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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Regulation of trading in financial instruments - 'dark pools' etc.

P7_TA(2010)0466

European Parliament resolution of 14 December 2010 on regulation of trading in financial instruments – 'dark pools' etc. (2010/2075(INI))

(2012/C 169 E/01)

The European Parliament,

- having regard to the Directive 2004/39/EC on markets in financial instruments (MiFID) ⁽¹⁾,
- having regard to Directive 2003/6/EC on insider dealing and market manipulation (market abuse) ⁽²⁾,
- having regard to the G20 declarations of 2 April 2009 in London, of 25 September 2009 in Pittsburgh and of 26 and 27 June 2010 in Toronto,
- having regard to the CESR technical advice to the European Commission in the context of the MiFID Review – Equity Markets (Ref.: CESR/10-394),
- having regard to the CESR technical advice to the European Commission in the context of the MiFID review – Transaction Reporting (Ref.: CESR/10-292),
- having regard to the CESR technical advice to the European Commission in the context of the MiFID review – Investor Protection and Intermediaries (Ref.: CESR/10-417),
- having regard to the CESR call for evidence on micro-structural issues of the European equity markets (Ref.: CESR/10-142),
- having regard to the Report to the French Minister of Economy, Industry and Employment on the revision of the MiFID from February 2010,
- having regard to the IOSCO consultation report on 'Policies on direct electronic access' of February 2009,

⁽¹⁾ OJ L 145, 30.4.2004, p. 1.

⁽²⁾ OJ L 96, 12.4.2003, p. 16.

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- having regard to the CPSS and IOSCO recommendations for central counterparties of November 2004,
 - having regard to the concept release of the Securities and Exchanges Commission on Equity Market Structure (No. 34-61358; File No. S7-02-10),
 - having regard to the CESR technical advice to the European Commission in the context of the MiFID review and responses to the European Commission request for additional information (Ref: CESR/10-802, Ref: CESR/10-799, Ref: CESR/10-808, Ref: CESR/10-859, Ref: CESR/10-860),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0326/2010),
- A. whereas the G20 set out that no financial institution, no financial product and no territory should remain outside the scope of intelligent regulation and effective supervision and agreed that all standardised OTC derivative contracts should be traded on exchanges or electronic trading platforms, where appropriate,
- B. whereas the lack of transparency and the accompanying opacity of risk patterns in the financial system was an aggravating factor in the financial crisis, facilitating the spread of general distrust and thereby contributing to drastically reduced liquidity flows,
- C. whereas consumer protection, transparency, particularly as regards the price formation process, efficient and liquid markets and competition on a level playing field were the key objectives when MiFID came into force, but have not yet been achieved and must therefore remain a priority; whereas, following the financial crisis, limiting systemic risk must also be prioritised in the review of MiFID,
- D. whereas changes to MiFID should always take into account its importance in governing capital flows into the real economy and therefore the potential impact on jobs, investments and pensions,
- E. whereas up to 40 % of trading volume is still carried out OTC; whereas market participants should be encouraged to transact more on organised trading venues,
- F. whereas the inclusion in the MiFID of waivers to pre-trade transparency requirements and the establishment of MTF and dark pools were intended to facilitate a shift towards more regulated and transparent venues,
- G. whereas MiFID defines OTC trading as having the characteristics of being ad hoc and irregular, carried out with wholesale counterparties, and being part of a business relationship which is itself characterised by dealings above standard market size and where the deals are carried out outside the systems usually used by the firm concerned for its business as a systematic internaliser,
- H. whereas despite the provision in MiFID of waivers to allow dark trading on organised markets, the establishment of MTFs and Systematic Internalisers (SIs) and the definition of OTC trades as being irregular and ad hoc, OTC trades not carried out on an SI basis continue to account for a high proportion of equities trading at 38 % of all reported trades according to CESR/10-394, and whereas this proportion has not declined since the implementation of MiFID; whereas tighter and more effective enforcement of MiFID rules and waivers should therefore be ensured,
- I. whereas market fragmentation in equities trading has had an undesired impact upon liquidity and market efficiency owing to a decrease in transparency based on an increase in dark pools and crossing networks, the effect of an increased number of venues both in the on-exchange and off-exchange space, and increasingly technology-driven trading, and has decreased average transaction size from EUR 22 266 in 2006 to EUR 9 923 in 2009, increasing the total cost of transactions for some users,

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- J. whereas the decrease in transaction size has led to a reduction in the capacity of market participants to instantly execute large orders on a particular market and the desire to prevent market impact for large orders has encouraged the expansion of dark-pool trading; whereas less than 10 % of all trading in EEA equities shares on organised markets use the MiFID pre-trade transparency waivers (CESR/10-394), whereas these MiFID waivers allows for dark-pool trading as a more transparent and better regulated alternative to dark trading in the OTC space but whereas the absence of sufficient regulation for OTC transactions, including Broker Crossing Networks, provides a competitive advantage to the OTC space and encourages an increase in trading in the dark, undermining market transparency in general; whereas in total around half of trades are currently not covered by pre-trade transparency requirements, but half of OTC transactions are below market size and therefore do not require protection against market impact,
- K. whereas, to ensure a level playing field, broker crossing networks (BCNs) should be subject to an in-depth investigation of their business models, to ensure that where they provide services which mean they are essentially functioning as regulated markets (RMs), multilateral trading facilities (MTFs) or as Systematic Internalisers they are regulated as such,
- L. whereas the benefits of competition in terms of more competitive and innovative trading infrastructure has not been proved, as the total transaction costs have not been reduced, and opacity has increased, while at the same time it is clear that quality and integrity for all participants in a more fragmented market are not properly guaranteed,
- M. whereas given that HFT claims to provide liquidity to financial markets it would be useful to determine whether there are risks associated with electronic order systems and the significant share of trading volumes attributable to HFT strategies, estimated at 70 % in the US, particularly in view of the conclusions of the Securities and Exchange Commission concerning the US 'flash crash' on 6 May 2010 when HFT liquidity providers exited the market,
- N. whereas HFT strategies are a relatively new phenomenon in Europe and are now estimated to make up 35 % of the market by volume,
- O. whereas greater transparency via pre- and post-trade reporting of trading activity across all asset classes should be established in order to provide improved early warning of the build-up and scale of developing problems, as well as to improve the efficiency of the price formation process and foster trust between market actors,
- P. whereas the G20 decisions of 24 and 25 September 2009 in Pittsburgh stated that 'all standardised OTC derivative contracts should be traded on exchanges **or** electronic trading platforms',
- Q. whereas divergence of implementation between Member States has led to an incomplete application of the MiFID framework,

MIFID Trading Venues

1. Recognises that market infrastructures have been resilient throughout the crisis and calls upon the Commission to nonetheless strengthen market infrastructures across all trading venues and clearing systems to enable them to cope with future risk through enhanced transparency, improved resilience and regulatory oversight of all aggregated trades;
2. Welcomes the Commission's proposal for a Regulation on OTC derivatives, central counterparties and trade repositories as a necessary prerequisite for increasing transparency and safety within the markets in financial instruments and regards it as the first step towards shifting the significant proportions of OTC trade to trade venues subject to MIFID regulation;
3. Suggests that, in the interests of equitable treatment, MTFs should be subject to the same level of supervision as, and therefore regulated in a comparable way to, competition between MTFs and that RMs should happen on a level playing field, while noting the important role of MTFs for market entry;

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4. Asks for ESMA to conduct an investigation into the functioning and purpose of the Systematic Internaliser (SI) regime and the bringing forward of improvements to the way in which this category is regulated in order to ensure that this regime is used for execution of orders on a bilateral basis with the financial counterparty;

5. Demands that investment firms which provide a portfolio management service and act in a portfolio management capacity must be provided with best execution by the investment firms with whom they place orders, notwithstanding the fact that the portfolio manager is categorised by MiFID as an eligible counterparty;

6. Calls for ESMA to conduct a review of whether order-by-order best execution needs to be better served by regulation in relation to the availability of data, both post-trade and in relation to execution quality, and in relation to market technology, such as order routers and venue connections;

7. Calls for thorough enforcement of the provisions in MiFID in order to ensure that BCNs that are carrying out activities equivalent to an RM, MTF or SI are regulated as such, and, in order to facilitate this enforcement, insists that all BCNs should be required to submit to the competent authorities all necessary information including:

— a description of the system, ownership and clients,

— details on access to the system,

— orders matched in the system,

— trading methodologies and broker discretion,

— arrangements for immediate post-trade reporting;

8. Asks for an investigation into OTC trading of equities and calls for improvements to the way in which OTC trading is regulated with a view to ensuring that the use of RMs and MTFs in the execution of orders on a multilateral basis and of SIs in the execution of orders on a bilateral basis increases, and that the proportion of equities trading carried out OTC declines substantially;

9. Asks for an investigation by the Commission into the effects of setting a minimum order size for all dark transactions, and whether it could be rigorously enforced so as to maintain adequate flow of trade through the lit venues in the interests of price discovery;

Pre-Trade Transparency Waivers

10. Calls on the Commission to conduct a review of the existing MiFID pre-trade transparency waivers to:

— consider whether a suitable minimum threshold should be introduced for the Reference Price waiver to encourage the use of lit venues,

— consider broadening the Reference Price waiver to include trades that fall within the current spread in the reference market,

— introduce a maximum volume of transactions that could use pre-trade transparency waivers in order to guarantee efficient price discovery,

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- give ESMA the possibility of adapting and restricting pre-trade waivers as necessary, taking into account the impact of dark trading on the efficiency of markets;

11. Asks for a uniform application of pre-trade waivers across Member States to limit implementing differences that can lead to uncertainty, regulatory arbitrage and an uneven playing field; suggests that technical standards defined by ESMA could be an appropriate way of achieving this, in keeping with the concept of a single rule book for financial services;

Consolidated Tape

12. Welcomes the recent announcement by market participants that they will be unbundling their pre- and post-trade data, and calls for further efforts towards common data standards and better availability of data;

13. Calls on the Commission to establish a working group to overcome the difficulties preventing the consolidation of market data in Europe and particularly the poor quality of reporting data across all transactions;

14. Calls upon ESMA to draw up common reporting standards and formats for the reporting of all post-trade data, both on organised trading venues and OTC, to aid in data consolidation;

15. Asks that all reporting venues be required to unbundle post-trade data from pre-trade data so information can be made available to all market participants at a commercially reasonable and comparable cost; further, asks the Commission to consider the introduction of Approved Publication Arrangements (APAs) in order to introduce quality standards for trade publication and reduce the number of venues that trades can be reported to, as well as the use of internet pages, which are an obstacle to consolidation;

16. Calls for a reduction in the time limit for deferred publication so transactions are reported to the regulators within twenty-four hours of taking place; takes the view, with regard to publication of transactions, that in ordinary circumstances delays of more than one minute should be considered unacceptable;

17. Deems that it is essential to analyse the breakdown and business models of OTC trading, and therefore calls for the introduction of specific flags in pre- and post-trade transparency for OTC trades with a view to further understanding the characteristics of such OTC trades and assessing which types of transaction can legitimately be done OTC owing to their specific characteristics;

Micro-structural issues

18. Insists that post-'flash crash', all trading platforms must be able to demonstrate to national supervisors that their technology and surveillance systems are able to withstand the kind of barrage of orders experienced on 6 May 2010 so as to ensure that they could successfully deal with the activity associated with HFT and algorithmic trading in extreme circumstances and show that they are able to re-create their order books by end of day so that causes of unusual market activity can be pinpointed and any suspected market abuse identified;

19. Calls on ESMA to conduct an examination of the costs and benefits of algorithmic and high-frequency trading (HFT) on markets and its impact upon other market users, particularly institutional investors, to determine whether the significant market flow generated automatically is providing real liquidity to the market and what effect this has on overall price discovery, as well as the potential for abuses by manipulation of the market leading to an uneven playing field between market participants, and its impact on overall market stability;

20. Calls for the practice of 'layering' or 'quote stuffing' to be explicitly defined as market abuse;

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21. Calls for an investigation into whether to regulate firms that pursue HFT strategies in order to ensure that they have robust systems and controls with ongoing regulatory reviews of the algorithms they use, the capacity for intra-day monitoring and interrogation about real-time outstanding positions and leverage, and the ability to demonstrate that they have strong management procedures in place for abnormal events;
22. Calls for an examination of HFT's challenges in terms of market monitoring; recognises the need for regulators to have the appropriate means to detect and monitor potential abusive behaviour; with this in mind, calls for the reporting to the competent authorities of all orders received by regulated markets and MTFs, as well as of trades done on these platforms;
23. Calls for all trading venues allowing co-location of servers, whether directly or through third-party data providers, to ensure that equal access for all co-located clients is maintained and where possible under the same infrastructure latency arrangements in order to comply with non-discriminatory practice outlined in MiFID;
24. Calls upon regulators to monitor and regulate the provision of sponsored access and upon the Commission to consider additional measures including:
 - expressly prohibiting unfiltered sponsored access to companies, regardless of whether they belong to the same corporate group as the sponsor,
 - requiring broker-dealers and investment firms to establish, document and maintain a system of risk-management controls, pre- and post-trade, and supervisory procedures to manage the financial, regulatory and other risks related to its market access;
25. Calls, notwithstanding the necessary application of safeguards, for ESMA to further investigate whether sponsored access crosses the threshold of non-discriminatory access;
26. Calls on the Commission to adopt the principles being developed by the Technical Committee of IOSCO on direct electronic access, including sponsored access, which will cover the criteria for selecting clients who can be given sponsored access and the contractual relationship between the platform, the member and the client and will outline their respective responsibilities regarding their use with suitable controls and filters;
27. Takes the view that, in order to comply with the principle that all investors should be treated equally, the practice of flash orders should be explicitly ruled out;
28. Calls for an investigation by ESMA into fee structures to ensure that execution fees, ancillary fees, investment firms' commission fees, and any other related incentives are transparent, non-discriminatory and consistent with reliable price formation and are designed and implemented so as not to encourage trading for improper purposes and to assess whether a minimal charge should be paid by users posting orders, whether these orders are executed or not, as these orders need to be processed by the market infrastructure;
29. Suggests ESMA conduct a study of the maker/taker fee model to determine whether any recipient of the more favourable 'maker' fee structure should also be subject to formal market maker obligations and supervision;
30. Asks for ESMA supervision and definition by implementing acts of robust volatility interrupts and circuit breakers which operate simultaneously across all EU trading venues in order to prevent a US-style 'flash crash' event;

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Scope

31. Requests that no unregulated market participant be able to gain direct or unfiltered sponsored access to formal trading venues and that significant market participants trading on their own account be required to register with the regulator and allow their trading activities to be subject to an appropriate level of supervision and scrutiny for stability purposes;
32. Calls for proprietary trading activities conducted via algorithmic trading strategies by unregulated entities to be transacted solely through a regulated financial counterparty;
33. Calls for the extension of the scope of the MiFID transparency regime to all 'equity-like' instruments including depository receipts (DRs), exchange traded funds (ETFs), exchange traded commodities (EDCs) and certificates;
34. Asks the Commission and ESMA to consider introducing a transparency requirement, pre- and post-trade, on all non-equity financial instruments, including government and corporate bond markets and CCP eligible derivatives, to be applied in a manner that differentiates across asset classes where appropriate and at the same time combines with measures that bring about further standardisation of OTC derivative products in order to enable greater application of transparency;
35. Takes the view, taking into account the issues that have been experienced in relation to data quality and consolidation of post-trade data for European equities, that the Commission should ensure that post-trade data for non-equity products are provided in a form which is readily consolidated;
36. Supports the Commission's intention to apply a wider range of MiFID provisions to derivative instruments, as the trading of such products moves increasingly to organised trading venues and is subject to increasing standardisation and central clearing requirements;
37. Calls for a proposal from the Commission to ensure that all OTC derivative contracts that can be standardised are traded on exchanges or electronic trading platforms, where appropriate, in order to ensure that the price of such contracts is formed in a transparent, fair and efficient manner, free from conflict of interest;
38. Requests a review of the IOSCO standards for clearing houses, securities settlement systems and systemically important payment systems with a view to improve further market transparency;
39. Believes that it is necessary for regulators across the different physical and financial commodities markets to have access to the same data in order to identify trends and cross linkages, and calls on the Commission to coordinate efforts both within the EU and globally;
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- * *
40. Instructs its President to forward this resolution to the Council and the Commission and to the European Central Bank.
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Strengthening Chemical, Biological, Radiological and Nuclear Security in the European Union - an EU CBRN Action Plan

P7_TA(2010)0467

European Parliament resolution of 14 December 2010 on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan (2010/2114(INI))

(2012/C 169 E/02)

The European Parliament,

- having regard to Article 3 TEU and Articles 2(5), 67, 74, 196 and 222 TFEU,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Programme of the Council and the Commission of 20 December 2002 to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats (2002 CBRN Programme) ⁽¹⁾,
- having regard to Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism ⁽²⁾, as amended by Council Framework Decision 2008/919/JHA ⁽³⁾,
- having regard to the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction and their Means of Delivery,
- having regard to the 2003 European Security Strategy - A Secure Europe in a Better World, as adopted by the European Council held in Brussels on 12 December 2003, as well as the 2010 EU Internal Security Strategy ⁽⁴⁾ and the Commission Communication on it (COM(2010)0673),
- having regard to the 2004 EU Solidarity Programme on the consequences of terrorist threats and attacks ⁽⁵⁾,
- having regard to the 2005 EU Counter-Terrorism Strategy, as adopted by the Brussels European Council on 1 December 2005 ⁽⁶⁾, and the implementing Action Plan ⁽⁷⁾,
- having regard to the Hyogo Framework for Action 2005-2015 ⁽⁸⁾ as adopted by the World Conference on Disaster Reduction held from 18 to 22 January 2005 in Japan,
- having regard to the Seventh Framework Programme for Research and Technological Development ⁽⁹⁾, in particular its funding of the CBRN Emap project ⁽¹⁰⁾,

⁽¹⁾ 14627/2002.

⁽²⁾ OJ L 164, 22.6.2002, p. 3.

⁽³⁾ OJ L 330, 9.12.2008, p. 21.

⁽⁴⁾ 5842/2/2010.

⁽⁵⁾ 15480/2004.

⁽⁶⁾ 14469/4/2005.

⁽⁷⁾ 5771/1/2006.

⁽⁸⁾ <http://www.unisdr.org/eng/hfa/hfa.htm>.

⁽⁹⁾ 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) (OJ L 412, 30.12.2006, p. 1).

⁽¹⁰⁾ <https://www.cbrnemap.org>.

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- having regard to Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument ⁽¹⁾,
- having regard to Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community Civil Protection Mechanism (recast) ⁽²⁾,
- having regard to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ⁽³⁾,
- having regard to Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection ⁽⁴⁾, specifically in the case of actions with a cross-border impact, which, inter alia, lays down guidelines for an integrated approach to increasing capabilities for critical infrastructure protection at EU level, including the need for a Critical Infrastructure Warning Information Network (CIWIN), and confers on the Commission a role of drawing up proposals and providing coordination in connection with the improvement of the protection of such critical infrastructures,
- having regard to the Communication from the Commission to the European Parliament and the Council on Strengthening Chemical, Biological, Radiological and Nuclear Security in the European Union - an EU CBRN Action Plan (COM(2009)0273),
- having regard to the Council conclusions of 30 November 2009 on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union and approving an EU CBRN Action Plan ⁽⁵⁾,
- having regard to the Stockholm Programme – An open and secure Europe serving and protecting citizens ⁽⁶⁾,
- having regard to the Communication on the EU Counter-Terrorism Policy: Main achievements and future challenges (COM(2010)0386),
- having regard to the Communication from the Commission on Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme (COM(2010)0171),
- having regard to its past resolutions on CBRN topics and disaster prevention and response, and in that regard to its recent resolution of 10 February 2010 on the earthquake in Haiti ⁽⁷⁾, which calls for the establishment of a European civil protection force,
- having regard to its resolution of 21 September 2010 on the Commission communication: A Community approach on the prevention of natural and man-made disasters ⁽⁸⁾,
- having regard to the revised Council Presidency proposal of 25 October 2010 for draft Council conclusions on preparedness and response in the event of a CBRN attack, drawn up on the basis of the objectives set out in Action H.29, improving emergency planning, of the EU CBRN Action Plan ⁽⁹⁾, as adopted by the Council on 8 November 2010,

⁽¹⁾ OJ L 71, 10.3.2007, p. 9.

⁽²⁾ OJ L 314, 1.12.2007, p. 9.

⁽³⁾ OJ L 134, 29.5.2009, p. 1.

⁽⁴⁾ OJ L 345, 23.12.2008, p. 75.

⁽⁵⁾ 15505/1/2009 REV 1.

⁽⁶⁾ OJ C 115, 4.5.2010, p. 1.

⁽⁷⁾ Texts adopted, P7_TA(2010)0015.

⁽⁸⁾ Texts adopted, P7_TA(2010)0326.

⁽⁹⁾ 15465/2010.

