is not required under Union legislation.

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#### ANNEX VII

##### QUANTITATIVE INDICATION OF INGREDIENTS

1. The quantitative indication shall not be required:
  - (a) in respect of an ingredient or category of ingredients:
    - (i) the drained net weight of which is indicated in accordance with point 5 of Annex VIII; or
    - (ii) the quantities of which are already mandatory on the labelling under Union provisions; or
    - (iii) which is used in small quantities for the purposes of flavouring; or

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- (iv) which, while appearing in the name of the food, is not such as to govern the choice of the consumer in the country of marketing because the variation in quantity is not essential to characterise the food or does not distinguish it from similar foods; or
  - (b) where specific Union provisions stipulate precisely the quantity of an ingredient or of a category of ingredients without providing for the indication thereof on the labelling; or
  - (c) in the cases referred to in points 4 and 5 of Part A of Annex VI.
2. Article 23(1)(a) and (b) shall not apply in the case of:
- (a) any ingredient or category of ingredients covered by the indication 'with sweetener(s)' or 'with sugar(s) and sweetener(s)' if that indication accompanies the name of the food, pursuant Annex III; or
  - (b) any added vitamin and mineral if that substance is subject to a nutrition declaration.
3. The indication of quantity of an ingredient or category of ingredients shall:
- (a) be expressed as a percentage, which shall correspond to the quantity of the ingredient or ingredients at the time of its/their use; and
  - (b) appear either in or immediately next to the name of the food or in the list of ingredients in connection with the ingredient or category of ingredients in question.
4. By way of derogation from point 3,
- (a) where foods have lost moisture following heat treatment or other treatment, the quantity shall be expressed as a percentage which shall correspond to the quantity of the ingredient(s) used, related to the finished product, unless that quantity or the total quantity of all the ingredients indicated on the labelling exceeds 100 %, in which case the quantity shall be indicated on the basis of the weight of the ingredient(s) used to prepare 100 g of finished product;
  - (b) the quantity of volatile ingredients shall be indicated on the basis of their proportion by weight in the finished product;
  - (c) the quantity of ingredients used in concentrated or dehydrated form and reconstituted during manufacture may be indicated on the basis of their proportion by weight as recorded before their concentration or dehydration;
  - (d) in the case of concentrated or dehydrated foods which are intended to be reconstituted by the addition of water, the quantity of the ingredients may be indicated on the basis of their proportion by weight in the reconstituted product.

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#### ANNEX VIII

##### NET QUANTITY DECLARATION

1. The net quantity shall not be mandatory in the case of foods:
- (a) which are subject to considerable losses in their volume or mass **or** which are **non-prepacked and** sold by number or weighed in the presence of the purchaser; or
  - (b) the net quantity of which is less than 5 g or 5 ml; however, this provision shall not apply to spices and herbs; or
  - (c) **for which exemptions are laid down in other legal provisions.**



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2. Where the indication of a certain type of quantity (such as the nominal quantity, minimum quantity, average quantity) is required by Union provisions or, where there are none, by national provisions, this quantity shall be regarded as the net quantity for the purposes of this Regulation.
3. Where a prepacked item consists of two or more individual prepacked items containing the same quantity of the same product, the net quantity shall be indicated by mentioning the net quantity contained in each individual package and the total number of such packages. The indication of those particulars shall not, however, be mandatory where the total number of individual packages can be clearly seen and easily counted from the outside and where at least one indication of the net quantity contained in each individual package can be clearly seen from the outside.
4. Where a prepacked item consists of two or more individual packages which are not regarded as units of sale, the net quantity shall be given by indicating the total net quantity and the total number of individual packages.
5. Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated.

For the purposes of this point, 'liquid medium' shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

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## ANNEX IX

## ALCOHOLIC STRENGTH

The actual alcoholic strength by volume of beverages containing more than 1,2 % by volume of alcohol shall be indicated by a figure to not more than one decimal place. It shall be followed by the symbol '% vol.' and may be preceded by the word 'alcohol' or the abbreviation 'alc'.

The alcoholic strength shall be determined at 20 °C.

Positive and negative allowed tolerances in respect of the indication of the alcoholic strength by volume and expressed in absolute values shall be as listed in the following table. They shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength.

Description of beverage	Positive or negative tolerance
1. Beers having an alcoholic strength not exceeding 5,5 % vol.; beverages classified under subheading 22.07 B II of the Common Customs Tariff and made from grapes	0,5 % vol.
2. Beers having an alcoholic strength exceeding 5,5 % vol.; beverages classified under subheading 22.07 B I of the Common Customs Tariff and made from grapes; ciders, perries, fruit wines and the like, obtained from fruits other than grapes, whether or not semi-sparkling or sparkling; beverages based on fermented honey	1 % vol.
3. Beverages containing macerated fruit or parts of plants	1,5 % vol.
4. Any other beverages containing more than 1,2 % by volume of alcohol	0,3 % vol.