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- having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' (COM(2010)0600),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Environment, Public Health and Food Safety, the Committee on Foreign Affairs and the Committee on Industry, Research and Energy (A7-0349/2010),
- A. whereas the EU can point to a long-term involvement in CBRN programmes, starting with the conclusions of the Ghent European Council of 19 October 2001 and of the Laeken European Council of 13-14 December 2001; whereas a CBRN Programme was adopted in 2002, and then replaced by the EU Solidarity Programme in 2004, and whereas a new EU CBRN Action Plan was adopted by the Council on 12 November 2009,
- B. whereas CBRN disasters, whether accidental or resulting from a terrorist attack, pose serious threats to the security and health of the people living in the EU, affecting their lives, the environment and assets, including their cultural heritage and the functioning of society in one or several EU Member States, by disrupting critical infrastructures and governance capabilities,
- C. whereas both the Council and the Commission agree that the number of incidents involving CBRN material, including acts of terrorism, has so far been relatively small, and whereas the majority of the disasters involving CBRN substances have been due to industrial accidents or to the increase in, and worldwide spread of, dangerous pathogens,
- D. whereas the existing and continuous risk of CBRN disasters on European Union territory, whether accidental or intentional, severely compromises the full enjoyment of all fundamental rights and freedoms, and is in contradiction with the promise to create and the development of a European area of freedom, security and justice,
- E. whereas one of the greatest CBRN risks stem from proliferation of CBRN material by terrorist organisations, and whereas, therefore, an important measure concerns the strengthening of the non-proliferation regime and disarmament through the universal and full implementation of all relevant treaties and international agreements (namely the Nuclear Non-proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention) and achieving agreement on a treaty on banning the production of fissile material for weapons purposes (Fissile Material Cut-off Treaty),
- F. whereas the manufacture, possession, acquisition, transport, supply or use of weapons and explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons and instruction in the making or use of explosives, firearms or other weapons for illegal purposes is part of the EU definition of terrorism and training for terrorism as referred to in Council Framework Decisions 2002/475/JHA and 2008/919/JHA,
- G. whereas measures regarding CBRN material are one of the cornerstones of the EU Counter-Terrorism Strategy, and whereas, consequently, an EU CBRN Action Plan was approved by the Council on 30 November 2009,
- H. whereas the problem of the misuse of certain chemicals, which are widely available to the general public on the market, as precursors to home-made explosives, may give rise to a series of terrorist and other criminal incidents in the EU; whereas this calls for strong monitoring and scrutiny of the implementation of the proposal for a regulation of the European Parliament and of the Council on the marketing and use of explosive precursors (COM(2010)0473),

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- I. whereas following the entry into force of the Lisbon Treaty a new balance of responsibilities between the various EU institutions, on one hand, and the EU and its Member States, including defence expertise, on the other, is being established; whereas the building of such a new framework is a continuous process demanding an understanding of shared values and a common goal,
- J. whereas in principle the Member States are responsible for CBRN policy, but whereas close cooperation and coordination at EU level is nevertheless a necessity,
- K. whereas the creation of the European External Action Service (EEAS) offers opportunities to improve the EU's overall crisis response through actions under the Instrument for Stability (IfS),
- L. whereas an EU CBRN Action Plan should make for the efficient interaction of national and EU initiatives in addressing CBRN risks and in preparing the necessary responses, enhancing both 'horizontal' coordination between the Commission and Member States and 'vertical' coordination between the EU-level instruments and Member States' instruments, in order to increase the effectiveness and speed of information sharing, the exchange of best practices, analytical reporting at all stages, joint planning, the development of operational procedures, operational exercises and the cost-effective pooling of existing resources,
- M. whereas several EU criminal law-enforcement agencies are involved in CBRN measures, for example Europol, through the establishment of a European Bomb Database and the Early Warning System for explosives and CBRN material; whereas this calls for the establishment of proper procedures for the exercise of scrutiny by the European Parliament and national parliaments, as envisaged, for example, by Article 88 TFEU,
- N. whereas health risks and the related prevalence of dangerous pathogens are increasingly occurring within the EU and globally, as has been demonstrated by the recent A/H1N1 outbreak,
- O. whereas environmental pollution and contamination issues, including those of a cross-border nature, can be raised by CBRN incidents, making it necessary to include recovery and decontamination strategies in the EU CBRN policy,
- P. whereas the overall goal of the new EU CBRN policy is 'to reduce the threat and damage from CBRN incidents to the citizens of the European Union', and whereas this is to be achieved by 'minimising the likelihood of CBRN incidents occurring and limiting their consequences should they materialise',
- Q. whereas the Commission, in its Communication on the EU's Role in Global Health ⁽¹⁾, recognises the need to coordinate measures at EU level and globally in order to respond rapidly to health threats and commits itself to improving preparedness and response mechanisms to epidemics or outbreaks, including deliberate acts, such as bioterrorism,
- R. whereas, compared to nuclear technology and its precursors, biological materials, such as anthrax, are cheaper and much easier to acquire and spread, providing possibilities for unconventional terrorist attacks posing dire long-term threats to health and the environment, including agriculture and the food supply,

⁽¹⁾ Commission Staff Working Document 'Global health – responding to the challenges of globalisation' (SEC(2010)0380), Accompanying document to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'The EU Role in Global Health' (COM(2010)0128).

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- S. whereas first responders, including police, fire and ambulance services, are unable to assist victims at the site of a CBRN incident without risk to personal safety unless they have received pre-exposure protection in the form of medical countermeasures and adequate training,
- T. whereas regional stockpiles of medical countermeasures provide adequate protection for citizens by balancing public health protection and economic concerns, while also ensuring Member State responsibility and solidarity,
- U. whereas the World Health Organisation, with its Global Alert and Response ⁽¹⁾ programme, seeks to strengthen bio-safety, bio-security and readiness for outbreaks of dangerous and emerging pathogens,
- V. whereas the EU is an active participant, through its Member States and the Commission, in the discussions of the Global Health Security Initiative aimed at achieving concerted global action to strengthen public health preparedness and provide a response to the threat of international biological, chemical and radio-nuclear terrorism,
- W. whereas the threat to chemical, biological, radiological and nuclear safety arises not only from terrorist attacks or negligence, but also from the current areas polluted with chemical weapons from the Second World War that were dumped on the seabed or on nuclear waste sites in the EU,
- X. whereas the appropriate level of chemical, biological, radiological and nuclear safety in the EU also depends on the security level applied in third countries,
- Y. whereas new threats to security could arise from the use of new technologies in planning new acts of terrorism, while security standards are not being adapted fast enough to technological progress,
- Z. whereas a thorough review of the various standards currently applicable is needed in order to set necessary and sufficient security requirements,
- AA. whereas the EU CBRN Action Plan is divided into three main parts: Prevention, Detection, and Preparedness and Response, and includes a fourth chapter on 'Actions applicable to CBRN prevention, detection and response'; and whereas recognising the importance of each of the stages is crucial to ensure proper implementation of risk-assessment studies, responses and countermeasures, while adopting a cross-cutting and cross-border approach to dealing with CBRN materials, i.e. through the proper allocation of measurable goals and actions at each stage,
- AB. whereas the changes made by the Council to the current EU CBRN Action Plan proposed by the Commission make the Action Plan weaker, making the commitment on the part of Member States non-binding and watering down the measures provided for, many of which are kept at national level instead of being given an EU-wide scope, as well as weakening the monitoring and scrutiny of their implementation by the Commission, sometimes even failing to include the Commission as an 'involved actor' along with the Member States,

General guidelines

1. Notes that the EU CBRN Action Plan straddles the new division of competences between the Member States and the EU following the entry into force of the Lisbon Treaty, as envisaged in Article 5 TEU in connection with the principles of conferral, subsidiarity and proportionality; points out that the EU CBRN

⁽¹⁾ <http://www.who.int/csr/en/>

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Action Plan covers the area of shared internal competences (Article 4 TFEU) regarding the area of freedom, security and justice, common safety concerns, and transport; civil protection measures (Article 196 TFEU); as well as external actions of the Union (Articles 21 and 22 TEU);

2. Points out, however, that the implementation of the common CBRN security system should not reduce the competence of the Member States in this policy area;
3. Considers that the action plan will play a key role in ensuring the smooth interaction of national and European initiatives in addressing CBRN risks;
4. Acknowledges that it is crucial to leverage the competent expertise and avoid duplication, fragmentation and inconsistency in the EU institutions' and/or the Member States' efforts in the security and defence areas where the fundamental right to life is at risk and where the implications of carelessness and laxity know no borders;
5. Stresses that the EU should strengthen its common approach to CBRN prevention, detection and response through the creation of specific mechanisms (regulatory, legislative or non-legislative instruments) which make cooperation and the provision of means of assistance compulsory in the event of a CBRN disaster caused by an accident or terrorist attack; recalls that the main objective of the EU institutions should be to ensure the efficiency of a national or transnational response to a CBRN accident or terrorist attack, on the basis of EU solidarity, in a coordinated manner under the auspices of the Commission and with a pan-European outreach;
6. Recalls that an EU CBRN Action Plan offers an opportunity to enable the EU and its Member States to find the legislative means to effectively implement the Solidarity Clause included in Article 222 TFEU, and that Member States must be informed of each others' plans and best practices to deal with and counter CBRN disasters, whether caused accidentally or intentionally, so that they can come to each others' assistance in a coordinated and effective manner;
7. Stresses that it is essential to strengthen the scope for normative and regulatory intervention by the Commission, which in the present version of the EU CBRN Action Plan is afforded a somewhat vague role in connection with many of the goals and actions provided for; consequently, urges that the Commission should issue legislative proposals, as far as possible, in all areas covered by the Action Plan; and stresses that only if a robust regulatory role is entrusted to the Commission can gaps in the efforts developed by each Member State be filled;
8. Urges that the commitment of the Member States to CBRN control must go further than the simple sharing of best practices and information, and that technologies and infrastructures should also be pooled/shared, so as to avoid duplication and waste of resources, in order to create valuable and cost-effective synergies at EU level; calls on the Member States to agree on methods for the detection and prevention of CBRN disasters, the transferral of CBRN materials within the EU and response measures, including sharing of CBRN-related information and cross-border assistance;
9. Encourages, therefore, the most advanced Member States in the field of internal security, despite its vulnerable and quintessentially national nature, to share their information, technologies and infrastructures and launch joint strategic projects as referred to above; calls on the Commission and Council to create and regularly update a database of the medical countermeasures that are available in the Member States to respond to CBRN incidents, to encourage the sharing of existing capacities and to coordinate a cost-efficient policy for the acquisition of such countermeasures;

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10. Calls for EU quality and security standards, as well as an EU system and network of laboratories for the certification of CBRN security equipment and technologies, to be developed; underlines that strict security standards and hiring procedures also need to apply to personnel employed at facilities with access to harmful agents; calls for the sharing and use of best knowledge and expertise from both the civil and military fields; again under the leadership of the Commission, stresses that the necessary research and development funding should be provided to ensure that applied research and major demonstration programmes with an EU dimension are carried out, and, given the fragmentation of this market, that an EU industrial policy in the field of civil security is needed, stimulating cooperation between enterprises in the EU and with specific support for small and medium-sized enterprises/small and medium-sized industries (SMEs/SMIs), which create a significant share of innovation under the FP7/Security, which should be increased, and that efforts should be made to stimulate cooperation (particularly cross-border cooperation) between European enterprises; wishes to see the emergence of a comprehensive project management capability to manage all aspects of CBRN security projects, covering the entire life cycle of the CBRN threat (prevention, detection and response); calls on the Commission to propose a strategy for developing the biodefence industry in Europe;

11. Welcomes the fact that CBRN protection is being addressed as a topic under the established European Framework Cooperation (EFC) for Security and Defence Research between the Commission, the European Space Agency (ESA) and the European Defence Agency (EDA); stresses that complementarity, coordination and synergy between defence R&T investment and research investment for civilian security by the Commission under the Seventh Framework Programme would require genuine improvements in the relevant legal conditions governing the exchange of information within the EFC and between activities at national and EU level, as provided for by Council Decision 2006/971/EC of 19 December 2006 concerning the Specific Programme Cooperation implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽¹⁾; calls for the development of applied research with a European dimension concerning the safety of installations, in order to protect local communities and the environment, and for the launching of major demonstration programmes; encourages the creation of centres of expertise specialising in CBRN threats and mobility for researchers;

12. Insists on the implementation of suitable safeguards and security measures when dealing with pooled databases of Member States and sensitive research data, as such a focus on security of data will encourage greater cooperation and sharing of information amongst Member State authorities and bodies;

13. Stresses the importance of enhanced preparedness, and calls for regular mapping of national capabilities and assets, as well as joint exercises among Member States;

14. Calls for the urgent establishment of a European crisis-response mechanism, based in the Commission's services, which should coordinate civilian and military means so as to ensure that the EU has a rapid-response capability to deal with a CBRN disaster; and reiterates its call for the establishment of a European civil protection force based on the existing EU Civil Protection Mechanism, which will enable the Union to bring together the resources necessary for providing emergency assistance, including humanitarian aid, within 24 hours of a CBRN disaster inside or outside EU territory; stresses that suitable bridges and partnerships should also be built between bodies such as Europol, Interpol and law-enforcement authorities in the Member States with a view to creating an appropriate and effective network for proactive anticipation/real-time monitoring of emergencies and operational engagement/coordination to deal with CBRN-related disasters, and stresses the need to report to the Commission as well; recalls the 2006 Barnier report entitled 'For a European civil protection force: Europe aid' ⁽²⁾ which Parliament strongly supported, and welcomes in that regard the new willingness by the Commission to create a European Emergency Response Capacity, as stated in the Commission Communication entitled 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' (COM(2010)0600);

⁽¹⁾ OJ L 400, 30.12.2006, p. 86.

⁽²⁾ http://ec.europa.eu/archives/commission_2004-2009/president/pdf/rapport_barnier_en.pdf

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15. Calls for dual-use civil-military technologies to be exploited as a source of synergies; within well-defined strategic collaboration frameworks, encourages cooperation with the EDA, NATO countries, such as the United States and Canada, and third countries which are pioneers in the field of CBRN security, through the exchange of good practices, structured dialogues between experts and joint capacity development; stresses the importance of the EU Member States' carrying out joint exercises in preventing and tackling CBRN security incidents, with the participation of the Member States' armed forces and civil protection forces and the EU Civil Protection Mechanism;

16. Notes that the existing EU Civil Protection Mechanism, as defined in Council Decision 2007/779/EC, is currently the appropriate instrument to deal with CBRN disasters, and stresses that this structure should be the forum where emergency decisions concerning CBRN disaster preparedness and response should be taken; notes, however, that in order to achieve this goal and to ensure proper prevention and detection, cooperation must be established with civil protection bodies, with the intelligence and law-enforcement authorities, as well as with security-service, military information and response centres in each of the Member States and at EU level, such as the Civilian Planning and Conduct Capability (CPCC) of the Political and Security Committee (PSC) and the Joint Situation Centre (SitCen); recalls, further, the role of the Standing Committee on Operational Cooperation on Internal Security (COSI), which is tasked with facilitating, promoting and strengthening operational cooperation among the relevant national authorities of the Member States in the field of internal security;

17. Recalls that the Joint Situation Centre (SitCen) has been placed within the new External Action Service, and that its personnel come mainly from the Member States' intelligence and police services; stresses that its role is of the utmost importance in supporting national crisis management centres;

18. Calls on the Member States to coordinate their efforts, under the supervision of the Commission, in order to enhance the interoperability of equipment, capabilities and technologies in the field of civil protection so as to efficiently put into practice the new solidarity clause in the event of a CBRN disaster;

19. Stresses that the strengthening of the EU's civil protection capacity must include besides the exploration of dual-use technologies, infrastructures and capabilities, as well the strategic cooperation with the EDA, as referred to above, the ESA, the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW) and other international CBRN centres or programmes of excellence;

20. Urges the Member States to appoint or create a national authority which, in the event of a CBRN attack or disaster, would be tasked with the responsibility of acting as the main coordinator of all the national and local bodies involved, and of all the counter measures taken to respond to such an event;

21. Endorses the assessment that CBRN attacks are a serious threat to the security of people living in the EU; therefore supports all measures which offer greater protection against CBRN attacks;

22. Emphasises that the fight against terrorism must be conducted with full respect for international human rights law and European fundamental rights law, principles and values, including the principle of the rule of law; recalls the need to respect the principles of the Aarhus Convention on public access to information, participation and judicial review in matters relating to the environment;

23. Recalls that preventing terrorist access to CBRN materials is a key priority under both the current 2005 EU Counter-Terrorism Strategy and the future one, as well as under the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction and their Means of Delivery; requests, therefore, that the EU Counter-Terrorism Coordinator report regularly to Parliament, through the appropriate and relevant EU

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agencies and experts, on the level of any potential CBRN risks or threats within the Union or against EU citizens and interests elsewhere; insists that further clarification is needed of the appropriate roles of the various EU and national bodies involved in the fight against terrorism; acknowledges, in that connection, the coordination role of the COSI and the SitCen; calls for Parliament, as the only directly democratically elected body in the EU, and in the framework of its prerogatives, to guarantee democratic oversight of both these bodies and, thus, be kept promptly and fully informed about their activities, in a way that maintains their secure functioning;

24. Urges the EU institutions to maintain democratic scrutiny of and transparency regarding the development and implementation of all parts of the EU CBRN Action plan, respecting the public's right to access to all information and relevant documentation that concerns public security and the everyday risks associated with CBRN disasters;

25. Calls for the mainstreaming of the measures provided for in the CBRN Action Plan in all the EU's external relations instruments for economic cooperation and political dialogue with third countries (including in the EU's non-proliferation clauses); urges the Commission and Council, in their political and economic dialogue with third countries, to use all available means (including Common Foreign and Security Policy and external relations instruments) to promote standards for the detection and prevention, including information sharing, and response to CBRN incidents in third countries, as outlined in the Action Plan;

26. Stresses the close link and mirror effect between security inside and security outside the European Union; welcomes, in this regard, the actions taken by CBRN regional centres of excellence in flashpoints outside the European Union with the aim of encouraging expertise networks, improving the capacity to control exports and prevent illegal trafficking in CBRN substances, and strengthening the regulatory arsenal available to these countries and regional cooperation in this field; encourages the idea of providing training in Europe for international experts from countries at risk in respecting the necessary security and confidentiality rules;

27. Urges the EU institutions and Member States to resist pressure from industry and other interested stakeholders seeking to escape the burden of more regulation, as is to be expected (and as emerges clearly from a comparison between the Commission and the Council versions of the EU CBRN Action Plan); considers that industry concerns about the quality and impact of the proposed regulatory measures should be taken into consideration, without losing sight of what is at stake, namely the rights to life, liberty and security of all people in Europe and their societies; stresses the priority of ensuring supervision and protection of CBRN materials throughout the EU and the efficiency of the EU response to a disaster, be it accidental or intentional and the importance of working towards the elimination of such threats;

28. Calls on the Member States to participate fully in the implementation phases of the EU CBRN Action Plan, cooperating in this respect with the EU bodies that are translating the goals and actions of the Action Plan into concrete steps, so that CBRN security is guaranteed in each of EU Member States;

Prevention

29. Calls on the Commission to act as the main facilitator and monitor in connection with the establishment and regular updating of EU lists on CBRN agents, whereby the Commission should be the one to decide on a reasonable timeframe; insists that the lists should also include possible preventive and response measures for each CBRN agent, in accordance with its level of dangerousness and potential for malicious use and vulnerability;

30. Takes the view that the EU CBRN Action Plan must set risk-based higher standards where security assessment criteria for high-risk CBRN facilities are concerned, and stresses the role and responsibility of national authorities to carry out regular checks of these facilities since the development of 'criteria', as stated in the current Action Plan amended and adopted by the Council, is in itself simply not enough and sets an

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astonishingly low standard, coupled with the low levels of responsibility allocated to the organisations dealing with CBRN materials, relevant Member States authorities and EU bodies; notes, further, that all measures taken should be proportionate to the probable risks;

31. Stresses that security arrangements and requirements at high-risk CBRN facilities throughout the EU must be the subject of EU regulations, rather than merely 'good-practice documents', through a consistent consultation process bringing together EU bodies, Member State authorities and organisations dealing with high-risk CBRN agents; urges that until such regulations are adopted and in place, a greater monitoring and inspection role should be entrusted to the Commission;

32. Welcomes the initiatives of the Joint Research Centre (JRC) in supporting IAEA programmes and nuclear inspections; recommends that measures should be taken to pool its databases and research findings with those of the Member States;

33. Supports the drawing-up of strategies to raise awareness among enterprises, the scientific and university community and financial institutions of the risks linked to the proliferation and trafficking of CBRN material in the context of their work and activities; takes the view, in more general terms, that confidentiality is a vital component of the effectiveness of certain security measures in the action plan, and that it is important to guard against any risk of disclosure that could render them ineffective;

34. Believes that the Commission and Member State authorities should oversee the activities carried out by the organisations dealing with high-risk CBRN materials and should ensure that these organisations comply with risk-based security and public safety standards, which implies that proper inspections of high-risk sites must be carried out regularly;

35. Considers that the 'Prevention' part of the EU CBRN Action Plan should be amended in such a way as to ensure that the chemicals industry replaces the use of high-risk chemicals with suitable lower-risk alternatives, where such replacement is scientifically, technologically and environmentally possible and there is a clear increase in security; recognises the economic costs such replacement may entail and their impact on the relevant industries, but urges the EU, the Member States and the private sector to put the safety of EU citizens first; recommends, in this connection, that a specific link should be established with the existing REACH Regulation ⁽¹⁾, something which the version of the Action Plan proposed by the Commission rightly sought to do; calls on the Commission to deliver a study on the implementation of the REACH Regulation in this respect;

36. Stresses that the greatest CBRN risks stem from the proliferation of CBRN material by terrorists; stresses, therefore, the importance of making international control regimes more effective, and of improving border and export controls;

37. Calls on the Council and the Commission to urge all Member States to sign and to meet their commitments under the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC) and to do their utmost to promote the Additional Verification Protocol to the BWC, which includes lists of dangerous biological agents and pathogens and provisions on disclosure statements and monitoring inspections; also urges the Member States, the Council, the Commission and the international community to draw up, as part of the Verification Annex to the CWC, a list of all potentially harmful chemical substances, including white phosphorus;

38. Calls, further, on the Commission and the Council to continue to step up activities in support of the treaty system, in particular the conventions on chemical and biological weapons, therefore calling on all EU Member States to impose a strict ban on the production and use of biological and chemical weapons and to disarm their own weapons;

⁽¹⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

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39. Is aware that proliferation increases the threat of diversion by terrorist groups and encourages the EU to continue its efforts towards universalising the legal framework for combating nuclear terrorism and ensuring that the current rules are complied with; supports cooperation projects with third countries, for example in the Mediterranean basin, in order to combat trafficking in nuclear and radiological material; calls on the EU to universalise the CWC and the BWC with a view to the Conference to review the Biological and Toxic Weapons Convention (BTWC) in 2011;

40. Calls on the Commission to present comparative data and an overall assessment of the state of play in industries in Europe when it comes to securing and increasing control over high-risk CBRN materials, including an overview of all relevant national laws regarding implementation of the CWC, the BWC and other international instruments related to CBRN materials; that overview should include reporting on the degree to which Member States and industries fulfil their international obligations; recognises, nevertheless, that enforcement measures, such as the BWC and CWC, might be insufficient to tackle the risks stemming from CBRN use by non-state actors, namely by terrorist networks;

41. Calls on the Council and the Commission to promote the existing Draft Convention on the Prohibition of the Development, Production, Stockpiling, Transfer and Use of Uranium Weapons and on their Destruction, and to present this convention to the UN member countries to be signed and ratified; calls on all the EU Member States and the UN member countries to impose a moratorium on the use of depleted uranium weapons until such time as a global ban on these weapons has been agreed;

42. Encourages the introduction of measures to combat proliferation financing, following the model of the mechanisms set up to combat terrorism financing;

43. Welcomes the Commission's activities under the IfS to tackle CBRN activities; considers these activities complementary to the Action Plan and calls on the Commission to expand the projects to regions other than just the former Soviet Union (SEDE); building on the experiences under the Instrument for Stability calls on the Commission to launch a call for proposals aimed at strengthening the security and the protection of civilian laboratories in order to avoid future proliferation;

44. Considers that the EU CBRN Action Plan should unambiguously call for the development of EU guidelines on security training and standard requirements to be implemented in all 27 Member States, and should ensure that specific training programmes are provided for those security staff dealing with high-risk CBRN materials, including staff in industries and research centres where high-risk CBRN are present, and that requirements are laid down for CBRN officers (role, competence and training); stresses that safety and awareness training must also be provided to first responders;

45. Stresses that a future short-term revision of the EU CBRN Action Plan should not simply promote self-regulation among the industries concerned, and not merely advise the industries to adopt codes of conduct, but actually call on the Commission to develop pan-European guidelines and regulations applicable to all sectors dealing with high-risk CBRN agents;

46. Considers that it is of the utmost importance to keep a close track of all transactions involving high-risk CBRN materials in the EU, and that instead of merely 'urging' the industry to report on transactions, the Commission and the Member States should work on a proper legal framework to regulate and monitor transactions, thus upgrading the level of security and ensuring proper and rapid reporting of all suspicious transactions as well as the loss or theft of CBRN materials; emphasises that these regulations should establish a proper basis for full transparency in all sectors dealing with CBRN agents, thus holding industries accountable for such transactions; considers that the ability of the private sector to enforce the relevant laws and rules should be taken into account in connection with the monitoring of their reporting obligations so as to ensure proper supervision;

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47. Stresses that the securitisation of both the transport and storage of CBRN materials is undeniably and inevitably part of the process to make access to these materials as difficult as possible, and so tackling CBRN-related security problems;

48. Stresses that the risks associated with the trading of chemicals over the Internet call for further investigations and specific action;

49. Calls for clarification regarding the strengthening of the import/export regime with regard to the roles of the Member States and the Commission; calls on the Member States to implement and ensure the application of the existing international regulations, and on the Commission to play a monitoring role, assessing and reporting on compliance; notes that it is important, taking into account the evolution of technology, to review and revise relevant legislation and regulations on the acquisition, import, sale, safe storage and transportation of CBRN materials;

50. Stresses the need to strengthen, where they exist, and create, where they do not, inspection and safety mechanisms in all postal services dealing with the distribution of correspondence, in view of the acts of terrorism committed in European countries by placing explosive substances in parcels sent through the post;

Detection

51. Calls on the Commission to launch a study, in cooperation with the Member State authorities, to assess the situation on the ground when it comes to the detection of CBRN and on the safety of nuclear power stations in the EU and its neighbourhood in the event of an accident or intentional terrorist attack; encourages the Commission to build on the results of such an assessment and work on common EU guidelines on how to handle such accidents or intentional attacks, including finding the means to ensure that Member States allocate adequate human and material resources to such an effort;

52. Calls for the strengthening of the role of the Monitoring and Information Centre (MIC) which has already been established under the EU Civil Protection Mechanism so as to ensure proper exchanges of information and good practices between Member States, leading to pan-European standards in the detection of CBRN activities;

53. Requests the Commission to monitor, assess and report to Parliament on an annual basis on Member States' compliance, and requests national authorities to ensure that regulations and guidelines are being followed and complied with by the relevant industries and organisations dealing with high-risk CBRN materials;

54. Considers it essential to carry out proper studies with a view to engaging all relevant national and EU bodies and stakeholders on a mandatory basis, including an assessment of ways to make exchanges and cooperation faster and easier, thus making the response to a public safety threat more effective;

Preparedness and Response

55. Calls on the Council to entrust the Commission with the role of 'coordinator' with regard to emergency planning, so that it can act as a monitor, thus ensuring that local and national emergency plans do exist; stresses that the Commission should take the role of a depository of such plans, putting it in the best position to identify potential gaps and to act accordingly more promptly than the relevant authorities;

56. Welcomes the intention to strengthen the EU's civil protection capacity; notes, however, that in many EU Member States military defence departments become proficient through practical experience of tackling CBRN disasters; calls, in that connection, on the Member States and the Commission to share best practices and make a greater investment in thorough coordination between both civilian and military expertise;

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57. Urges the Commission to continue identifying needs which must be met in order to improve civil protection capacities, with a view to common procurement projects; calls, in that connection, for a particular focus on defining the EU's needs in terms of CBRN preparedness and response capability, including medical counter-measures, so that the availability of medical counter-measures in the event of a CBRN incident is assessed at both EU and Member State levels;

58. Calls for the organisation of joint exercises between EU Member States, and between Member States and third countries, to prevent dangerous situations arising with regard to chemical, biological, radiological and nuclear security;

59. Welcomes the planning of EU exercises to simulate CBRN incidents or attacks and stresses that an EU CBRN Action Plan should make provision for the results and assessments of such exercises to feed into what should be an ongoing debate on the development of pan-European standards;

60. Draws attention to the fact that the Commission should be taking the lead in setting standards based on the needs of counter-measure capacities; stresses that this is the only way to achieve the highest possible standard of security throughout the EU, as it would be the only possible way to ensure that all Member States are following the same guidelines and applying the same principles when building up capacities and preparing the appropriate human and material resources to respond to a disaster, whether accidental or intentional;

61. Stresses the need to create regional/EU-wide stockpiles of response resources, the scale of which should, as far as possible, reflect the current level of threat, whether in the form of medical or other types of relevant equipment, under the coordination of the EU Civil Protection Mechanism, funded by the EU and in line with commonly agreed EU guidelines; stresses the importance of keeping well-managed stockpiles to ensure that the response resources, medical or other relevant equipment, are fully functional, current and up to date; urges that until such time as this EU/regional pooling of resources comes into effect, the EU CBRN Action Plan should point to a possible way in which Member States would share counter-measures and resources in the event of a CBRN accident or terrorist attack, so as to put the new Solidarity Clause into practice; stresses that any act of assistance to specific EU Member States must be the result of a request from the relevant political authorities in the countries affected and should not collide with a Member State's ability to protect its own citizens;

62. Calls for a revision of the rules governing the European Solidarity Fund to make it more accessible in the event of natural disasters, and available in the event of industrial and man made disasters, and calls on the Member States to make use of the resources available under the the Structural Funds to enhance prevention and preparedness;

63. In order to prepare for the unfortunate event of an accident, outbreak or deliberate use of CBRN, calls on the Commission to establish reporting mechanisms to provide a link between the work of the EU Civil Protection Mechanism and other EU early-warning systems in the relevant areas of health, the environment, food production and animal welfare; calls also on the Commission to establish mechanisms for exchanges of information and analyses with international bodies such as the World Health Organisation, the World Meteorological Organisation and the Food and Agriculture Organisation;

64. Calls for the creation of EU/regional specialised response teams, including medical personnel, law-enforcement staff and military personnel, and notes that, if such teams are created, special training and operational exercises should be scheduled regularly;

65. Calls on the Commission to provide sufficient funding to develop improved equipment for the detection and identification of biological agents in the event of an attack or incident; deplores the fact that existing detection equipment has capacity and speed limitations resulting in the loss of valuable time in

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an emergency; emphasises that emergency personnel must be properly equipped and medically protected in advance in order to work with maximum personal safety in a disaster area where harmful pathogens may be present; stresses that improved equipment for the identification of agents and diagnostics are also required in hospitals and other facilities receiving victims from an incident;

66. Calls on the various EU and national bodies involved in information gathering to review their organisational structures and, where they are lacking, appoint appropriate persons with experience and understanding of identifying and assessing CBRN threats and risks;

67. Calls on the Commission to report regularly to Parliament on CBRN threat and risk assessments;

68. Calls for training and public awareness programmes to be launched at European level, considering the opportunities provided by the Internet as a key resource in informing citizens of CBRN issues; stresses the importance of coordinating early warning and information mechanisms for EU citizens in relation to CBRN incidents; notes with interest the feasibility study for a European nuclear security training centre within the JRC;

Environmental and health impacts

69. Notes the uncoordinated over-investment in vaccines during the A/H1N1 pandemic; welcomes the Draft Council Conclusions 'On lessons learned from the A/H1N1 pandemic - health security in the European Union' (12665/2010), which envisage the development of a mechanism for the joint procurement of vaccines and antiviral medication to be applied in the Member States on a voluntary basis, and encourages Member States to develop together regional preparedness solutions, including the sharing of existing capacity and the coordination of cost-effective procurement of medical countermeasures, whilst ensuring high levels of CBRN preparedness across the EU;

70. Notes that EU legislation (Council Decision 90/424/EEC, as amended by Council Decision 2006/965/EC) provides for a Community approach to the eradication, control and monitoring of animal diseases and zoonoses, including the purchase and stockpiling of veterinary medical countermeasures to protect animals from infection; regrets that no such Community approach is in place to coordinate the purchase and stockpiling of medical countermeasures to protect the EU's human population from infection by dangerous biological pathogens;

71. Points out that an incident or attack involving biological pathogens – for example, but not restricted to, anthrax – will contaminate the affected area for decades, seriously harming plant, animal and human life and health, and resulting in long-term economic costs; calls on the Commission to include recovery and decontamination strategies in the CBRN policy;

72. Stresses that an incident involving CBRN materials which affects the condition of the soil and/or the drinking water supply has the potential to produce devastating and far-reaching effects on the health and welfare of all the people in the affected area; calls on the Commission to take this into account when drafting the EU CBRN Action Plan;

73. Stresses the importance of ensuring that there is effective control of water-based contamination incidents, which involve pollution of the environment, soil contamination, disposal of waste and/or release of radioactive substances;

74. Regrets the insufficient attention paid to preparedness and response in the Commission Communication and the Council Conclusions on the EU CBRN Action Plan, which focus heavily on detection and prevention; calls on the Commission and the Council to give greater importance to developing the preparedness and response mechanisms required to protect public health and the environment should a CBRN incident actually take place on EU territory;

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75. Regrets the lack of measures in the CBRN Action Plan to safeguard the security of radiological and nuclear facilities and materials and to improve response plans regarding the various types of radiological emergency and their consequences for the population and the environment;

76. Is alarmed by cases of individuals and activists being able to acquire nuclear waste material from various reprocessing installations in Europe, and calls for urgent, concerted action to enhance the security of radioactive and nuclear materials and facilities;

77. Regrets the lack of focus in the Commission Communication and Council Conclusions on the CBRN Action Plan on adequately protecting public transport networks and the health of their users, given the many terrorist attacks on transport in recent years and the generally increased risk of CBRN incidents occurring during transport of CBRN materials; calls on the Member States to guarantee pre-exposure protection of first responders to CBRN incidents and post-exposure treatment of victims, in particular against biological pathogens;

78. Points out that a CBRN incident could have long-lasting effects on the growth of food crops and thus has the potential to adversely affect EU food safety and food security; invites the Commission to take this into account when drafting the EU CBRN Action Plan;

79. Encourages cooperation and the sharing of best practices with countries which have developed expertise in the field of CBRN risk assessment, prevention, detection, communication and response, such as the United States, Australia and India;

80. Encourages joint policies for the remediation of land affected by chemical, biological, radiological or nuclear contamination, so that the soil and land can be restored to use as swiftly as possible, thereby reducing risks to health and the environment;

81. Calls on the Commission and Council to consider developing response models that provide an ideal response in the event of CBRN incidents, and in which special attention is paid to training establishments, medical care institutions and geriatric care centres;

82. Calls on the Member States, when drafting evacuation plans in the event of a CBRN incident, to give special attention to the needs of the elderly, children, people under medical care, persons with disabilities and other such vulnerable groups;

83. Calls on the Member States to assign special importance to the construction of civil protection shelters, both within (public and administrative) institutions and at local and regional level, in which the European public can take refuge in the event of a disaster;

84. Urges the Commission to seek an agreement on common minimum security standards with neighbouring third countries which have on their territory objects that could pose major threats to environmental and human security in the EU in the event of an accident;

85. Calls on the Commission to provide in its action plan for more flexible adaptation of security measures to technological development;

86. Urges the Commission thoroughly to assess existing security measures in terms of their impact on the environment and health, and to ensure that new measures are introduced only on the basis of the results of such an assessment, which should be carried out periodically;

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87. Calls on the Commission to draw up an EU CBRN Roadmap for the period between now and 2013, when the EU CBRN Action Plan will be reviewed, in which challenges and policy responses are set out and on which the Commission will regularly report back to Parliament regarding ongoing developments and progress to date;

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88. Calls on the Member States and the Commission to rapidly review and apply the EU CBRN Action Plan in accordance with its recommendations, and expects them to implement it swiftly; further urges the Commission and the Council to refer the next EU CBRN Action Plan to Parliament at least one year before it enters the implementation phase, so that Parliament can deliver its opinion in due time;

89. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

Good governance and EU regional policy

P7_TA(2010)0468

European Parliament resolution of 14 December 2010 on good governance with regards to the EU regional policy: procedures of assistance and control by the European Commission (2009/2231(INI))

(2012/C 169 E/03)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, and in particular Articles 174 to 178 thereof,
- having regard to the Commission proposal for the revision of the Financial Regulation applicable to the general budget of the European Union of 28 May 2010 (COM(2010)0260),
- 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 ⁽¹⁾,
- 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 ⁽²⁾,
- having regard to its resolution of 15 June 2010 on transparency in regional policy and its funding ⁽³⁾,
- having regard to the Committee of the Regions' White Paper on Multi-level governance of 17-18 June 2009 and the Consultation Report,
- having regard to the conclusions of the informal Ministerial meeting which took place on 16-17 March 2010 in Málaga,
- having regard to the Commission Communication of 6 September 2004, entitled 'The respective responsibilities of the Member States and the Commission in the shared management of the Structural Funds and the Cohesion Fund - Current situation and outlook for the new programming period after 2006' (COM(2004)0580),
- having regard to the Commission Communication of 14 May 2008 on the results of the negotiations concerning cohesion policy strategies and programmes for the programming period 2007-2013 (COM(2008)0301),
- having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial years 2006 and 2008,

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ C 15 E, 21.1.2010, p. 10.

⁽³⁾ Texts adopted, P7_TA(2010)0201.

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- having regard to the Commission Communication of 19 February 2008, entitled ‘An action plan to strengthen the Commission’s supervisory role under shared management of structural actions’ (COM(2008)0097),
 - having regard to the Commission Communication of 3 February 2009, entitled ‘Report on the implementation of the action plan to strengthen the Commission’s supervisory role under shared management of structural actions’ (COM(2009)0042),
 - having regard to the Communication of 28 October 2009 from Commissioners Samecki and Špidla to the Commission giving an interim report on the follow-up to the action plan to strengthen the Commission’s supervisory role under shared management of structural actions (SEC(2009)1463),
 - having regard to the Commission Communication of 18 February 2010 on the impact of the action plan to strengthen the Commission’s supervisory role under shared management of structural actions (COM(2010)0052),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0280/2010),
- A. whereas implementation of the cohesion policy is predominantly decentralised and based on sub-national authorities assuming responsibility,
- B. whereas cohesion policy plays a forerunner role in the application of multi-level governance, as an instrument to improve the quality of decision-making processes through the active involvement of sub-national authorities from the pre-legislative phase of the debates,
- C. whereas ‘multi-level governance’ means coordinated action by the Union, Member States and local and regional authorities, as well as socio-economic partners and NGOs, based on the principles of partnership and co-financing and aimed at drawing up and implementing European Union policies, a definition which implies responsibility being shared between the different tiers of government,
- D. whereas the 2006 report of the European Court of Auditors showed that the control systems in place for the cohesion policy were not effective enough, with a 12 % error rate in the expenditure reimbursed, and the 2008 report confirmed these data with 11 % of funds unduly reimbursed,
- E. whereas the Commission needs to strengthen its supervisory role to reduce the level of error, improve the control system and increase assistance to sub-national authorities and beneficiaries, all of which will lead in the long term to a more result-oriented, user-friendly policy,
- F. whereas funding application procedures that are too complicated, and an excessive number of checks, are likely to discourage potential beneficiaries of cohesion policy,
- G. whereas the practical solutions which our fellow citizens expect to see as regards public services (such as public transport, drinking water, public health, social housing and public education) can be achieved only by means of good governance, involving two complementary systems: firstly, the institutional system, which provides for the allocation of powers and budgets between the State and regional and local authorities and, secondly, the partnership system, which brings together public and private parties with an interest in a given topic in a given territory,

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- H. whereas partnership should take account of all relevant communities and groups, can bring benefit and added value to the implementation of cohesion policy through enhanced legitimacy, guaranteed transparency and better absorption of funds, and should also be assessed in terms of the social and civic value it represents,
- I. whereas an integrated approach should pay attention to the regions' special characteristics (geographical and natural disadvantages, depopulation, outermost region, etc.) if it is to meet local and regional challenges,

Applying multi-level governance

1. Welcomes the CoR White Paper on multi-level governance and the recognition of sub-national subsidiarity in the Lisbon Treaty; stresses that the multi-level approach should be applied not only vertically but also horizontally, among actors of the same level, in all shared-competence Union policies including the cohesion policy;
2. Welcomes the conclusions of the Málaga informal ministerial meeting of March 2010 and considers that multi-level governance is a precondition for achieving territorial cohesion in Europe; calls for this principle to be made compulsory for Member States in policy areas with a strong territorial impact in order to ensure balanced territorial development in line with the subsidiarity principle; points out that such a provision should in no way lead to more burdensome procedures;
3. Considers that satisfactory multi-level governance should be based on a bottom-up approach, taking account of the diversity of administrative arrangements existing in the different Member State; calls on the Member States to identify the most efficient means of implementing governance at the various levels and to improve their cooperation with the regional and local authorities as well as with the Community's administration by, for example, inviting officials from all tiers of government to the periodic meetings organised with the Commission or by establishing European Territorial Pacts that link on a voluntary basis the different tiers of government concerned;
4. Recommends that the territorial impact analysis should become standard practice through the involvement, upstream of the policy decision, of the various parties concerned in order to understand the economic, social and environmental repercussions on the regions of Community legislative and non-legislative proposals;
5. Stresses that multi-level governance allows better exploitation of the potential of territorial cooperation thanks to the relations developed among private and public actors across borders; urges those Member States which have not yet done so to adopt as soon as possible the necessary provisions allowing the setting up of European Groupings of Territorial Cooperation; recommends that the Commission promote exchange of information between the EGTCs already created and those in the process of being set up in the framework of existing programmes; congratulates the Committee of the Regions on the quality of its work on EGTCs and calls for its available instruments, in particular its Lisbon Monitoring Platform and its Subsidiarity Monitoring Network, to be used to promote the exchange of best practices between regions and Member States with a view to the joint identification and determination of objectives, subsequent planning actions, and, finally, a comparative evaluation of the outcomes of cohesion policy;
6. Calls on national, regional and local authorities to intensify their use of the integrated approach during the current programming period; proposes that this approach be made compulsory in the context of the future cohesion policy; considers that a flexible and integrated approach should not only take into account the economic, social and environmental aspects of territorial development but also enable coordination of the interests of the various partners, in the light of territorial characteristics, in order to respond to challenges at local and regional level;