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## ANNEX X

## REFERENCE INTAKES

PART A – **DAILY** REFERENCE INTAKES FOR VITAMINS AND MINERALS (ADULTS)

## 1. Vitamins and minerals which may be declared and their recommended daily allowances (RDAs)

Vitamin A (µg)	800	<b>Chloride (mg)</b>	<b>800</b>
Vitamin D (µg)	5	Calcium (mg)	800
Vitamin E (mg)	<b>12</b>	Phosphorus (mg)	<b>700</b>
<b>Vitamin K (µg)</b>	<b>75</b>	Iron (mg)	14
Vitamin C (mg)	<b>80</b>	Magnesium (mg)	<b>375</b>
Thiamin ( <b>Vitamin B1</b> ) (mg)	<b>1,1</b>	Zinc (mg)	<b>10</b>
Riboflavin (mg)	<b>1,4</b>	<b>Copper (mg)</b>	<b>1</b>
Niacin (mg)	<b>16</b>	<b>Manganese (mg)</b>	<b>2</b>
Vitamin B6 (mg)	<b>1,4</b>	<b>Fluoride (mg)</b>	<b>3,5</b>
<b>Folic acid (µg)</b>	200	<b>Selenium (µg)</b>	<b>55</b>
Vitamin B12 (µg)	<b>2,5</b>	<b>Chromium (µg)</b>	<b>40</b>
Biotin (µg)	<b>50</b>	<b>Molybdenum (µg)</b>	<b>50</b>
Pantothenic acid (mg)	6	Iodine (µg)	150
<b>Potassium (mg)</b>	<b>2 000</b>		

## 2. Significant amount of vitamins and minerals

As a rule, 15 % of the recommended allowance specified in point 1 supplied by 100 g or 100 ml or per package if the package contains only a single portion should be taken into consideration in deciding what constitutes a significant amount.

PART B – **DAILY** REFERENCE INTAKES FOR ENERGY AND SELECTED NUTRIENTS OTHER THAN VITAMINS AND MINERALS (ADULTS) <sup>(1)</sup>

Energy or nutrient	Reference Intake
Energy	<b>■ 2 000 kcal ■</b>
<b>Protein</b>	<b>80 g</b>
Total fat	70 g
Saturates	20 g
Carbohydrate	230 g
Sugars	90 g
Salt	6 g

<sup>(1)</sup> The reference intakes are indicative values; they will be laid down more precisely by the European Food Safety Authority.

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## ANNEX XI

## CONVERSION FACTORS

## CONVERSION FACTORS FOR THE CALCULATION OF ENERGY

The energy value to be declared shall be calculated using the following conversion factors:

— carbohydrate (except polyols)	4 kcal/g ■
— polyols	2,4 kcal/g ■
— protein	4 kcal/g ■
— fat	9 kcal/g ■
— salatrims	6 kcal/g ■
— alcohol (ethanol)	7 kcal/g ■
— organic acid	3 kcal/g ■

## ANNEX XII

## EXPRESSION AND PRESENTATION OF NUTRITION DECLARATION

## PART A – EXPRESSION OF THE NUTRITION DECLARATION

The units to be used in the nutrition declaration shall be the following:

— energy	kJ and kcal
— fat	grams (g)
— carbohydrate	
— fibre	
— protein	
— salt	
— vitamins and minerals	the units specified in point 1 of Part A of Annex X
— other substances	units as appropriate for the individual substances concerned

## PART B – ORDER OF PRESENTATION OF NUTRITION DECLARATION ON COMPONENTS OF CARBOHYDRATE AND FAT

1. Where polyols and/or starch are declared, this declaration shall be included in the following order:

carbohydrate	g
of which:	
— sugars	g
— polyols	g
— starch	g

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2. Where the amount and/or type of fatty acid is declared, this declaration shall be included in the following order:

fat	g
of which:	
— saturates	g
— trans fats	g
— mono-unsaturates	g
— polyunsaturates	g