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7. Urges the Commission to develop a guide for public and private actors on how to implement in practice the principles of multi-level governance and the integrated approach; recommends that actions aimed at promoting these two approaches be financed under ERDF technical assistance;
8. Recommends that the Committee of the Regions use the 2011 Open Days, and as far as still possible at this stage, the 2010 Open Days as an occasion to promote and deepen the debate on identifying the most suitable means of promoting multi-governance; suggests that a European multi-level governance label be launched and put in place in all regions across the EU as from 2011;
9. Notes that decentralised delivery mechanisms are a key factor for multi-level governance; given the necessity for simplification, urges Member States and regions to sub-delegate the implementation of a part of an operational programme, where appropriate and in particular to better exploit the use of global grants; calls on them to take the decentralisation measures required, at both legislative and budgetary levels, so that the system of multi-level governance can work effectively and in keeping with the principles of partnership and subsidiarity; stresses that regional and local authorities, especially those having legislative powers, should be more closely involved, as they are the best informed on their regions' potentialities and needs and could therefore contribute to an improved implementation of cohesion policy;
10. Urges the Member States to involve relevant regional and local authorities and civil society actors from the very early stages of negotiations on Union legislation and on programmes benefiting from the Structural Funds so as to allow a timely dialogue between the different layers of government; calls for these authorities to participate in the responsible decision-making bodies on an equal footing with the national representatives;
11. Emphasises that for the efficient absorption of funds and maximisation of their impact there must be sufficient administrative capacity both at EU and at regional and local level; calls therefore on the Commission to improve its administrative capacity in order to increase the added value of the cohesion policy and ensure the sustainability of the actions and on the Member States to ensure adequate administrative structures and human capital in terms of recruitment, remuneration, training, resources, procedures, transparency and accessibility;
12. Calls on the Member States also to strengthen, where appropriate, the role of regional and local authorities in programme preparation, management and implementation as well as boosting the resources at their disposal; recommends the adoption in the cohesion policy of the local development methodology based on local partnerships, in particular for projects related to urban, rural and cross-border issues; calls on the Commission to encourage partnership between regions having a similar specific development potential and to ensure that there is an appropriate framework at EU level put in place for the coordination of macroregional cooperation;
13. Considers that the principles of partnership and co-financing foster the assumption of responsibility by sub-national authorities in the implementation of cohesion policy; reiterates its commitment to these principles of good management and calls for their continued application despite the restrictions on public spending arising from the economic crisis;
14. Recommends enhancing partnership practice and urges the Commission to come up with an agreed definition of the concept of partnership as a condition for building up real partnerships with regional and local authorities and civil society actors; asks the Commission to seriously verify the implementation of this principle by developing specific evaluation tools and to spread best practices in this area through ICT tools; emphasises that partnership can contribute to effectiveness, efficiency, legitimacy and transparency in all the phases of Structural Fund programming and implementation and can increase commitment to and ownership of programme outputs; underlines the important role of the voluntary sector in the partnership process;

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15. Draws attention to the requirement to consult the general public through organisations representing civil society and NGOs in order to reflect their proposals, and stresses that the participation of civil society helps to legitimise the decision-making process; notes that the efforts to involve the public in the preparations for the operational programmes for the period 2007-2013 were not as successful as hoped for; calls on the Commission to identify good practices and to facilitate their application with a view to improving public involvement ahead of the next programming period;

16. Calls for the multi-level governance principle to be integrated into all phases of design and implementation of the EU2020 Strategy to ensure real ownership of the results by the regional and local authorities, which have to implement it; highlights in this connection the proposal for a 'Territorial Pact of Local and Regional Authorities for Europe 2020' to encourage regions and cities to contribute to the successful achievement of the objectives of the 2020 Strategy;

17. Recommends that the Commission re-analyse the possibilities of implementing the pilot project initiated by the European Parliament entitled 'Erasmus for elected local and regional representatives' and, with a view to raising the standard of proposed projects and meet the objective of efficiency, calls on the Commission to implement, under the ERDF operational technical assistance budget line, a training and mobility scheme for local and regional actors involved in running cohesion policy programmes together with the partners specialised in implementing the concepts of integrated approach and multilevel governance; asks the Commission, therefore, to allocate funding for these initiatives effectively and to reinforce networking with regional and local authorities, including through the Committee of the Regions;

18. Takes the view that the European networks of regions should broaden their work in the area of good practices in governance and partnership, should put more emphasis on political and strategic lessons learnt from previous programme cycles and should ensure public access to key information on best practices in all European Union languages and thus help to ensure that good practices are in fact implemented;

Strengthening the Commission's role in supporting regional and local authorities

19. Is of the opinion that a stronger role for the regional and local level must correspond to a strengthened supervisory role for the Commission focusing on checking audit systems rather than single projects; calls in this connection for an EU certification system for national audit bodies; urges the Commission to complete the approval of the compliance assessment reports so as to avoid delays in payments and loss of funds due to decommitment, and to come up with a proposal on the tolerable risk of error before 2012;

20. Welcomes the findings of the Commission report on the February 2010 Action Plan and the corrective and preventive actions begun so far; calls on DG REGIO to continue with this exercise during the whole period of implementation to keep up the momentum generated by the Action Plan;

21. Stresses that European initiatives in the field of cohesion and structural policy need to be better coordinated so as not to jeopardise the coherence of regional policy; calls therefore for strengthened coordination in the Commission between DG REGIO, which is responsible for cohesion and structural policy, and the DGs responsible for the relevant sector-specific initiatives; calls, in view of the Lisbon Treaty's strengthening of the rights of regional and local authorities, for these authorities to be more closely involved in the development of policy at Commission level, in order to enhance project responsibility among project promoters; also calls, however, for more control of results by the Commission on the spot, so as to improve evaluation both of the efficiency of project structures and of the effectiveness of measures in terms of the objective they seek to achieve;

22. Invites the Commission to reinforce the 'Train the trainers' initiative for managing and certifying authorities; stresses that there should be constant monitoring to ensure that training contents are actually transferred to the lower levels in a balanced way, not neglecting the local actors;

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23. Urges the Commission to quickly launch the new portal in the SFC 2007 database allowing direct access to relevant information for all actors dealing with Structural Funds; recommends that Member States promote and circulate information on this instrument among regional and local authorities as well as final beneficiaries;

24. Invites the Commission to put in place additional technical assistance mechanisms to promote knowledge at regional and local level on implementation-related problems, especially in Member States where, according to the Commission's ex-post evaluation of Cohesion Policy programmes 2000-2006, there are very persistent problems regarding their administrative capacity when it comes to the implementation of these programmes;

25. Asks for a standardised application of the single information, single audit (SISA)- model at all audit levels to avoid duplication of audits and over-control; urges the Commission to issue a single audit manual including all the guidance notes produced so far;

26. Invites Member States to further exploit the financial engineering instruments as a means to increase the quality of the projects and the participation of private actors, especially SMEs, in European projects; calls on the Commission to simplify the functioning rules of these instruments, whose current complexity limits their use;

27. Is convinced that compliance with the procedures cannot be at the expense of the quality of interventions; asks the Commission for a more result-oriented policy in the future, focused on quality performance and strategic project development rather than on controls; to this end, urges the Commission to develop objective and measurable indicators which are comparable across the Union for better monitoring and evaluating systems and to give further consideration to the need for flexible rules in the event of economic crises;

28. Emphasises that transparent and clear procedures are factors in good governance; therefore welcomes the ongoing simplification of the Financial Regulation and of the Structural Funds rules and calls on the Member States to fully comply with the requirements of the revised Financial Regulation and to disclose information on final beneficiaries of Structural Funds; urges the Commission to propose understandable rules, which will not require frequent modifications; calls for a simpler architecture for the Funds after 2013, not as a consequence of the economic crisis but as a general principle of the future cohesion policy, in order to facilitate absorption of the funds, and recommends greater transparency and flexibility in the use of the EU Funds in order to avoid an additional administrative burden which may discourage potential partners from taking part in projects;

29. Welcomes the Commission's Strategic Report on the implementation of the Cohesion Policy Programmes 2010 as it can feed important information back to the policy-making process; considers that its findings also have to be seriously taken into account when formulating proposals for improving the effective implementation of Cohesion Policy programmes;

30. Reiterates its commitment to a strong and properly funded cohesion policy that ensures that all European Union regions develop harmoniously; calls for the budget for the policy to be maintained after 2013 and for any attempt to renationalise it to be rejected;

31. Calls on the Commission to take on board the principles of differentiation and proportionality in future regulations and to adapt requirements according to the size of programmes and nature of partners, especially when small public authorities are involved; asks for wider use of lump-sums and flat rates for all Funds, in particular for overheads and technical assistance; proposes that provision be made for more flexible evaluation criteria with a view to encouraging innovative projects and softer control requirements for pilot projects; encourages the Commission to develop the principle of a 'bond of trust' with Member States which undertake to, and succeed in, making good use of the Funds;

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32. With a view to building up a more user-friendly policy in the future, calls for deeper harmonisation and integration of the Structural Funds rules, avoiding the breakdown of a project into different parts to apply to different funds; recommends that the focus be put not just on the regularity of expenditure but on quality of interventions and that resources be concentrated in potentiating assistance on the management side;

33. Calls on the Commission to present as soon as possible proposals for the next programming period regulations, to adopt the implementing regulation, elaborate the necessary guidance and provide training on them in due time, and to facilitate the process of negotiations and approval of the operational programmes in order to avoid any delay in the cohesion policy implementation and absorption of funds after 2013;

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

Territorial, social and economic cohesion

P7_TA(2010)0473

European Parliament resolution of 14 December 2010 on achieving real territorial, social and economic cohesion within the EU – a sine qua non for global competitiveness? (2009/2233(INI))

(2012/C 169 E/04)

The European Parliament,

- having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, and in particular Title I and Title XVIII thereof,
- having regard to the conclusions of the European Council of 25 and 26 March 2010,
- having regard to the Commission communication to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled 'Global Europe: Competing in the World – A Contribution to the EU's Growth and Jobs Strategy' (COM(2006)0567),
- having regard to the OECD Annual Report 2009,
- having regard to *Successful partnerships: a guide*, OECD LEED Forum for Partnerships and Local Governance, 2006,
- having regard to the Global Competitiveness Report 2009-2010, World Economic Forum Geneva, Switzerland, 2009,
- having regard to 'An agenda for a reformed cohesion policy – A place-based approach to meeting European Union challenges and expectations', independent report prepared at the request of Danuta Hübner, Commissioner for Regional Policy, by Fabrizio Barca, April 2009,
- having regard to the Council of European Municipalities and Regions' policy paper on the 'Future of EU Cohesion Policy', Brussels, December 2009,

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- having regard to the Assembly of European Regions (AER) resolution on regional policy post-2013, adopted by the AER General Assembly on 8 November 2007 in Udine, Italy,
 - having regard to the Commission communication to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the results of the negotiations concerning cohesion policy strategies and programmes for the programming period 2007-2013 (COM(2008)0301),
 - having regard to its resolution of 24 March 2009 on implementation of the Structural Funds Regulation 2007-2013: the results of the negotiations on the national cohesion strategies and the operational programmes ⁽¹⁾,
 - having regard to its resolution of 24 March 2009 on best practices in the field of regional policy and obstacles to the use of the structural funds ⁽²⁾,
 - 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 ⁽³⁾,
 - having regard to its resolution of 24 March 2009 on the Green Paper on Territorial Cohesion and the state of the debate on the future reform of cohesion policy ⁽⁴⁾,
 - having regard to its resolution of 16 June 2010 on EU 2020 ⁽⁵⁾,
 - having regard to the fourth report on Economic and Social Cohesion (COM(2007)0273),
 - having regard to the Commission's 20th annual report on implementation of the structural funds (2008) (COM(2009)0617),
 - having regard to the Commission communication to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled 'Mobilising private and public investment for recovery and long-term structural change: developing Public Private Partnerships' (COM(2009)0615),
 - having regard to paragraph 37 of its resolution of 14 February 2006 on State aid reform 2005-2009 ⁽⁶⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0309/2010),
- A. whereas promoting economic, social and territorial cohesion, and solidarity among Member States, is one of the European Union's objectives, as stipulated in Article 3 of the Treaty on European Union,
- B. whereas the Union can be globally competitive only insofar as internal policies bolster its capacity to respond to global challenges by running a sustainable, low-carbon economy which safeguards biodiversity – periods of recession having illustrated how less-developed regions have a lesser capacity for recuperation,
- C. whereas competitiveness and cohesion are neither contradictory nor incompatible but have elements of complementarity,

⁽¹⁾ OJ C 117 E, 6.5.2010, p. 79.

⁽²⁾ OJ C 117 E, 6.5.2010, p. 38.

⁽³⁾ OJ C 15 E, 21.1.2010, p. 10.

⁽⁴⁾ OJ C 117 E, 6.5.2010, p. 65.

⁽⁵⁾ Texts adopted, P7_TA(2010)0223.

⁽⁶⁾ OJ C 290 E, 29.11.2006, p. 97.

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- D. whereas, even though significant progress has been made in terms of convergence within the Union, a trend can be observed towards worsening territorial disparities between EU regions, for instance in terms of accessibility, in particular for the structurally disadvantaged regions, but also at an intra-regional level and within EU territories, which could lead to spatial segregation, widen the differences between levels of prosperity in EU regions and impair the EU's global competitiveness,
- E. whereas in its Annual Report 2009 the OECD made a recommendation for long-term growth that focused on the importance of taxation, investment in infrastructure, education and the workforce, and the regulation of production markets, hence emphasising their role,
- F. whereas the World Economic Forum, in its Global Competitiveness Report 2009 as in other reports, pointed to the decisive role of infrastructure as the second of the 12 pillars on which global competitiveness is assessed, and specified that quality infrastructure is key to reducing the effect of distance, attracting foreign investment and ensuring that economic development is possible,
- G. whereas competitiveness can ultimately be achieved only if economic growth is genuinely sustainable throughout the EU,
- H. whereas the report of the Independent Expert Group on R&D and Innovation, appointed following the Hampton Court Summit and chaired by Esko Aho, entitled 'Creating an Innovative Europe' identifies the key areas – e-health, pharmaceuticals, transport and logistics, environment, digital content, energy and security – where a market for innovation can work and public policy can have a significant role,
- I. whereas, in order for the EU 2020 targets to be achieved, it is necessary that the starting position of disparity in levels of development and in limitations be acknowledged, and that objectives be set which tally with the real situation and the needs identified in consultation with all the actors involved at the various levels of government,
- J. whereas the European Council of March 2010 acknowledged the importance of promoting economic, social and territorial cohesion inter alia through the development of infrastructure, to help ensure the success of the EU 2020 strategy in circumstances where this new strategy will be addressing blockages in economic development,
- K. whereas cohesion policy has proved to be an effective instrument for responding flexibly to the socio-economic challenges arising from the financial crisis,
- L. whereas, in addition to good infrastructure, the main prerequisites for competitiveness are the promotion of research, innovation and technological development and the provision of correspondingly high-quality training for people in the regions,
- M. whereas regions will play a crucial role in limiting the impact of the crisis on the public and they should therefore embrace the partnership principle and develop suitable instruments for ex-ante assessment of the territorial impact of different policy types, with a view to facing major challenges such as adjusting to globalisation, demographic changes and the consequent depopulation of the regions, climate change, energy-related issues and the protection of biodiversity, as well as new challenges arising from the crisis,
- N. whereas, as the outcome of the discussions on cohesion-policy strategies and programmes for the programming period 2007-2013 has shown, programme quality and stakeholder involvement have increased at every level of government, thereby representing a step forward towards achieving the Lisbon objectives of economic competitiveness and employment,

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- O. whereas the reform of cohesion policy needs to enhance that policy through better correlation and better coordination and synergy among European policies, without subordinating any one policy to another, on the basis of the Union's needs and objectives in terms of sustainable development,
- P. whereas the involvement of local and regional actors in cohesion policy is reflected in their regional and local strategies to advance economic development and social inclusion,
- Q. whereas the economic competitiveness of regions that are lagging behind is being bolstered by the development of their capacities, including the development of infrastructure of all types, enabling access to education, research and innovation,
- R. whereas, while some elements of the architecture of these instruments, such as a common time frame and alignment with the Lisbon agenda, allow for synergies, there remain differences, such as different legal bases, thematic versus territorial focus, and shared versus centralised management,

Cohesion policy as a sine qua non for global economic competitiveness

1. Highlights the achievements of the EU cohesion policy and the fact that its implementation is indispensable for the success of the EU 2020 strategy as an instrument for eliminating the disparities between regions, making them more competitive, facilitating the launch of structural reforms and enhancing the regions' ability to adapt to the global economic climate;
2. Appreciates that, for the period 2007-2013, all the Member States have devoted a significant amount of their total financial allocations to R&D, innovation and development of a knowledge-based economy, resulting in 246 National or Regional Operational Programmes, with around EUR 86 billion allocated to research and innovation, of which EUR 50 billion has already been allocated for core R&D and innovation activities; stresses that, since research and innovation are essential for the improvement of EU competitiveness in the face of global challenges, investments in these fields must continue and regular results-based assessments of progress must be conducted; recommends, therefore, with a view to the next programming period, that the Member States and the Commission allocate sufficient resources from the structural funds for research and innovation, in particular sustainable innovation, and strengthen research capacities; stresses the need to promote and apply successful models in the knowledge triangle to ensure the sustainable development of regional research and strategic frameworks for innovation, in collaboration with enterprises, research centres, universities and public authorities; highlights the potential of knowledge-intensive regional innovative clusters in mobilising regional competitiveness and calls for better coordination of the structural funds and the Seventh Framework Programme for research and technological development;
3. Stresses that enhancing the concentration of cohesion-policy resources can ensure that this policy makes a significant contribution to fostering competitiveness, innovation and employment in the EU;
4. Stresses the key role played by both the public sector, at all levels of government, and the private sector in the implementation of cohesion policy, in rebuilding confidence and solidarity in times of recession and thereafter by guaranteeing equal opportunities in terms of access to public investment, especially in infrastructure, new technologies and human capital, and by ensuring sustainable development;
5. Underlines the fact that the economic competitiveness of the EU regions is closely linked to the existence of adequate levels of employment, educated and skilled workforces, social security and access to public services; notes, in this regard, that the support for social cohesion provided by the cohesion policy increases the importance of this policy in terms of overall regional competitiveness on a global scale;

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6. Takes the view that, in accordance with the spirit of the Treaties, a cohesion policy which aims at reducing disparities in levels of development and prepares the regions to meet long-term and short-term challenges (globalisation, demographic change, the depopulation of rural areas, climate change and biodiversity protection), by taking into account their specific strengths and weaknesses, has proved to be essential to the process of European integration;

7. Points out that, by increasing the synergies between research, development and innovation and cohesion policies, the EU 2020 strategy challenges can be better met; stresses that cohesion policy must play a significant role in the implementation of the EU 2020 strategy, since it stimulates structural change across Europe and supports key investment priorities at all levels, local, regional, national and cross-border, ensuring social, economic and territorial cohesion; points out, however, that, while the priorities of the cohesion policy should be aligned with the EU 2020 objectives, it must remain an independent policy capable of accommodating regional specificities and of supporting the weaker and neediest regions so that they overcome their socio-economic difficulties and natural handicaps and reduce disparities; takes the view that ensuring the continuity of cohesion-policy guidelines already in operation will safeguard the regional dimension of RDI and generate jobs in innovative sectors;

Territorial cohesion – a reflection of the local-level impact of EU policies

8. Endorses the views expressed in the Green Paper on Territorial Cohesion concerning competitiveness, which 'depends on building links with other territories to ensure that common assets are used in a coordinated and sustainable way' in order to release the potential inherent in the EU's territorial diversity; stresses, in that connection, that the smooth and coordinated operation of transport services, sufficient access to telecommunications and the pooling, where appropriate, of energy, healthcare, research, education, environmental protection and infrastructure are basic conditions for further boosting competitiveness; calls on the Commission to bring forward concrete proposals for the definition and consistent implementation of the objective of territorial cohesion;

9. Takes the view that the Member States must support a place-based approach to framing and implementing cohesion policy; acknowledges that the role of the regions varies between Member States depending on their political and administrative structure; requests that the principle of subsidiarity, in its strengthened and widened concept as defined in the TFEU, should be duly applied and that improvement should be sought, over the current programming period, by promoting the principle of decentralisation down to local-authority level, with a view to improving the absorption of funds; considers it to be counter-productive, in this context, that regions administer on average only 30,5 % of the overall budget allocated to cohesion policy, with the remainder being administered by central governments; considers, therefore, that in future the partnership principle must be significantly strengthened;

10. Takes the view that border territories, in particular, highlight the problems that the EU faces in connection with the challenges of opening up borders, completing the internal market and globalisation; emphasises that the competitiveness of such territories may be undermined by the need to cope with competing fiscal and welfare systems, complex administrative arrangements and migratory flows between regions and states; stresses the importance of developing the tools needed for cross-border cooperation and multi-level governance and calls on the Commission to encourage exchanges of information and best practice;

11. Points out that territorial cohesion has a horizontal, multi-sectoral character and that Union policies must therefore contribute to its achievement; reiterates that this concept is not confined to the effects of regional policy but also implies coordination with other Union policies which target sustainable development and offer tangible results at regional level, with a view to developing and fully using the specific forms of regional potential and increasing their impact on the ground, boosting regions' competitiveness and attractiveness and achieving territorial cohesion; is of the opinion that 'concentration, cooperation and connection' are the key coordinates of territorial cohesion with a view to more balanced territorial development in the EU;

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12. Stresses that multi-level governance entails the devolution of responsibility for programmes, allowing for better exploitation of the potential of territorial cooperation, and that, therefore, in order for the Union to be able to pursue common objectives, using coherent and result-oriented measures while establishing specific regional and local priorities, the principles of multi-level governance should be implemented;

13. Welcomes the results of the URBAN and LEADER initiatives and highlights the need to use this past experience and the associated examples of best practice in providing the framework for integrated, balanced rural-urban development, in accordance with the necessities of each region; calls on the Commission to examine and propose working methodologies that promote urban-rural partnerships, combat the depopulation of rural areas and, at the same time, stimulate sustainable urban development, since nearly 80 % of the EU population lives in urban areas; points out that both urban and rural areas play a dynamic role in regional economic development and stresses the need, with a view to the next programming period, for investment in urban as well as sub-urban projects and for better coordination with rural development programmes;

Maximizing the impact of cohesion policy to increase economic competitiveness

14. Views partnership as a key principle in the determination of cohesion-policy content, with the 'bottom-up' approach enhancing administrative capacities and the quality of the programming process; believes that all levels of government need to play a cohesive, complementary and productive role in boosting the economic competitiveness of the EU; calls on the Commission to give a clearer definition of the partnership principle in order to ensure that real partnerships with regional and local authorities are set up and to facilitate exchanges of best practice between regions;

15. Points out that co-financing is a principle fundamental to the sound management of cohesion policy; calls for its continued application despite the restrictions on public spending which the economic crisis has brought about;

16. Highlights the need to promote entrepreneurship and support small and medium-sized enterprises (SMEs), recognising the key role they have played in fostering economic competitiveness and creating jobs; stresses the need to review and consolidate the role of the EU instruments that support European competitiveness with a view to rationalising administrative procedures, facilitating access to funding, especially for SMEs, introducing innovative incentive mechanisms based on achieving objectives linked to intelligent, sustainable and integrative growth, and promoting closer cooperation with the European Investment Bank and other financial institutions; appreciates, in this context, the added value offered by financial engineering instruments and encourages their use, as well as that of revolving funds and global grants, on the widest possible scale, with a view to achieving positive synergies and maximising results; calls, too, for simplified access to risk capital and micro-finance;

17. Emphasises, moreover, that the efficient implementation of cohesion policy depends strongly on how it is conceived and that it is, therefore, crucial to involve local and regional authorities at an early stage in shaping and implementing future cohesion policy; highlights, likewise, the need to develop horizontal and vertical partnerships between public authorities at all levels with a view to achieving the most efficient governance possible at a number of levels; recalls that multi-level governance is one of the key principles of cohesion policy and that it is fundamental to ensuring the quality of the decision-making process; stresses too, in this context, the importance of the partnership that regional authorities have with the Committee of the Regions;

18. Welcomes the amendment to Council Regulation (EC) No 1083/2006 simplifying the procedures for utilisation of the structural funds and the Cohesion Fund and invites the Commission to continue simplifying such procedures to ensure their flexibility and reduce the administrative burden on funding beneficiaries, so that the authorities can address major challenges in a timely manner and with the appropriate resources; takes the view that public-private partnerships can provide genuine support by supplementing the efforts made at local and regional level, and calls on the Commission to bring forward concrete proposals for the consolidation of public-private partnerships within the framework of cohesion policy;

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19. Stresses the importance, in the interests of eliminating disparities, of continuing to provide support primarily for projects aimed at regions that are lagging behind, so that the impact expected in this programming period can be maintained and will be in line with initial estimates; notes that improving accessibility and infrastructural facilities will help to make those regions which lag behind in the internal market more competitive, and will thus contribute to the external competitiveness of the EU as a whole; takes the view that withdrawing this support would reduce the impact of the positive initial results;

20. Stresses that, although cohesion policy traditionally focuses on the least prosperous regions, it concerns all European regions, regardless of their level of development; emphasises, therefore, the need to encourage the objective of regional competitiveness and employment; reiterates that a strong and well financed cohesion policy, with a budget at least equivalent to the current one in both absolute and relative terms, is a precondition for delivering the objectives of the EU 2020 strategy, in order both to secure an intelligent, sustainable and integrative economy, making the EU globally competitive, and to ensure that all regions develop harmoniously, achieving the objective of social, economic and territorial cohesion;

21. Takes the view that GDP must remain the principal criterion for determining the eligibility of regions for cohesion-policy assistance, while other measurable indicators might be added if proven to be relevant, leaving room for national authorities to apply, at the appropriate level of decision making, other indicators which take into account the specific attributes of regions and cities;

22. Stresses the importance of taking into account, in the allocation of funds, the specific characteristics of, for example, coastal, mountainous outermost regions, regions suffering from depopulation, or remote border regions and towns; encourages the regions to put forward initiatives for exploiting their regional specificity; calls on the Commission to adapt the various financial instruments so as to create added value in the short and medium term, while also taking into consideration the effects of the economic and financial crisis;

23. Invites the Commission to study ways in which new techniques in financial engineering can improve the effectiveness and impact of the cohesion policy, with a view to obtaining the best possible results in the projects chosen;

24. Emphasises the positive effects of gender equality on the EU's economic growth and social cohesion and, therefore, on its competitiveness;

Cohesion policy as a key policy for the post-2013 period

25. Emphasises the decisive role which regional development and territorial cohesion throughout Europe play, by virtue of their European added value, in enhancing the economic competitiveness of the EU and meeting the EU 2020 targets, with the place-based approach being one of the main ways of achieving economic balance;

26. Stresses the need for an integrated approach to the application of the structural funds as an important means of helping regions to achieve sustainable growth, employment and prosperity;

27. Stresses the need to keep transitional arrangements in place to consolidate and improve the current level of development, which could fall if financing is significantly reduced once a given objective is met; points out that this would ensure equal treatment for regions in similar situations, which would in turn lead to the efficient organisation of programmes;

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28. Reminds the Commission and the Member States that the expectations of the European public are based on people's needs, and especially on the desire for access to adequate infrastructure and quality public services, which must be provided equitably and at prices affordable by all European citizens regardless of where they live and work; insists that the right to equal opportunities must be respected and stresses the need for disabled access to all infrastructure and projects financed under the structural funds;

29. Stresses that, in order to consolidate knowledge and innovation as motors of future economic growth and European competitiveness, it is necessary to improve the quality of education, build on the results of research, promote innovation and the transfer of knowledge Union-wide, exploit ICTs to the maximum, ensure that innovative ideas are reflected in new products and services which generate growth and quality jobs and contribute to meeting the challenges of social change in Europe and the world, encourage entrepreneurship, prioritise user needs and market opportunities, and guarantee accessible and adequate funding on the basis of a key role for the structural funds;

30. Highlights the fact that economic, social and territorial cohesion provides an opportunity to harness the full potential of research, development and innovation and to ensure that the European public have better living standards and greater confidence in the EU; selective and combined investment in research, development and innovation must take into account regional and urban capacities and potential and help to develop key areas such as e-health, pharmaceuticals, transport and logistics, environment, digital content, energy and security, by means of institutional development and capacity-building programmes;

31. Takes the view that some of the funding allocated to research, development and innovation under the cohesion policy should be used to attain and maintain the role of world leader in sectors where Europe already has a competitive advantage and in those where it has a fresh opportunity to become a world leader;

32. Takes the view that, in order to consolidate the internal market, specific measures are needed to stimulate competition at European level, without however creating an imbalance among Member States; believes that in this way a comfortable level of stability and economic prosperity can be achieved at European level;

33. Recommends that the Member States and the Commission pay greater attention to supporting major projects covering two or more operational programmes with a major impact at European level, which will generate added value, create high-quality jobs and safeguard the sustainable development of the regions;

34. Takes the view that the cohesion policy should continue promoting measures that will generate the greatest possible number of jobs, making it possible to harness local human resources and ensure their ongoing development so as to guarantee high productivity;

35. Maintains that the achievement of economic, social and territorial cohesion is a necessary condition but that it is not sufficient to guarantee economic competitiveness at world level, which requires significant investments in key areas such as energy, the environment, infrastructure, education, research and development, creative industries and services, logistics and transport;

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

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Presentation of the Commission work programme for 2011

P7_TA(2010)0481

European Parliament resolution of 15 December 2010 on the Communication from the Commission on the Commission Work Programme 2011

(2012/C 169 E/05)

The European Parliament,

- having regard to the Commission Communication on the Commission Work Programme for 2011 (COM(2010)0623),
 - having regard to the last Framework Agreement on relations between the European Parliament and the European Commission, in particular Annex 4 thereof,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas it is crucial that the Dialogue between the European Parliament and the Commission should be carried out in good time so that efforts can focus on defining the EU's key strategic objectives for the next year and the coming years,
 - B. whereas political priorities should be matched with the available financial resources,
 - C. whereas European policy and action, hand in hand with that of Member States, in accordance with the subsidiarity principle, can and must have a real influence in helping citizens anticipate and react to a rapidly changing society,
 - D. whereas 2011 will be of crucial importance to the future success of the Union and a significant challenge for the European Commission and the Union as a whole,
 - E. whereas the financial crisis is still having significant effects on the economies of the Member States and major adjustments must be made at both national and EU level; whereas a full recovery requires a common European strategy for sustainable growth and employment creation, backed by the necessary powers and resources,
 1. Notes that this work programme is the first to be adopted under the new programming cycle, and underlines that the dialogue established with the Commission needs to be deepened in order to improve the obvious link between the political priorities and the budget to finance them at EU level;
 2. Urges the Commission to commit itself to performing a realistic and operational programming exercise which must be effective and be translated into reality and better implemented than in the past; asks for a clearer timetable relating to major proposals to be put forward;
 3. Urges the Commission to adapt the *acquis* to the provisions of Articles 290 and 291 TFEU as soon as possible, according to a clear timetable;

Introduction

4. Calls on the Commission to act to the fullest extent of its legal powers and political authority; notes that the European Union cannot function effectively unless the Commission identifies, articulates and promotes the general interest of the Union and citizens, and efficiently performs its duty to oversee the application of the Treaties and EU law;

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5. Notes that the efforts made so far to solve the financial crisis and to sustain Europe's economic recovery have fallen way below what is necessary; and deplores that the work programme does not include additional measures to create more jobs; calls on the Commission, therefore, to spell out its detailed response to how its initiatives and proposals will meet the challenge;
6. Believes that the EU must address structural reform without delay in order to improve its competitiveness and re-launch growth; believes also that the modernisation of infrastructure (including broadband), increased effort regarding research, development and innovation, a policy ensuring sufficient, economical and clean energy, innovation and the development of new technologies and the quality of education and training are central planks of the strategy;
7. Welcomes the priority given to the reform of European economic governance; warns that, unless the EU can develop credible economic governance, particularly in the eurozone, capable of ensuring sound fiscal policy and restoring growth, the future of the euro will be in jeopardy; insists that such reform must take full account of Parliament's position, as set out in its resolution of 20 October 2010, and must have as its purpose the furtherance of the Union's economic and social objectives, as set out in Article 3 of the Lisbon Treaty;
8. Recalls that Parliament and the Council, as the two arms of the budgetary authority, should be equally involved in any mobilisation of the European Financial Stability Mechanism; asks that proposals be presented rapidly to make the crisis resolution mechanism permanent (e.g. European Monetary Fund), to fully integrate the EU 2020 strategy into the long-term macroeconomic framework, to take initial steps towards the mutual issuance of a part of sovereign debt and the introduction of bonds to that effect, as described in Parliament's previous reports, and to ensure a single external representation of the Eurozone; favours a light Treaty change that provides a legal basis to such a mechanism rather than resorting to a profound amendment of the Treaty;
9. Insists that the Commission must rapidly bring forward proposals to revise the current financial framework; states that the MFF for the period after 2013 must also reflect the increased scope of those responsibilities; calls on the Commission to present an ambitious investment proposal in order to meet the targets of the EU 2020 strategy, and to create jobs, boost growth and guarantee the security of European citizens; considers that flexibility within this framework will be essential and that the EU budget should allow for the mobilising of alternative sources of financing (earmarking, project bonds, etc.);
10. Recalls that the adoption of the MFF Regulation requires the consent of Parliament; calls on the Commission to facilitate the rapid adoption of an inter-institutional agreement on the role of Parliament in the preparation and negotiation of the next MFF;
11. Strongly urges the Commission to come forward in June 2011, following the adoption of Parliament's position on the new MFF, with bold and innovative proposals for a substantive revision of the own-resources system, to create a system which is fair, clear, transparent and neutral concerning the tax burden for EU citizens; strongly believes that the MFF and the issue of own resources are interlinked, should be decided at the same time on the basis of an open inter-institutional debate, with strong involvement of national parliaments, and cannot be further postponed;
12. Stresses that cohesion policy represents one of the most important EU instruments responding to the economic crisis, by promoting investment in the real economy; welcomes, in this context, the Commission's first assessment of the implementation of cohesion policy-related measures within the European Economic Recovery Plan, which underlines the key role played by this policy in the process of countering the effects of the crisis; underlines the unquestionable linkage of cohesion policy with all three major priorities of the Europe 2020 Strategy, by facilitating the delivery of higher smart, sustainable and inclusive growth, while promoting harmonious development across the Union's 271 regions;

Restoring growth for jobs: accelerating towards 2020

13. Notes the introduction of a 'European Semester'; believes that Parliament's committees must have a more important role in order to demonstrate their expertise by producing 'end-of-year reports' on progress in achieving important objectives, followed by political group (joint) resolutions;

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14. Regrets that the proposals for the European Semester and the governance package provide little opportunity for European democratic scrutiny, and insists on strong parliamentary involvement in both;

Financial regulation: completing the reform

15. Calls on the Commission to come forward with proposals on the recast of the Market Abuse Directive and Market in Financial Instruments Directive as soon as possible; notes that the Commission must bear in mind the possible cumulative impact of the proposals that it is introducing to ensure that they enhance the stability, transparency and accountability of the financial sector and its capacity to serve the real economy in terms of growth and jobs;

16. Asks for the legislative initiative on crisis resolution in the banking sector to be coordinated with competition policy rules to create a comprehensive framework for crisis management, covering private and public actors and protecting the taxpayer; believes that the revision of the Regulation on Credit Rating Agencies should address the lack of competition in the sector and asks the Commission to act on Parliament's recent request to examine options for an independent European credit rating agency and stronger involvement of independent public entities in the issuing of ratings;

Smart growth

17. Calls for the Commission to present a comprehensive action plan, with a timetable and targets, to deliver a single market for online content and services, in the interests of an open and prosperous digital society, and to overcome the digital divide;

18. Stresses that the digital agenda and investment in ICTs is crucial to Europe's long-term competitiveness, and urges Member States and the Commission to continue market roll-out of next generation networks and access to them through continued liberalisation of the internal market for communications in order to boost innovation in the EU;

19. Strongly encourages the Commission to foster knowledge and innovation in the FP8 further to the midterm review, and recalls the importance of Parliament having the opportunity to express its own priorities prior to the adoption of the FP8 in 2012;

20. Welcomes the Commission's ambition with regard to the Innovation Union which will involve reviewing state aid for R&D and innovation frameworks, enhancing the role of the EIB and venture capital; also acknowledges the role public procurement can play in stimulating innovation;

21. Urges the Commission to reduce red tape in its R&D programmes and increase the participation of innovative firms in the projects; considers that the Commission should further promote public private partnerships to foster European research, development and innovation;

22. Stresses the importance to be given to the new multiannual programmes after 2013 in the field of education, culture, audiovisual, youth and citizenship, expected to be presented in 2011; considers that actions and measures taken in these programmes should respond to the needs of the European citizens and be based on an adequate and efficient budgetary framework; considers that the initiative 'Youth on the Move' underlines the importance of those programmes;

Sustainable growth

23. Underlines the strategic importance of the flagship initiative on resource efficiency, and urges the Commission to work swiftly on an ambitious proposal aimed at achieving binding targets and concrete benchmarks within the framework of the EU 2020 European Semester of policy coordination; and calls on the Commission to come forward with legislation to further reduce EU emissions;

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24. Considers that priority should be given to the proper and functional implementation of existing legislative instruments such as the Third Energy Package, and fully supports the 2050 strategy, smart grids and security of supply initiatives;
25. Emphasises that, for economic growth to be sustainable, energy security is vitally important to ensure uninterrupted supply, respect for contractual arrangements, a fair market price, and the avoidance of dependence on too small a number of producers;
26. Believes that the Communication on the new Industrial Policy for Europe should be followed by effective measures, in particular to achieve the desired shift towards a low-carbon and sustainable economy and to ensure that the 20 % EU energy efficiency target will be met;
27. Underlines that climate change mitigation and adaptation is a high priority which will also benefit the competitiveness of the European industry and SMEs;
28. Welcomes the key priorities as regards the publication of the White Paper and urges the Commission to speed up the preparation of the revision of the TEN-T guidelines and its modernised financing mechanisms, in line with the Europe 2020 strategy and the review of the EU budget;
29. Insists from the outset that the CAP reform process must result in a strong, fair, genuinely common and multifunctional policy that meets the expectations of consumers and producers and effectively delivers 'public goods', especially food security, and guarantees the EU's food self-sufficiency;
30. Recalls that, in its resolution of 8 July 2010 on the future of the Common Agricultural Policy after 2013, it insisted that the amounts allocated to the CAP in the budget year 2013 should be at least maintained during the next financial programming period;
31. Demands that agricultural imports from third countries should only be allowed into the EU if they have been produced in a manner consistent with European consumer protection, animal welfare and environmental protection standards and minimum social standards; insists that the conclusion of bilateral or multilateral trade agreements should not be to the detriment of EU agricultural producers;
32. Urges the Commission, in the light of the findings of the Court of Auditors' report on the reform of the sugar market, to review its impact assessment procedures in order to ensure that the best and most timely information is used when preparing all assessments, which will be critical when assessing the impact of future bilateral trade agreements for key sectors of the EU economy;
33. Welcomes the forthcoming Commission proposals to implement the Integrated Maritime Policy, such as the proposal on the framework for Marine Spatial Planning and the Communication for sustainable growth in coastal regions and maritime sectors, as well as the communication on the integration of maritime surveillance; stresses, however, that funding to implement the IMP must be guaranteed in the Community budget by means of a proportional contribution from all the sectors affected by this policy;

Inclusive growth

34. Believes that inclusive growth can only be built on a foundation of equal treatment for all workers within the workplace and a level playing field for all businesses; believes the Commission Work Programme should include proposals to guarantee these principles, and insists that the legislative proposal on implementation of the Posting of Workers, as foreseen in the Communication on the Single Market Act, must clarify the exercise of fundamental social rights;
35. Calls for the presentation of a Commission proposal on the financial participation of employees in company earnings;

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36. Calls on the Commission, in its reports on 'New Skills and Jobs' and 'a Platform against Poverty', to take into consideration specific difficulties that women face, specifically to promote equality in the workplace as a means of tackling poverty, and to encourage women to become entrepreneurs, by pursuing measures which share best practice;

37. Strongly believes that closing the gender pay gap remains a real challenge that needs to be overcome, and reiterates the requests made to the Commission in Parliament's 2008 resolution to submit to Parliament a legislative proposal on the revision of the existing legislation relating to the application of the principle of equal pay for men and women, taking into consideration the recommendations annexed to its 2008 resolution;

38. Calls on the Commission to heed the views of the social partners in the area of pensions and ensure that the White Paper reflects the expectations of both sides of industry, including the strengthening of the first pillar;

39. Welcomes the reform of the EURES job portal, making information and job advice to young workers more accessible, but regrets that this proposal has been postponed until 2012, while young people need it today;

40. Calls for more effectiveness and delivery concerning two major EU training agencies – Cedefop, the European Centre for the Development of Vocational Training, and ETF, the European Training Foundation;

Tapping the potential of the Single Market for growth

41. Strongly supports greater market integration, targeting the significant persistent gaps, as identified by Professor Monti, and enhancing the trust of Europe's citizens, workers, small businesses and consumers; believes, whilst welcoming the publication of the Single Market Act, that the proposals should be more ambitious and concrete; calls on the Commission to put forward, as soon as possible, clear priorities and legislative proposals;

42. Asks for modernisation of the EU public procurement legislative framework, through harmonisation of the directives and the Government Procurement Agreement, and calls for a clearer timetable for next year;

43. Calls on the Commission to ensure a consistent approach between the legal instrument on European contract law and the Consumer Rights Directive; considers it essential for a clear Commission Policy Strategy for Consumers to be tackled in an integrated manner as a matter of urgency in 2011, and not in 2014 as currently proposed;

44. Supports the revision of the Package Travel Directive and the review of the General Product Safety Directive focusing on market surveillance;

45. Underlines the need for an efficient legal framework for product safety in the EU; supports the review of the General Product Safety Directive, which requires a clearer calendar to be established, in line with the review of the NLF; calls on the Commission to review the CE marking system to ensure that CE marking can be considered as a safety mark by consumers;

46. Underlines that civil law initiatives are crucial for revitalisation of the Single Market; supports the Commission's actions as far as civil justice is concerned, calling for civil law instruments to be made more e-justice friendly;

47. Calls on a final resolution of the problems surrounding the establishment of a European patent and calls on the Commission, if necessary, to come forward with a proposal for enhanced cooperation;

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48. Strongly regrets the lack of legislative initiative on cabotage and the delaying until 2012 of rail market access, including the opening of the market to domestic passengers; reiterates Parliament's firm conviction that a comprehensive passenger rights policy in Europe must be preserved and developed;

Pursuing the citizens' agenda: freedom, security and justice

49. Is deeply concerned that there are no concrete proposals on fundamental rights or the horizontal Non-Discrimination Directive, and that the issue of non-discrimination is not even mentioned; calls on the Commission to act swiftly to unblock the Non-Discrimination Directive;

50. Calls for a proposal for a Communication on enhanced intra-EU solidarity in the field of asylum, but regrets the absence of legislative proposals on asylum, bearing in mind that the Union should have a common asylum policy in place by 2012;

51. Calls for proposals on migration; recalls that the correct functioning of the proposed Entry/Exit System will depend on the success of VIS and SIS II, although SIS II is not yet fully operational;

52. Underlines the need for an ambitious fundamental rights policy, following the entry into force of the Lisbon Treaty, and the need to make the fundamental rights provided for in the Charter as effective as possible; asks the Commission to ensure the compatibility of each legal initiative with fundamental rights as well as guarantee that Member States respect the Charter when implementing EU law; calls for the strengthening of capabilities for monitoring, and applying the treaty mechanisms against, violations of the Charter of Fundamental Rights;