PART C – ORDER OF PRESENTATION OF ENERGY AND NUTRIENTS APPEARING IN A NUTRITION DECLARATION

The order of presentation of the information on the energy and nutrients, as appropriate, shall be the following:

energy	■ kcal
fat	g
■	
saturates	g
<b>sugar</b>	<b>g</b>
<b>salt</b>	<b>g</b>
<b>protein</b>	<b>g</b>
carbohydrate	g
■	
<b>fibre</b>	<b>g</b>
<b>natural transfats</b>	<b>g</b>
<b>artificial transfats</b>	<b>g</b>
<b>mono-unsaturates</b>	<b>g</b>
<b>polyunsaturates</b>	<b>g</b>
<b>polyols</b>	<b>g</b>
<b>cholesterol</b>	<b>g</b>
<b>starch</b>	<b>g</b>
vitamins and minerals	the units specified in point 1 of Part A of Annex X
<b>other substances</b>	<b>units as appropriate for the individual substances concerned</b>

Thursday 17 June 2010

**Securities to be offered to the public and harmonisation of transparency requirements (amendment of Directives 2003/71/EC and 2004/109/EC) \*\*\*I**

P7\_TA(2010)0227

**European Parliament legislative resolution of 17 June 2010 on the proposal for a directive of the European Parliament and of the Council amending Directives 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market (COM(2009)0491 – C7-0170/2009 – 2009/0132(COD))**

(2011/C 236 E/48)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0491),
  - having regard to Article 251(2) and Articles 44 and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0170/2009),
  - 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 Articles 50 and 114 of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Central Bank <sup>(1)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 18 February 2010 <sup>(2)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0102/2010),
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 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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<sup>(1)</sup> OJ C 19, 26.1.2010, p. 1.

<sup>(2)</sup> Not yet published in the Official Journal.

Thursday 17 June 2010

### **P7\_TC1-COD(2009)0132**

**Position of the European Parliament adopted at first reading on 17 June 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council amending Directives 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2010/73/EU)*

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### **A catch documentation programme for bluefin tuna (*thunnus thynnus*) \*\*\*I**

P7\_TA(2010)0228

**European Parliament legislative resolution of 17 June 2010 on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003 (COM(2009)0406 – C7-0124/2009 – 2009/0116(COD))**

(2011/C 236 E/49)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0406),
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0124/2009),
  - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Article 294(3) and Article 43(2) of the Treaty on the Functioning of the EU,
  - 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 Fisheries (A7-0119/2010),
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, to the Commission and to the national parliaments.

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<sup>(1)</sup> Not yet published in the Official Journal.

Thursday 17 June 2010

**P7\_TC1-COD(2009)0116**

**Position of the European Parliament adopted at first reading on 17 June 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 640/2010)*

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**Application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania \***

P7\_TA(2010)0229

**European Parliament legislative resolution of 17 June 2010 on the draft Council decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (06714/2010 – C7-0067/2010 – 2010/0814(NLE))**

(2011/C 236 E/50)

(Consultation)

*The European Parliament,*

- having regard to the draft Council decision (06714/2010),
  - having regard to Article 4 (2) of the Act of Accession of 25 April 2005, pursuant to which the Council consulted Parliament (C7-0067/2010),
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee of Civil Liberties, Justice and Home Affairs (A7-0199/2010),
1. Approves the draft Council decision as amended;
  2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  3. Asks the Council to consult Parliament again if it intends to amend the text submitted for consultation substantially;
  4. Instructs its President to forward its position to the Council and the Commission.

Thursday 17 June 2010

TEXT PROPOSED BY THE COUNCIL

AMENDMENT

**Amendment 1**  
**Draft decision**  
**Recital 3**

(3) On XXXX 2010, the Council concluded that the conditions in this area had been fulfilled by the Republic of Bulgaria and Romania. It is therefore possible to set a date from which the Schengen acquis relating to the Schengen Information System (SIS) may apply in those Member States.

(3) On XXXX 2010, the Council concluded that the conditions in this area had been fulfilled by the Republic of Bulgaria and Romania. It is therefore possible to set a date from which the Schengen acquis relating to the Schengen Information System (SIS) may apply in those Member States. ***Each Member State concerned should inform the European Parliament and the Council in writing, in the course of the six-month period beginning on the date of entry into force of this Decision, of the follow-up they intend to give to the recommendations contained in the evaluation reports and mentioned in the follow-up which are still to be implemented.***



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<sup>(1)</sup> Text with EEA relevance

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*Key to symbols used*

- \* Consultation procedure
- \*\*I Cooperation procedure: first reading
- \*\*II Cooperation procedure: second reading
- \*\*\* Assent procedure
- \*\*\*I Codecision procedure: first reading
- \*\*\*II Codecision procedure: second reading
- \*\*\*III Codecision procedure: third reading

(The type of procedure is determined by the legal basis proposed by the Commission.)

Political amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **||**.

Technical corrections and adaptations by the services: new or replacement text is highlighted in italics and deletions are indicated by the symbol **||**.

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