53. Emphasises that, in the fight against terrorism and organised crime, the rights and freedoms of EU citizens should be fully respected and that data protection and the right to legal redress are essential in creating a credible and effective security policy; considers that the increasing number of crimes requires more Community plans on organised crime and cyber-security;

54. Welcomes the proposal on the rights of victims of crime and, above all, on the right to legal assistance and legal aid, but regrets that this is the only measure foreseen; calls for a clear timetable for the remaining measures of the procedural rights roadmap;

55. Welcomes the launch in 2011 of a new comprehensive legal framework for the protection of personal data in the EU; underlines that it will carefully scrutinise all proposals, including EU-PNR and EU-TFTP, to ensure their compliance with fundamental rights;

56. Welcomes the proposals on civil law, but asks the Commission, in order to achieve common standards for EU citizens across Member States, to consider speeding up the revision of the *acquis* in the field of civil and criminal law and report to Parliament;

57. Supports initiatives aimed at reconciling work and family life *inter alia* through measures on minimum parental leave and the promotion of flexible working arrangements for women and men, as well as help for carers to combine employment with caring responsibilities;

58. Regrets the delay in the Commission's putting forward legislative proposals in the area of the 'Lisbonisation' of the current *acquis* in police and judicial cooperation in criminal matters, which is a Liberties, Justice and Home Affairs priority;

59. Considers that, following the adoption of the Lisbon Treaty, the revision of the legal framework is essential, and regrets that this revision is only proposed for 2012 – 2013; insists that all JHA agencies must be efficient and - most importantly - accountable;

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Europe in the World: Pulling our weight on the global stage

60. Emphasises that the promotion of human rights across the world is a key objective of the European Union on the global stage and that improved trade relations and reinforced development assistance can help encourage progress in this field;
61. Calls on the Commission to keep up the momentum for the enlargement process;
62. Stresses that, regarding the following topics, new initiatives would be welcomed:
- the EU's role in counter-terrorism, in order to curb the proliferation of weapons of mass destruction,
 - the development of the European defence industry and European defence policy ambitions in a long-term (2020) perspective,
 - disarmament and global governance,
 - the strategy vis-à-vis the BRIC countries,
 - the Mediterranean Union review, in the view of the current stalemate.
 - a revitalisation of the Transatlantic Economic Council and also, possibly a joint strategic security review, following the new NATO strategic review;
63. Believes that, in order for it to effectively project its values and principles and to contribute to political stability and economic development in its neighbourhood, the EU must support young democracies across Europe and strengthen relations with its partners; calls on the Commission to finalise the review of the ENP with the aim of ensuring better coherence between policy objectives and financial instruments; considers that human rights and democracy conditionality should be strengthened in its relations with neighbours;
64. Calls on the Commission to afford greater priority to food security throughout Africa; underlines the need to reinforce the agricultural sector in Africa, in a sustainable manner; in this context, urges the Commission to ensure greater access for the poor to credit and financial services in Africa; urges the Commission to promote measures to boost intra-continental African trade, including upgraded support packages for the regional economic communities and for improving infrastructures across the African continent;
65. Calls on the Commission to provide a yearly report on EU progress towards achieving the MDGs by 2015 and to introduce measures to ensure Member States fulfil their commitments to 0,7 % GNI to ODA, and to monitor such undertakings;
66. Stresses that, in the context of the ongoing negotiations on EPAs, there should be renewed focus on the development dimension;
67. Calls on the Commission to actively promote tangible progress in the ongoing WTO negotiations in order to conclude the Doha Round as soon as possible; insists that the strengthening of existing bilateral and regional Free Trade Agreements and the conclusion of new ones is of importance, but should be considered as a complementary strategy and not as an alternative to the multilateral framework;
68. Recalls that multilateralism must remain the EU's first priority, and demands that ongoing and new trade negotiations should respect the principle of special and differential treatment for developing countries; firmly believes that an effective and reformed multilateral trade framework is needed to build a more balanced and fair economic system as part of a new global governance at the service of development and of the eradication of poverty;

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69. Underlines that imports from third countries should be put on the EU market only if they comply with European consumer protection; considers that, in international negotiations, the Commission should insist that our trading partners comply with European environmental, social and labour standards;

70. Calls for a CSR clause to be included in international trade agreements signed by the EU; considers that this must include reporting and transparency for corporations and due diligence for undertakings and groups of undertakings, investigations in case of proven breaches of CSR commitments and better access to the courts for victims of the actions of corporations;

71. Asks the Commission to bring forward a legislative initiative along the lines of the new US 'Conflict Minerals' Law in order to reinforce transparency and good governance in the extractive industry sector in developing countries; calls on the Commission to step up the fight against corruption in such countries, which undermines human rights and good governance;

From input to impact: making the most of EU policies

72. Calls on the Commission to rapidly present proposals amending the OLAF Regulations;

73. Stresses that the Commission should contribute more openly to a positive attitude towards National Management Declarations (NMD) signed by finance ministers; emphasises that the Commission should urge Member States to issue NMDs; calls for the introduction of comprehensive user-friendly online databases;

74. Calls, therefore, for systematic, regular and independent evaluations of EU programmes - both internal policies and development assistance - in order to ensure that they are achieving the desired outcomes and are doing so in a cost-effective way, in order to:

- take account of comments made by the Parliament in its discharge resolutions;
- allow a more strategic horizontal look across the findings of the various evaluations carried out, and at the Commission's performance;

75. Strongly believes that a correct and timely transposition and implementation of European directives is particularly important to eliminate citizens' mistrust of EU actions; considers that this requires effective cooperation between the Commission and Member States;

76. Urges that EU legislation be simplified and underlines that impact assessments, prior to legislation, must be used impartially and efficiently, taking implementation into account; strongly supports the Commission's ongoing efforts on the Smart Regulation project;

77. Welcomes the fact that the Commission will pay more attention to competitiveness aspects in the impact assessments and underlines the importance of evaluating the cumulative effects on competitiveness of combined pieces of legislation ('fitness checks');

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

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The future of the EU-Africa strategic partnership following the 3rd EU-Africa Summit

P7_TA(2010)0482

European Parliament resolution of 15 December 2010 on the future of the EU-Africa strategic partnership following the 3rd EU-Africa Summit

(2012/C 169 E/06)

The European Parliament,

- having regard to the Tripoli Declaration issued by Heads of State or Government on 30 November 2010,
 - having regard to the Pre-Summit Declaration of the European and Pan-African Parliaments of 27 November 2010,
 - having regard to Articles 177 to 181 of the Treaty on European Union,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the partnership between Africa and the EU is based on the mutual interest in exploiting their combined potentials,
- B. whereas the Tripoli Declaration embodies the will of the different leaders to consolidate the strategic partnership established three years ago between the two continents to meet common challenges together and promote sustainable economic growth to the advantage of all those in Africa,
- C. whereas the EU is responsible for more than half of development aid and remains Africa's most important trading partner,
- D. whereas Africa is diversifying its partnerships, particularly with major countries in Asia and Latin America,
1. Welcomes the adoption of the Strategic Action Plan 2010-2013 and of its partnerships, and hopes that it will contribute added value in relation to the Cotonou Agreement and the Union for the Mediterranean and that it is an expression of an ambitious approach to intercontinental relations;
 2. Stresses that the Africa-EU joint strategy's founding principles should be designed to support developing countries' sustainable needs in order to fight poverty, guarantee a decent income and livelihood as well as the fulfilment of basic human rights, including social, economic and environmental rights;
 3. Hopes that the lessons will be learned from the difficulties which arose during the implementation of the first 'Action Plan', for 2008-2010 and hopes that the intentions expressed in principle in the Final Declaration by Heads of State and of Government will be acted on;
 4. Notes with interest that both the private sector and civil society, particularly from Africa, could be allowed to make a far more effective contribution to the strategy than has been the case to date;

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Partnership 1. Peace and security

5. Recognises also the important dimension of regional integration for growth and development and stresses in particular the commitment of the Tripoli Declaration to make the African Peace and Security Architecture fully operational in close collaboration with regional organisations;

6. Welcomes the progress achieved in the implementation of an African Peace and Security Architecture in order to address peace and security challenges on the African continent; stresses in this respect the importance of providing predictable and sustainable funding for African peace-support operations, the necessity of building local resilience capacities, and the determination to protect civilians in armed conflicts;

7. Takes the view that conflict prevention policy is an essential precondition for lasting peace and that the structural causes of conflicts should be addressed by putting in place a sustainable development policy in order to meet the basic needs of the African population and fight unemployment, social and economic injustices;

8. Considers that the adoption of the new US 'Conflict Minerals' law is a huge step forward in combating illegal exploitation of minerals in Africa, which fuel civil wars and conflicts; is of the view that the Commission and the Council should come out with similar proposals to ensure tractability of imported minerals in the EU market while taking into account the Extractive Industries Transparency Initiative (EITI);

Partnership 2. Democratic governance and human rights

9. Calls on the EU and the African Union (AU) to jointly address key issues of common concern such as responses to political crisis and support for economic governance with a view to formulating shared governance agendas via the newly established Platform for Dialogue on Governance and Human Rights;

10. Welcomes the Africa-EU joint commitment to founding principles which include respect for human rights, democratic principles, rule of law and the condemnation of all forms of terrorism;

11. Notes that, in their Declaration, the Heads of State or Government indicate that they are 'united in (...) the protection of human rights on both continents'; stresses the principle of universality of these rights, which must particularly be observed in the actions planned as part of the 'Partnership on Democratic Governance and Human Rights';

12. Strongly regrets, given our repeated commitments to democratic governance and human rights, the fact that Robert Mugabe was invited to and actively participated in the 3rd Africa EU-Summit; calls for all actors to take a stronger political stance in future in order to send a clear message of our firm belief in the rule of law and democracy;

13. Urges that all actions conducted under the terms of the various partnerships be pursued without any discrimination on grounds of gender, racial or ethnic origin, religion or conviction, disability, age or sexual orientation or against people living with HIV/AIDS;

14. Endorses the call by the Pan-African Parliament on all Member States of the African Union to ratify the African Union Charter on Democracy, Elections and Governance;

15. Stresses European Council President Herman Van Rompuy's call to African leaders to support the ICC and 'fully subscribe to the principle of the fight against impunity';

16. Urges the EU and the AU to commit themselves to working together in order to ensure better African and European cooperation in relevant international bodies, including the UN;

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Partnership 3. Trade, regional integration and infrastructure

17. Welcomes the agreement between the EU and the AU to engage in political dialogue in order to find solutions to common concerns on Economic Partnership Agreements; recognises that regional integration, trade and investments are crucial for economic stability and sustainable growth;

18. Urges the EU and the AU to cooperate on sustainable exploitation of raw materials, especially by focusing on capacity building, governance, infrastructure development, investments, geological knowledge and skills, and transparency of mining contracts; calls in this respect for the introduction of environmentally sound and socially sustainable policies on raw materials which also benefit the local population;

19. Urges all member states of the African Union to facilitate the establishment of a legal and fiscal framework which is conducive to stimulating economic growth and attracting FDI on the one hand, and to stamping out corruption and cutting down red tape and maladministration on the other;

20. Urges African and EU leaders to honour the Tripoli commitment and to use the strategy as a tool to boost intra-continental African trade, including upgraded support packages for the regional economic communities and for improving infrastructures across the African continent;

Partnership 4. Millennium Development Goals

21. Notes the renewal of the commitment of the European Union countries to allocate 0,7 % of their GDP by 2015, which is vital if the MDGs are to be achieved by 2015;

22. Will seek to ensure, in particular, that the attainment of the Millennium Development Goals is central to the pursuit of all the Partnerships;

23. Recalls that specific activities on maternal, newborn and child health, gender, education, land policy and sustainable development, access to water and sanitation, and on people with disabilities are crucial for attaining the MDGs; encourages the continuance of programmes in the field of education and health;

24. Stresses the importance of guaranteeing food security throughout Africa and underlines the need to reinforce the agricultural and fisheries sectors in Africa, in a sustainable way, especially as regards small-holder farmers and fishermen;

25. Recalls the dominant role that agriculture plays in African national economies; stresses therefore the central role of harmonisation of sanitary and phyto-sanitary standards, as well as capacity building for the African agricultural sector;

26. Regrets that the current acquisition of farmland in Africa by some government-backed foreign investors, which, if not handled properly, threatens to undermine local food security and lead to serious and far-reaching consequences, was not addressed by the Summit;

27. Believes that African and EU leaders should demonstrate their real commitment to putting in place a mechanism to circumvent the illicit flight of capital for tax evasion, to promote full transparency on country-by-country reporting and to stand up to international pressure on juridical that might allow tax avoidance or evasion in Africa;

Partnership 5. Energy

28. Believes that renewable energy is vital for the economic and social development of Africa and stresses President Barroso's call for an energetic green revolution in Africa;

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29. Welcomes the Africa-EU Renewable Energy Cooperation Programme and the political targets agreed at the Vienna High Level Meeting on Energy in September 2010, to be reached by 2020, including bringing access to modern and sustainable energy services to an additional 100 million Africans, doubling the capacity of cross-border electricity connections within Africa and doubling the use of natural gas in Africa, and increasing the use of renewable energy in Africa and improving energy efficiency in Africa in all sectors;

Partnership 6. Climate change

30. Invites the EU and the AU to unite their efforts to reduce emissions from deforestation and forest degradation;

31. Recalls the EU commitment of EUR 7.2 bn in 2010-2012 for fast-start climate change projects and initiatives, a significant part of which will be available for Africa;

32. Stresses that world's poorest people are hit first and hardest by climate change and calls on all actors to support developing countries in adapting to the impact of climate change and growing in a low carbon way in order to eradicate poverty;

33. Notes that achieving progress on a global climate deal is crucial to tackling poverty and, in this context, stresses the immense potential for natural resources – sun, wind, rivers and tides – that African countries often possess in abundance;

Partnership 7. Migration, mobility and employment

34. Observes that migration does have positive effects and insists on the need for a common strategy complete with a timetable and targeted projects to reduce the negative effects of illegal migration;

35. Recalls the commitment of all partners to creating more and better jobs through the promotion of sustainable and inclusive growth;

36. Welcomes the reinforcement of existing programmes with respect to the mobility of students and academics, together with initiatives such as the Pan-African University and Tuning Educational Structures and Programmes;

37. Considers that brain drain is a major problem for Africa and that professional people who have left the country should be given strong incentives to return and apply the benefit of their training in their countries of origin;

Partnership 8. Science, information society and space partnership

38. Welcomes the launching of a high-level science and technology policy dialogue at senior official and ministerial level in order to strengthen the science and technology cooperation framework in order to leverage faster inclusive economic growth and social development in Africa;

General comments

39. Notes that Sudan is not represented, the authorities of this country not considering themselves bound by the Tripoli Declaration of Heads of State and Government, and wishes to see all elements of the 2005 Peace Agreement implemented, as stated in said Declaration, including therefore the referendum scheduled for January 2011 which must allow the people of southern Sudan to choose their own destiny;

40. Regrets that certain Heads of State or Government from the EU's larger Member States were not able to attend the EU-Africa Summit;

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41. Regrets that there is no financing plan to accompany the Africa-EU joint strategy and calls once again for the EDF to come under the EU budget so that there may be parliamentary oversight of the implementation of the various EU financial instruments employed in the creation of the different partnerships;
42. Hopes for greater involvement by ministerial bodies in the Strategy's implementation;
43. Calls for the Pan-African and European Parliaments to be able to exercise their supervisory role in the implementation of the Strategic Action Plan;
44. Calls on the national parliaments of all the African and EU countries to examine and debate the Strategic Plan;

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45. Instructs its President to forward this resolution to the EU and AU Councils and Commissions, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the ACP-EU Joint Parliamentary Assembly and the PAN-African Parliament (PAP).

Fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon

P7_TA(2010)0483

European Parliament resolution of 15 December 2010 on the situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon (2009/2161(INI))

(2012/C 169 E/07)

The European Parliament,

- having regard to the preamble of the Treaty on European Union, notably its second and its fourth to seventh indents,
- having regard to Articles 2, 3(3) second indent, 6 and 7 of the Treaty on European Union,
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000, as proclaimed on 12 December 2007 in Strasbourg,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the Commission Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union (COM(2010)0573),
- having regard to all the related conventions and recommendations of the Council of Europe and the United Nations, including specialised monitoring bodies, in the fundamental rights area,
- having regard to the decisions and case law of the Court of Justice of the European Union (CJ) and of the European Court of Human Rights (ECtHR),

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- having regard to the Memorandum of Understanding between the Council of Europe and the European Union ⁽¹⁾,
 - having regard to the Stockholm Programme – An open and secure Europe serving and protecting citizens,
 - having regard to the activity and annual reports of the Fundamental Rights Agency of the European Union (FRA),
 - having regard to NGO reports on human rights,
 - having regard to the public hearing organised by the European Parliament on 21 and 22 June 2010 on the impact of the Charter of Fundamental Rights in the development of a European area of freedom, security and justice (AFSJ),
 - having regard to its resolution of 14 January 2009 on the situation of fundamental rights in the European Union (2004-2008) ⁽²⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0344/2010),
- A. whereas Article 2 of the Treaty on European Union founds the Union on a community of indivisible and universal values of respect for human dignity, freedom, democracy, equality, solidarity, the rule of law and respect for human rights, for all persons on the territory of the European Union, including those belonging to minorities; whereas the effective safeguarding and promotion of rights has to be an overall objective of all European policies, including their external dimension, and an essential condition of the consolidation of the European Union contributing to the promotion of peace, the values and principles related to human rights and fundamental freedoms and people's well-being,
- B. whereas the entry into force of the Treaty of Lisbon created a new situation in the EU in the field of human rights by making the Charter of Fundamental Rights ('the Charter') legally binding, thus transforming basic values into concrete rights; whereas since its adoption the Charter has become a source of inspiration for the case-law of European courts; whereas the Commission has issued an annual report on implementation of the Charter, and the promotion and implementation of fundamental rights based on the Charter have to be covered by the FRA annual reports,
- C. whereas a genuine culture of fundamental rights must be developed, promoted and reinforced in both the EU institutions and the Member States, in particular when they apply and implement Union law, whether internally and in relations with third countries,
- D. whereas, according to its Rules of Procedure, the European Parliament can address, examine and evaluate the situation of fundamental rights on a yearly basis and make recommendations,

The new post-Lisbon fundamental-rights architecture

1. Stresses that the effective protection and promotion of human rights and fundamental freedoms constitutes the core of democracy and the rule of law in the EU and an essential condition of the consolidation of the European area of freedom, security and justice and that it requires actions at various levels (international, European, national, regional and local level); stresses, moreover, the role that regional and local authorities can play in the concrete implementation and in the promotion of such rights; therefore calls on all EU institutions, Member States' governments and parliaments to build on the new institutional and legal framework created by the Treaty of Lisbon to devise a comprehensive internal human rights policy for the Union which ensures effective accountability mechanisms, both at national and EU level, to address human rights violations;

⁽¹⁾ CM(2007)74.

⁽²⁾ OJ C 46 E, 24.2.2010, p. 48.

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2. Draws attention to its resolutions, as well as its oral questions with debates and its findings from missions in 2009 on concrete cases of fundamental rights, such as on privacy, personal dignity and data protection, on the prohibition of torture, on freedom of thought, conscience and religion, on freedom of expression and information, on freedom of the press and media, on non-discrimination, on the use of minority languages, on the situation of the Roma and on free movement, on Roma women, on discrimination against same sex marriages and civil-partnership couples, on minors, on retention centres for immigrants, and on the alleged illegal detention of prisoners under the CIA rendition programme; stresses that all these resolutions reflect the values enshrined in the Charter, show its clear commitment to the everyday protection of fundamental rights, and send political messages to all individuals in the EU, the Member States and the EU institutions as well as international partners;
3. Regrets that the Council and Commission have not followed up any of the recommendations contained in the European Parliament's 2007 report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners ⁽¹⁾ nor shared with the European Parliament information on EU-US discussions on this topic;
4. Considers it necessary to reflect on developments in relation to the protection of fundamental rights in the post-Lisbon period and, in that context, intends this resolution to clarify the role that each institution and mechanism should play in the new European architecture of fundamental rights;
5. Reiterates that the entry into force of the Treaty of Lisbon on 1 December 2009 has fundamentally changed the legal face of the EU, which should establish itself increasingly as a community of shared values and principles; thus welcomes the new, multi-level EU system of fundamental rights protection that emanates from multiple sources and is enforced through a variety of mechanisms, including the legally binding Charter; the rights guaranteed by the ECHR, recognition of which flows from the Union's obligation to accede; and the rights based on the Member States' constitutional traditions and their interpretation according to the jurisprudence of the ECtHR and the CJ;
6. Reaffirms that the Charter has the same legal value as the Treaties and represents the most modern codification of fundamental rights, offering a good balance between rights and solidarity and encompassing civil, political, economic, social and cultural rights as well as 'third generation' rights (i.e. the rights to good administration, freedom of information, a healthy environment and consumer protection); considers that the EU should develop a regulatory framework to protect against fundamental rights abuses by businesses;
7. Stresses that the incorporation of the Charter into primary EU law, while not extending the Union's competences and respecting the principle of subsidiarity as defined in its Article 51, creates new responsibilities for the decision-making and implementing institutions, as well as for Member States when implementing EU legislation at national level, and that the Charter's provisions have thus become directly enforceable by European and national courts; calls on the EU institutions and Member States to increase coherence among their various bodies responsible for monitoring and implementation, with a view to effective application of the established comprehensive framework, and to reinforce a cross-EU monitoring mechanism, as well as an early warning system, such as the Universal Periodic Review;
8. Recalls that respect for the core values of the EU and protection and promotion of human rights and fundamental freedoms constitute common ground in the Union's relations with third countries, and stresses that the EU is bound by the Charter also in this respect; in this regard, recalls that the promotion of democracy and of the rule of law goes hand in hand with the respect, protection and promotion of human rights and fundamental freedoms; underlines the fact that, within the new institutional structure of the EU, the European External Action Service (EEAS) can only offer an opportunity to enhance coherence and effectiveness in the sphere of external policy efforts to promote human rights and democracy if a human-rights-based approach to the service's structure, resources and activities is endorsed; emphasises that the Union plays a leading role in the promotion of human rights in the world; in this regard, calls on the EU to ensure the effectiveness of the human rights clauses in the international agreements and to take into account the principles of the Charter when entering into agreements with third countries, as well as to maintain coherence between its internal and external human rights policy;

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 309.

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9. Reaffirms that EU accession to the ECHR will constitute the minimum level of protection for human rights and fundamental freedoms in Europe and provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the ECtHR in relation to a violation of human rights derived from an act by an EU institution or a Member State implementing EU law, falling within the remit of the ECHR; and that ECtHR case law will thus provide extra input for current and future EU action on the respect for, and promotion of, fundamental freedoms in the areas of civil liberties, justice and home affairs, in addition to the case law of the Court of Justice in this field;

10. Calls on all the Member States of the EU and of the Council of Europe to express their clear political commitment to and their will to support the accession process and agreement as well as to ensure the transparency of the accession process while stressing the need for proper consultation with relevant stakeholders; calls on the Commission to finalise its internal consultations, as well as the negotiations with the Council of Europe, by finding adequate solutions to the main technical questions in order to complete the accession process within a reasonable time limit and in order to ensure the highest possible level of protection of human rights in Europe;

11. Calls on the Commission and the Member States to raise awareness of the benefits of accession to the ECHR and of all the requirements to be fulfilled by the applicants, by developing guidelines on the adequate application and the effects of this additional mechanism in order to ensure that it can be used efficiently and effectively, as well as by including it in the training of all relevant professionals;

12. Welcomes, furthermore, the new horizontal obligations created by the Treaty of Lisbon to combat social exclusion and discrimination and to promote social justice and protection, equality between men and women, respect for private and family life, solidarity between generations and protection of the rights of the child, and to develop a common policy on asylum and immigration and combat trafficking in human beings, as well as its explicit reference to persons belonging to minorities, which reflects another founding value of the Union; welcomes the fact that the Union has acquired legal personality allowing it to accede to international treaties, the improvement in judicial protection with the extension of the jurisdiction of the CJ to areas of obvious relevance to the protection of fundamental rights, such as police and judicial cooperation in the field of criminal law, the strengthened role of the European Parliament and national parliaments in the European decision-making process, especially in evaluating the implementation of EU policy in the AFSJ, the increased role of European citizens, now invested with the power to initiate EU legislation through the European Citizens' Initiative, and the obligation to maintain an open, transparent and regular dialogue with representative associations and civil society (Article 11(2) TEU);

13. Calls for full and consistent implementation, in compliance with international and European human rights law, of the Stockholm Programme, which converts the obligations and principles deriving from the Treaty into practice by setting the strategic guidelines for the AFSJ;

Institutions implementing the new fundamental-rights architecture

14. Considers that the European institutions have often acted in parallel in the field of protection of fundamental rights and therefore calls for reflection on actions taken and for improved cooperation among these institutions, such as established inter-institutional cooperation for the annual monitoring of the situation of human rights in the EU, so that each institution can build upon other institutions' reports;

15. Notes the creation of a new 'Justice, Fundamental Rights and Citizenship' portfolio within the Commission as an indication of its commitment to step up its efforts in the area of fundamental rights and freedoms and as a positive response to Parliament's repeated requests in this regard; such a division between justice and security should not reinforce the misconceived dichotomy between the need to protect the human rights of all people and the need to guarantee their security; the new Commissioner should pay particular attention to EU policies on fighting irregular migration and terrorism, and the full support of the College of Commissioners is crucial to enable the new Commissioner to maintain a high profile;

16. Calls on the Commission to make 2013 the European Year of Citizenship in order to give momentum to the debate on European citizenship and inform EU citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon;

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17. Expects concrete actions by the new Commissioner responsible, in line with already declared intentions: particularly and most importantly, welcomes the commitment to introduce a fundamental-rights impact assessment of all new legislative proposals; to oversee the legislative process to ensure that emerging final texts comply with the Charter; to apply a 'zero tolerance' policy on violations of the Charter, conducting in-depth investigations and initiating infringement procedures when Member States are in breach of their human rights obligations in implementing EU law; and to make sure EU citizens are properly informed on the new fundamental-rights architecture; calls for follow-up to the 2003 Communication on Article 7 of the Treaty on European Union (COM(2003)0606) to define a transparent and coherent way to address possible violations of human rights and make relevant use of Article 7 TEU on the basis of the new fundamental-rights architecture;
18. Reminds the Commission to monitor all new legislative proposals for compliance with the Charter, and to check existing instruments in this respect; suggests that the impact assessments accompanying Commission proposals should clearly indicate whether such proposals comply with the Charter, so that this consideration becomes an integral part of the bringing forward of legislative proposals; recalls the Commission of its explicit task to involve parties concerned by broad consultations in order to ensure coherence and transparency in the Union's actions (Article 11(3) TEU); underlines in this regard the importance of the FRA Platform as a significant resource for fulfilling this task;
19. Reminds the Commission to undertake objective investigations and start infringement proceeding whenever a Member State, in implementing EU legislation, violates the rights enshrined in the Charter; further reminds the Commission to request that Member States provide reliable data and facts and to collect information also from non-governmental sources, as well as to request the FRA and other human rights bodies for input;
20. Draws attention to the recent revival of nationalism, xenophobia and discrimination in some Member States and stresses the central role that the Commission should take in order to prevent and combat these possible violations of fundamental rights;
21. Emphasises the importance of the Commission's annual monitoring of compliance with the Charter, and notes that its monitoring reports should contain an assessment of the implementation of the guaranteed rights, an evaluation of the most contentious issues and of the situation of the most vulnerable groups in the Union, existing protection gaps, key trends and structural problems at national and EU level, with a view to proposing concrete initiatives and measures, recommends the dissemination of best practices to the Member States;
22. Welcomes the Commission Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union referring among others to its preventing approach in the effective implementation, the importance of internal training on fundamental rights, the systematic check of the fundamental rights aspect of the Commission's impact assessments by the Impact Assessment Board, as well as the targeted communication measures tailored to various situations needed in this respect; furthermore welcomes the emphasis of the above-mentioned Commission Communication regarding the importance of the political criteria for accession laid down by the 1993 Copenhagen European Council requiring candidate countries to have stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the preservation of this criterion is supporting the protection of fundamental rights in the future Member States;
23. Calls on the Commission to enforce the values and principles enshrined in the Treaty and Charter and the strategy set out in the Stockholm Programme through concrete legislative proposals while having regard to the jurisprudence of the ECtHR when carrying out these activities; furthermore, calls for the 'Lisbonisation' of the current *acquis* in the field of police and judicial cooperation and for a strengthening of democratic accountability in the AFSJ;
24. Suggests establishing a working relationship between the Commissioners responsible for Justice, Fundamental Rights and Citizenship and Home Affairs and the Committee of Civil Liberties, Justice and Home Affairs, by regularly inviting the Commissioners to exchange views on current issues and developments related to fundamental rights;

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25. Highlights that also the European Parliament should strengthen its autonomous impact assessment on fundamental rights in relation to legislative proposals and amendments under examination in the legislative process to make it more systematic, notably by enlarging the possibilities currently foreseen by Rule 36 of the Parliament's Rules of Procedure on the respect for the Charter and to ask to the Legal Service opinions on legal issues in relation to fundamental rights issues in the EU;

26. Calls on the Council to adapt to the changes required by the Treaty and to comply with the Charter when legislating; therefore welcomes the establishment of the Council's standing Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons and underlines the importance for this new body to have a broad mandate to include issues in relation to fundamental rights with EU and Member States relevance and provide a forum for a Council exchange of views on internal human rights matters, and for the work of this new body to be transparent and efficient, also in relation to the European Parliament;

27. Reaffirms the inter-institutional agreement Common Approach to Impact Assessment ⁽¹⁾ referred to in the Commission Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union, which states that the Parliament and the Council are responsible for assessing the impact of their own amendments;

28. Calls on the Council to ensure that the Council Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) has a broad mandate that could include, for example, discussing and responding officially to reports of the FRA (in addition to recommendations of UN treaty bodies, special procedures and mechanisms), assessing the external human rights impact of EU instruments and policies, in coordination with the Council Human Rights Working Group (COHOM), ensuring coordination with agencies without a human rights mandate but human rights impacts (e.g. EIB or FRONTEX), examining EU and Member States signature, ratification and compliance with international human rights instruments and providing a forum for Council exchanges on internal human rights matters;

29. Calls for respect of its right to democratic scrutiny based on the treaties; insists on the necessity of enhancing transparency and access to documents between EU institutions, in order to develop more effective interinstitutional cooperation, including accountability on matters related to fundamental rights; underlines its role in following up its resolutions related to fundamental rights in the EU and its role in evaluating the work of other EU institutions in terms of their action or inaction when assessing developments in the field (e.g. through annual reports), combining as it does political messages with a facts-based approach; underlines its right, enshrined in Article 218(10) TFEU, to be immediately and fully informed at all stages of the procedure for concluding international agreements between the Union and third countries or international organisations;

30. Reaffirms the fact of the CJ's enhanced role in ensuring that all EU institutions, agencies and Member States implementing EU law respect the Charter accordingly, and notes that this will enable the CJ to strengthen and further develop its case law on fundamental rights; stresses the need for established cooperation between national courts, the CJ and the ECtHR in furthering the development of a coherent system of case law in the field;

31. Emphasises the role of the FRA in the continued observance of the fundamental rights situation within the Union and the implications of the Treaty of Lisbon in this field, by providing analysis, assistance and expertise, a task which requires quality, objectivity, effective impartiality and transparency; calls on the Commission to review and strengthen the mandate of the FRA in order to align its work with the new requirements based on the Treaty of Lisbon and the Charter; points out that, within the reviewed mandate, the monitoring role of the FRA should extend to the acceding countries; therefore adequate resources are needed for the increased tasks following the implementation of the Charter; reiterates its request to be fully associated in revising the multi-annual programme of the FRA; welcomes the inclusion of an Annex in the FRA's Annual report, indicating the ratification by Member States of international human rights instruments;

32. Stresses that the main task of the FRA is to provide the decision-making institutions with facts and data on matters related to fundamental rights and that, to this end, it collects and analyses information and data, as well as raising awareness by carrying out scientific research and surveys based on thorough methodologies, publishing thematic and annual reports and networking and promoting dialogue with civil society; welcomes its 2009 annual report and its approach of providing a comparative overview and highlighting good practice in the 27 Member States;

⁽¹⁾ Council document 14901/05 of 24.11.2005.

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33. Calls on the EU decision-making institutions to use the data and facts provided by the FRA during the preparatory stage of legislative activity, in decision-making and/or monitoring processes and to be in constant and close cooperation with the FRA, while involving its NGO Platform;
34. Calls on all European agencies to uphold their commitment to the protection of fundamental rights and to integrate a fundamental-rights approach into all their activities; furthermore calls on the EU to ensure full legal accountability of its agencies in this regard;
35. Is of the opinion that FRONTEX should establish structured cooperation with agencies dealing with fundamental rights or migrants or asylum and with the UNHCR, so as to facilitate operations which have implications for the protection of human rights; welcomes the cooperation agreement signed between FRONTEX and the FRA in 2010;
36. Underlines the fact that the EU and the Member States share obligations in the field of the implementation and/or enforcement of human and fundamental rights, in their respective spheres of responsibility, in accordance with the principle of subsidiarity, and that this shared responsibility and competence represents both an opportunity and an obligation on the part of the Member States and of EU institutions; highlights the enhanced role of the national parliaments provided by the Treaty of Lisbon and supports the establishment of a formal ongoing dialogue between the European Parliament and national parliaments;
37. Reminds the Member States of their duty to provide the Commission, as guardian of the treaties, with reliable data and facts, when requested;
38. Emphasises the importance of the judiciary bodies in the Member States, which play a primary role in ensuring compliance and the enforcement of fundamental rights, and therefore urges supporting easy access to the courts and proceedings with a reasonable time limit as a means of strengthening the protection of fundamental and human rights; urges the Member States to invest effort in the ongoing training of national judges on fundamental rights and freedoms, including the new aspects in the field after the Treaty of Lisbon;
39. Believes that EU action should not only address violations of fundamental rights after they have happened, but should also seek to prevent them; consequently calls for a reflection on mechanisms for early detection of potential violations of fundamental rights in the EU and in its Member States, temporary freezing of the measures which constitute such violations, accelerated legal procedures for determining if a measure is contrary to EU fundamental rights and for sanctions in the event that these measures are nonetheless implemented contrary to EU law;
40. Calls on the EU institutions and the Member States to redouble their efforts aimed at properly informing and raising the awareness of the public, as fundamental rights can be protected more effectively if individuals themselves are aware of their rights and the mechanisms available to protect them; calls for active use of the experience of civic bodies and relevant NGOs and for the maintenance of an ongoing working relationship with all such bodies in implementing the new architecture of fundamental rights and in taking action on specific cases;
41. Reaffirms its right to annually issue a report on the situation of fundamental rights in the EU, addressing fundamental rights issues with EU institutions, agencies or Member States if deemed necessary;

Cooperation with international organisations in the new fundamental-rights architecture

42. Suggests that ways be found for EU institutions and agencies to cooperate better with international organisations committed to the protection of fundamental rights and freedoms, and to make better use of, and more effectively channel, the results of experience in the field;
43. Calls on the EU institutions to exploit the full potential of the Memorandum of Understanding between the Council of Europe and the EU, in the interests of greater synergy and consistency at European level, and suggests that better use be made of the expertise of the human-rights monitoring mechanisms, standards and findings developed by Council of Europe, thus avoiding duplication of work; reaffirms the need for the Union to be more involved in the work of the Council of Europe Commissioner for Human Rights and for the EU to take greater account of that work when implementing policies in the field of freedoms, justice and security;

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44. Calls on the EU Member States to sign up to, and ratify, the core Council of Europe and United Nations human-rights conventions and the additional optional protocols: among others, the European Social Charter (revised), the Convention on Action against Trafficking in Human Beings, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages of the Council of Europe, as well as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Convention relating to the Status of Refugees, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the UN Convention on Organised Crime and its two protocols against human trafficking and smuggling, the UN Convention on the Elimination of All Forms of Discrimination against Women, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities; furthermore, suggests that, in the European legislative process, more account be taken of international documents and more reference made to them;

45. Stresses the need for appropriate attention to the various UN monitoring mechanisms and to the findings of the UN human-rights bodies, and suggests that their recommendations relevant to Member States be followed closely; points out the importance of the Universal Periodic Review (UPR) of the United Nations Human Rights Council; recommends cooperation with the Office of the High Commissioner for Human Rights and the office of the High Commissioner for Refugees of the United Nations; and welcomes the opening, in Brussels, of the first European Regional Office of the UN High Commissioner for Human Rights;

46. Underlines the important role and active work of the Office for Democratic Institutions and Human Rights (ODIHR), of the OSCE Special Representatives on Freedom of the Media and for Combating Trafficking in Human Beings and of the High Commissioner on National Minorities;

47. Calls on Member States sitting in the United Nations Security Council to ensure procedural rights guarantees in the listing and de-listing process of alleged terrorist groups or persons, as required by relevant CJ case law;

The most pressing challenges of the new era

48. Emphasises that the new architecture will be measured on how effectively the most pressing issues and the most recurrent infringements are handled by the institutions responsible, both in the Member States and at EU level, also in connection with its external relations;

49. Recalls, therefore, all its resolutions, debates and findings from missions in 2009 on fundamental-rights issues, which have shown that there are many outstanding issues and specific cases of violation of fundamental rights, which require urgent concrete steps, mid-term strategies and long-term solutions, as well as follow-up by EU institutions; such as:

- protecting the four fundamental freedoms as the basic EU achievements, with specific attention to the freedom of movement of EU citizens,
- securing the rights of all persons present in the EU territory, irrespective of citizenship,
- ensuring legal certainty and the existence of appropriate checks and balances of a sound democratic system,
- guaranteeing the protection of personal data and privacy, including the collection, processing, transfer and storage of financial and personal data, both within and outside the EU, in accordance with the principles of purpose, necessity and proportionality and the rights of rectification and appeal, and promoting the right balance between individual freedoms and collective security, which is being challenged by new forms of terrorism and organised crime,
- combating trafficking of human beings – especially women and children – since this constitutes a form of slavery; notes that, despite EU and national legislation and policy commitments over many years, several hundred thousand people are estimated to be trafficked into the EU or within the EU area annually, and highlights the need for greater urgency in tackling this crime, including through the new proposed EU Directive, which includes the suggested appointment of national rapporteurs to monitor the implementation of anti-trafficking policy at national level,

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- protecting the rights of refugees and migrants, ensuring that EU management of migration flows and negotiations on readmission agreements with third countries do not put such individuals at risk of human rights violations,
- protecting the rights of victims of violence, crime, war and human rights violations, a policy area in which EU-wide legislation is required, without redirecting attention and resources that go into prevention, combating criminals and terrorists and into addressing root causes; highlights the EU public consultation on improving the rights of victims of crime and violence launched in early 2010 and looks forward to the Commission's follow-up proposal of practical measures to support victims throughout the justice process; recalls the Member State initiative for a European protection order with a view to increasing the protection granted to victims who move between EU Member States but urges legal clarification of its provisions,
- developing EU strategy on the rights of the child through practical measures to combat child abuse, sexual exploitation and child pornography, to promote safer use of the internet and to eliminate child labour and child poverty, bearing in mind the estimate that 10-20 % of children in Europe will be sexually assaulted during their childhood, that research shows child victims portrayed in pornography are getting younger and that current global economic circumstances threaten to push more children into the workforce and/or poverty,
- promoting EU asylum and immigration policies in accordance with the values and principles set out in the treaties, the Charter and the ECHR,
- developing an EU strategy on the rights of disabled people, who still suffer from discrimination in their social, professional and cultural lives,
- prohibiting and eliminating all forms of discrimination, based on Article 21 of the Charter, in all areas of life, including ethnic profiling, while taking into account the established legal responsibilities and competences,
- protecting language diversity, as a cultural heritage of Europe, including minority languages,
- prohibiting the sanctioning of the use of a language different from the official language of a Member State,
- combating poverty and social exclusion,
- drawing up an action-oriented EU-level strategy to foster the inclusion of Roma and mainstreaming the issue in European, national, regional and local policy implementation, and establishing cooperation between Member States and the EU,
- setting up an EU-wide framework on procedural rights for suspects in criminal proceedings,
- guaranteeing and promoting freedom of the press in the European Union, which is deteriorating year after year, the most noteworthy facts being the concentration of the media, the pressure exerted on journalists and their work and the suing of journalists for no real or serious reason,
- evaluating the existing EU readmission agreements and assessing the fundamental rights impact of the EU policy on readmission agreements,
- promoting the social inclusion of the more vulnerable people through education and positive action, including those in prison, or former prisoners, and those serving alternative sentences, in addition to any other measures which foster their social rehabilitation,
- the right to education for all,
- protecting migrants, particularly asylum-seekers;

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- encouraging civil society to promote a transparent and regular debate on fundamental rights, to ensure that they are protected as broadly as possible,
- combating all forms of racism, xenophobia and anti-Semitism,
- promoting greater interfaith and intercultural understanding, with a view to improving the European integration process,
- protecting the rights of irregular migrants in the EU,
- protecting the freedom of expression and the freedom, independence and pluralism of all media and press, and the free flow of information,
- protecting freedom of thought, conscience and religion from any violations, as this is a fundamental right enshrined in Article 10 of the Charter, which includes the freedom to manifest religion or belief in public or in private;

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50. Instructs its President to forward this resolution to the European Council, the Council and the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe.

Impact of advertising on consumer behaviour

P7_TA(2010)0484

European Parliament resolution of 15 December 2010 on the impact of advertising on consumer behaviour (2010/2052(INI))

(2012/C 169 E/08)

The European Parliament,

- having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ⁽¹⁾ (UCPD),
- having regard to Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising ⁽²⁾ (MCAD),
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ⁽³⁾ (AMSD),
- having regard to Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (Consumer Protection Cooperation Regulation) ⁽⁴⁾,

⁽¹⁾ OJ L 149, 11.6.2005, p. 22.

⁽²⁾ OJ L 376, 27.12.2006, p. 21.

⁽³⁾ OJ L 95, 15.4.2010, p. 1.

⁽⁴⁾ OJ L 364, 9.12.2004, p. 1.

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- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 7 (respect for private and family life) and 8 (protection of personal data) thereof,
- 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 ⁽¹⁾,
- 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 ⁽²⁾,
- having regard to Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market ⁽³⁾,
- having regard to its resolution of 9 March 2010 on consumer protection ⁽⁴⁾,
- having regard to its resolution of 9 March 2010 on the Internal Market Scoreboard ⁽⁵⁾,
- having regard to its resolution of 13 January 2009 on the transposition, implementation and enforcement of Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market and Directive 2006/114/EC concerning misleading and comparative advertising ⁽⁶⁾,
- having regard to its resolution of 18 November 2008 on the Consumer Markets Scoreboard ⁽⁷⁾,
- having regard to its resolution of 3 September 2008 on how marketing and advertising affect equality between women and men ⁽⁸⁾,
- having regard to the Commission communication of 28 January 2009 entitled 'Monitoring consumer outcomes in the single market: Second edition of the Consumer Markets Scoreboard' (COM(2009)0025) and the accompanying Commission staff working document entitled 'Second Consumer Markets Scoreboard' (SEC(2009)0076),
- having regard to the Commission staff working document of 29 March 2010 entitled 'Consumer Markets Scoreboard – Consumers at Home in the Internal Market: Monitoring the integration of the retail Internal Market and Benchmarking the Consumer Environment in Member States' (SEC(2010)0385),
- having regard to the report entitled 'Consumer protection in the internal market', published by the Commission in October 2008 (Special Eurobarometer 298),
- having regard to the analytical report entitled 'Attitudes towards cross-border sales and consumer protection', published by the Commission in March 2010 (Flash Eurobarometer 282),
- having regard to the European approach to media literacy in the digital environment (COM(2007)0833),

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 201, 31.7.2002, p. 37.

⁽³⁾ OJ L 178, 17.7.2000, p. 1.

⁽⁴⁾ Texts adopted, P7_TA(2010)0046.

⁽⁵⁾ Texts adopted, P7_TA(2010)0051.

⁽⁶⁾ OJ C 46 E, 24.2.2010, p. 26.

⁽⁷⁾ OJ C 16 E, 22.2.2010, p. 5.

⁽⁸⁾ OJ C 295 E, 4.12.2009, p. 43.

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- having regard to the Commission guidelines on the application of the Unfair Commercial Practices Directive (SEC(2009)1666),
 - having regard to Opinion 2/2010 on online behavioural advertising, adopted by the Article 29 Data Protection Working Party on 22 June 2010,
 - having regard to Opinion 5/2009 on online social networking, adopted by the Article 29 Data Protection Working Party on 12 June 2009,
 - having regard to the communication from the French National Commission for Information Technology and Civil Liberties (CNIL) of 5 February 2009 entitled 'La publicité ciblée en ligne' (*Targeted online advertising*),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Women's Rights and Gender Equality (A7-0338/2010),
- A. whereas advertising fosters competition and competitiveness, is likely to limit abuses of dominant positions and encourages innovation in the internal market, and consequently benefits consumers, particularly by increasing the range of choice, lowering prices and providing information on new products,
- B. whereas advertising constitutes an important and often crucial source of funding for a dynamic and competitive media landscape and actively contributes to a diverse and independent press in Europe,
- C. whereas some advertising practices may nevertheless have a negative impact on the internal market and on consumers (owing to unfair practices, intrusion into public spaces and the private arena, targeting of individuals, entry barriers and distortion of the internal market),
- D. whereas it is still necessary to combat unfair commercial practices in the advertising field, as Special Eurobarometer 29 makes it clear that they are still common,
- E. bearing in mind the significant impact on advertising of the development of communications media, particularly through development of the internet, social networks, forums and blogs, the rising mobility of users and the rapid growth of digital products,
- F. whereas in view of a degree of consumer fatigue at the proliferation of advertising messages there is a temptation today to use the new communications technologies to disseminate commercial messages even when they are not clearly designated as such and are thus likely to mislead consumers,
- G. whereas the development of new advertising practices online and via mobile devices is generating a range of problems that need dealing with in order to safeguard a high level of protection for users,
- H. whereas online advertising plays an important economic role, particularly by financing free services, and whereas it has grown exponentially,
- I. bearing in mind that the development of targeted (contextual, personalised and behavioural) advertising, supposedly tailored to internet users' interests, constitutes a serious attack on the protection of privacy when it involves tracking individuals (through cookies, profiling and geolocation) and has not first been freely and explicitly consented to by the consumer,

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- J. whereas the personalisation of advertising messages must not lead to the development of intrusive advertising infringing legislation on the protection of personal data and privacy,
- K. whereas groups of people who are particularly vulnerable because of their mental, physical or psychological infirmity, age or credulity – such as children, teenagers, the elderly or certain people made vulnerable by their social and financial situation (such as those with excessive debts) – need special protection,
- L. recognising that there is still a lack of information on the precise socio-psychological effects of new, more pervasive and more widespread forms of advertising, particularly in respect of the position of those who cannot afford to buy the goods and services promoted by these advertisements,
- M. whereas the specific nature of certain products – such as tobacco, alcohol, medicines and online gambling – calls for proper regulation of internet advertising with a view to avoiding abuses, dependence and counterfeiting,
- N. bearing in mind that advertising can act as a powerful catalyst in combating stereotypes and prejudices based on racism, sexism and xenophobia,
- O. bearing in mind that advertising often transmits biased and/or derogatory messages which perpetuate stereotyped prejudices regarding gender, thereby undermining equality strategies aimed at eradicating inequalities,

Evaluation of the existing legislative and non-legislative framework

1. Maintains that the Unfair Commercial Practices Directive provides an essential legal framework for combating misleading and aggressive advertising, in relations between companies and consumers; recognises that although it is not yet possible to undertake a comprehensive evaluation, several difficulties with implementation and interpretation are already apparent (especially regarding the new, more pervasive forms of advertising), as demonstrated by European Court of Justice judgements ruling against existing national measures for going beyond the provisions of the Unfair Commercial Practices Directive, which may call into question the efficacy of the Directive;
2. Emphasises that differences in its interpretation and implementation at national level have precluded the desired level of harmonisation, creating legal uncertainty and undermining cross-border trade in the single market;
3. Calls on the Commission to update, clarify and strengthen its guidelines on the implementation of the Unfair Commercial Practices Directive on a very regular basis and ensure that they are translated into the EU's official languages, and calls on the Member States to take those guidelines into account as far as possible;
4. Welcomes the Commission's intention of finalising and publishing in November 2010 a database of national measures adopted to transpose the Unfair Commercial Practices Directive, the applicable case law and other relevant documents;
5. Recalls that the scope of the Unfair Commercial Practices Directive is limited to business-to-consumer relations while the Misleading and Comparative Advertising Directive deals with business-to-business relations; underlines that certain entities do not fall within the scope either of the Unfair Commercial Practices Directive or of the Misleading and Comparative Advertising Directive, such as NGOs or interest groups; therefore calls on the Commission to conduct a separate analysis of the impact of misleading advertising practices targeting those categories apparently not covered by either Directive; calls on the Member States to improve coordination between themselves and to provide adequate solutions for those categories that have been subjected to intra-EU cross-border misleading advertising practices;

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6. Welcomes the joint investigations undertaken by the Member States ('EU sweeps'); calls for further such investigations, the scope of which should be broadened; calls on the Commission to report to Parliament results of the sweeps and prepare, if necessary, further steps to improve the internal market for consumers;
7. Calls on the Member States to provide the competent national authorities with the necessary financial, human and technological means and resources for their effective action; urges the Commission, on the basis of the Consumer Protection Cooperation network experience, to further facilitate the cooperation between national authorities and improve the effectiveness of their control;
8. Asks the Commission to prepare an analysis of the obligations and control functions of the national consumer authorities and to share best practices so as to improve the effectiveness of their work;
9. Calls on the Commission to extend the scope of Regulation (EC) No 2006/2004 to include counterfeiting and illegal products, and to boost the exchange of information between Member States under that Regulation, so as to improve the fight against fraud connected with illegal advertising;
10. Considers the practice of self-regulation as a dynamic, flexible and responsible adjunct to the existing legislative framework; suggests that those Member States that do not yet have self-regulatory bodies should facilitate the establishment of such bodies, on the basis of best practices from other Member States, and/or grant them formal recognition;
11. Emphasises nevertheless the limits of self-regulation, which cannot in any case take the place of legislation, particularly as regards the establishment of rules to protect the personal data of consumers and the penalties applicable if such rules are not respected;
12. Calls on the Commission and the Member States to evaluate the implementation of national codes of conduct relating to the media and new information and communication technologies; calls on the Member States to assess the effectiveness of national self-regulatory bodies;
13. Underlines the societal responsibility that comes with the impact and reach of widespread and pervasive advertising, and emphasises the role of advertising companies in cultivating a culture of corporate awareness and responsibility;
14. Encourages consultation of the various stakeholders involved in legislative developments;
15. Calls on the Commission and the Member States to ensure by appropriate means that the media and advertising professionals guarantee respect for human dignity and that they oppose direct or indirect discriminatory or stereotyping images or any incitement to hatred based on sex, race, ethnic origin, age, religious or other beliefs, sexual orientation, disability and social status;
16. Calls on those Member States that have not yet implemented the Audiovisual Media Services Directive to do so immediately; awaits with interest the publication by the Commission of the report on the application of the Audiovisual Media Services Directive, and stresses the need to address the use of new technologies (such as IPTV);

Issues arising from the development of the internet and new technologies

17. Denounces the development of 'hidden' internet advertising that is not covered by the Unfair Commercial Practices Directive (consumer-to-consumer relationships), in the form of comments posted on social networks, forums and blogs, the content of which is difficult to distinguish from mere opinion; considers indeed that there is a risk that consumers will make wrong decisions in the belief that the information on which they are based stems from an objective source; denounces cases in which certain business operators finance directly or indirectly any action to encourage the dissemination of messages or comments appearing to emanate from consumers themselves when in reality these are messages of an advertising or commercial nature, and calls on the Commission and the Member States to ensure proper application of the Unfair Commercial Practices Directive in this regard;

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18. Suggests that the Member States encourage the emergence of forum observers/moderators who are alert to the dangers of hidden advertising, as well as the development of information campaigns aimed at warning consumers of these 'hidden' forms of advertising;
19. Points out that the campaign at European level against this hidden advertising is of great importance for cleaning up the market and boosting consumer confidence, as to some professionals it may be a means of bending the competition rules and artificially over-valuing, without cost, their own company or even unfairly maligning a competitor;
20. Voices its concern about the routine use of behavioural advertising and the development of intrusive advertising practices (such as reading the content of e-mails, using social networks and geolocation, and retargeted advertising) which constitute attacks on consumers' privacy;
21. Emphasises the risk presented by companies that are both content providers and advertising sales houses (owing to the potential for cross-referencing data collected in the course of each of these activities); calls on the Commission and Member States to ensure that different levels of data collection are kept wholly separate;
22. Stresses that consumers must receive clear, accessible and comprehensive information about how their data are collected, processed and used and urges advertisers to work towards a standard use of the consumer-friendly opt-in format; notes that this personal data should be kept and used only with the explicit agreement of the consumer;
23. Stresses the need for consumers to be informed fully when they accept advertising in exchange for discounts based on behavioural marketing techniques;
24. Underlines the need to incorporate privacy issues as standard in future technological solutions which involve personal data; considers that developers of new technology must, from the very beginning of the development process, incorporate data security and protection in line with the highest standards and with reference to 'Privacy by Design';
25. Calls on the Commission to explore the various means (whether legislative or not) and ascertain the technical options at European Union level to effectively implement the following measures:
- carry out an in-depth study of new advertising practices involving online communication or portable devices; report the results of the study to Parliament;
 - prohibit as soon as possible the systematic, indiscriminate sending of text message advertisements to all mobile phone users within the coverage area of an advertising poster equipped with Bluetooth technology without their prior consent;
 - ensure that advertising practices respect the confidentiality of private correspondence and legislation applicable in this area; prohibit as soon as possible the reading by a third party, particularly for advertising or commercial purposes, of the content of private e-mails;
 - require as soon as possible advertisements sent by e-mail to contain an automatic link enabling the recipient to refuse all further advertising;
 - ensure as soon as possible the application of techniques making it possible to distinguish advertising tracking cookies, for which free and explicit prior consent is required, from other cookies;
 - ensure that the use of default settings for computer systems sold to the public and for social networking services is systematically established in accordance with the strictest data protection standards ('privacy by design');

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- develop an EU website labelling system, modelled on the European Privacy Seal, certifying a site's compliance with data protection laws; considers that this should include a thorough impact assessment and must avoid duplication of existing labelling systems;
- pay particular attention, in cooperation with national advertising authorities and/or self-regulatory bodies, to misleading advertising, including online, in specific sectors such as the selling of food products, pharmaceuticals and medical care, where the health of consumers, on top of their economic interests, is likely to be affected, with potential serious consequences;
- modify the limited liability regime for information society services in order to make the sale by search engines of registered brand names as advertising keywords subject to prior authorisation from the owner of the brand name in question;

Protecting vulnerable groups

26. Calls on the Commission to conduct a detailed analysis of the impact of misleading and aggressive advertising on vulnerable consumers, in particular children and adolescents, by 2012, and to guarantee the proper application of the relevant laws on the protection of children and adolescents;
27. Calls on the Commission to carry out as a matter of priority an in-depth study on the precise socio-psychological effects of advertising, in view of the new refined techniques being deployed;
28. Stresses that children and adolescents are especially vulnerable categories of people in view of their great receptiveness and curiosity, lack of maturity, limited free will and high potential to be influenced, especially through the use of new means of communication and technologies;
29. Urges Member States to promote greater protection of vulnerable consumers, such as children, to encourage the media to restrict TV advertising addressed at children during TV programmes watched mainly by the young (such as children's educational programmes, cartoons, etc.), given that similar measures are already being implemented in some Member States;
30. Calls for all children's specific interests to be free from targeted advertising;
31. Draws attention to the vulnerability of consumers to mimetism, which can lead to inappropriate behavioural attitudes, violence, tensions, disappointment, anxiety, harmful addictions (smoking, drugs), eating disorders, such as anorexia nervosa and bulimia, and disturbance of mental equilibrium; calls on all advertising agencies and media professionals to reconsider the promotion of extremely skinny models (men or women) in order to avoid harmful messages about appearance, body imperfections, age and weight, taking into account the influence and impact of advertising on children and young people;

Guaranteeing gender equality and human dignity in advertising

32. Calls on the Commission and Member States to take appropriate means to ensure that marketing and advertising guarantee respect for human dignity, without any discrimination based on gender, religion, convictions, disability, age or sexual orientation;
33. Takes the view that advertising can be an efficient tool in challenging and confronting stereotypes and a lever against racism, sexism and discrimination, essential in today's multicultural societies; calls on the Commission, Member States and advertising professionals to strengthen training and education activities as a way to overcome stereotypes, combat discrimination and promote gender equality, especially from a young age; urges the Member States in particular to introduce and develop close cooperation with existing schools of marketing, communication and advertising, so as to help provide sound training for the sector's future workforce;
34. Urges the Commission to promote comparative research and documentation among the Member States concerning the image of women being projected by advertising and marketing content and to identify good practices for effective and gender-friendly advertising;

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35. Urges the Commission and Member States to consolidate the role and encourage the consultation of user and/or consumer organisations responsible for evaluating the impact of advertising on gender outlook and elsewhere;

36. Stresses that advertising often communicates discriminatory and/or undignified messages based on all forms of gender stereotyping, which hinder gender equality strategies; calls on the Commission, Member States, civil society and advertising self-regulatory bodies to cooperate closely to combat such practices, notably by using effective tools which guarantee respect for human dignity and probity by marketing and advertising;

37. Stresses that, since the advertising of consumer goods is associated directly with the press, radio and television media, of which it is an inseparable component, and indirectly with the film industry and television series in the form of product placement, it follows that reliable advertising and the promotion of healthy role models may have a positive influence on society's perceptions of issues such as gender roles and the human body image and normality; encourages advertisers to be more constructive in their advertisements, in order to promote the positive role of women and men in society, at work, in the family and in public life;

Educating and informing the various stakeholders

38. Stresses the crucial importance of transparency and consumer information in the advertising field, and the need for consumers to develop a critical attitude to the quality of media content;

39. Calls on the Commission to:

- include some additional advertising-related indicators in the Consumer Markets Scoreboard (as well as the data already included on fraudulent or mendacious advertising); draws attention, however, in this connection to the terms of its resolution of 9 March 2010 ⁽¹⁾ stipulating that adding further indicators may be useful when the five basic indicators and the associated methodology have been developed to a sufficiently high level;
- devise information campaigns on consumers' rights in respect of advertising, including the use of their personal data, and to develop educational material explaining how they can protect their privacy on the internet and what they can do to put a stop to any situation that undermines their privacy or dignity;
- develop an EU programme designed to teach children to be wary of advertising, modelled on the United Kingdom's Media Smart initiative;
- require, as soon as possible, the insertion of the clearly readable words 'behavioural advertisement' into the relevant online advertisements, as well as a window containing a basic explanation of this practice;

40. Calls on the Commission to draft common guidelines for SMEs and on the Member States to encourage national authorities and/or self-regulatory bodies to provide advisory services for SMEs and conduct information campaigns designed to alert SMEs to their legal obligations in respect of advertising;

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

⁽¹⁾ Texts Adopted, P7_TA(2010)0051.

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Energy Efficiency Action Plan

P7_TA(2010)0485

European Parliament resolution of 15 December 2010 on Revision of the Energy Efficiency Action Plan (2010/2107(INI))

(2012/C 169 E/09)

The European Parliament,

- having regard to the Commission Communication of 19 October 2006 entitled 'Action Plan for Energy Efficiency: Realising the Potential' (COM(2006)0545),
- having regard to the Commission Communication of 23 January 2008 entitled '20 20 by 2020 - Europe's climate change opportunity' (COM(2008)0030),
- having regard to the Commission Communication of 13 November 2008 entitled 'Energy efficiency: delivering the 20 % target' (COM(2008)0772),
- having regard to the Commission Communication of 10 January 2007 entitled 'An Energy Policy for Europe' (COM(2007)0001), followed by the Commission Communication of 13 November 2008 entitled 'Second Strategic Energy Review - an EU energy security and solidarity action plan', with accompanying documents (COM(2008)0781),
- having regard to Regulation (EC) No 663/2009 of the European Parliament and of the Council of 13 July 2009 establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy (European Energy Programme for Recovery) ⁽¹⁾,
- having regard to Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC (Energy Services Directive) ⁽²⁾,
- having regard to Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products ⁽³⁾,
- having regard to Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters ⁽⁴⁾,
- having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ⁽⁵⁾,
- having regard to Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings ⁽⁶⁾,

⁽¹⁾ OJ L 200, 31.7.2009, p. 31.

⁽²⁾ OJ L 114, 27.4.2006, p. 64.

⁽³⁾ OJ L 153, 18.6.2010, p. 1.

⁽⁴⁾ OJ L 342, 22.12.2009, p. 46.

⁽⁵⁾ OJ L 285, 31.10.2009, p. 10.

⁽⁶⁾ OJ L 153, 18.6.2010, p. 13.

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- having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽¹⁾,
 - having regard to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport ⁽²⁾,
 - having regard to the Commission stocktaking document of 7 May 2010 entitled 'Towards a New Energy Strategy for Europe 2011-2020',
 - having regard to the independent study entitled 'Company Car Taxation. Subsidies, welfare and economy', prepared at the request of the Commission ⁽³⁾,
 - having regard to its resolution of 3 February 2009 on the Second Strategic Energy Review ⁽⁴⁾,
 - having regard to Article 170 paragraph 1 of the Treaty on the Functioning of European Union according to which the Union shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures,
 - having regard to its resolution of 6 May 2010 on mobilising information and communication technologies to facilitate the transition to an energy-efficient, low-carbon economy ⁽⁵⁾,
 - having regard to Article 34 paragraph 3 of the EU Charter of Fundamental Rights on combating social exclusion and poverty which states that the Union shall ensure a decent existence for all those who lack sufficient resources,
 - having regard to Article 194 of the Treaty on the Functioning of European Union,
 - 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 Environment, Public Health and Food Safety and the Committee on Regional Development (A7-0331/2010),
- A. whereas energy efficiency and savings are the most cost-effective and fastest way to reduce CO₂ and other emissions and increase security of supply; whereas fuel poverty can be tackled strategically by means of high levels of energy efficiency in buildings and appliances; whereas energy efficiency is a key priority of the Europe 2020 Strategy and the European Energy Strategy 2011-2020, whereas resources in public institutions do not currently match this ambition,
- B. whereas energy savings is key to increase security of supply, e.g. as achieving the 20 % energy savings target would save as much energy as fifteen Nabucco pipelines could deliver,
- C. whereas energy savings can bring significant economic advantages for the end-users and the entire economy including as well as social advantages including the creation of up to 1 million jobs by 2020; whereas the EU's imports of energy are rising and worth EUR 332 billion in 2007, and according to Commission figures energy benefits per year can amount up to EUR 000 per household which would be reinvested elsewhere in the economy and successful attainment of the energy efficiency target has the potential to save the EU some EUR 100 billion and cut emissions by almost 800 million tonnes a year; whereas, therefore, energy savings and efficiency policies are remedies to energy poverty,

⁽¹⁾ OJ L 140, 5.6.2009, p. 16.

⁽²⁾ OJ L 207, 6.8.2010, p. 1.

⁽³⁾ Copenhagen Economics, http://ec.europa.eu/taxation_customs/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_22_en.pdf

⁽⁴⁾ OJ C 67 E, 18.3.2010, p. 16.

⁽⁵⁾ Texts adopted, P7_TA(2010)0153.

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- D. whereas future energy price developments will encourage individuals to reduce their energy consumption; therefore significant energy efficiency gains can be reached by incentivising more efficient common infrastructures in buildings, heating systems and transport sector where otherwise decisions improving the use of energy are beyond the control and influence of individuals or companies,
- E. whereas academic evidence clearly supports that efforts need to be stepped up, including at the regional and the local level to reach the 20 % energy efficiency target by 2020, as at current rates of progress only around half of this target would be met by 2020, even though practices and technologies to achieve this target already exist,
- F. whereas although many legislative measures designed to achieve energy savings have been introduced at EU and national level, not all of them are producing the desired results,
- G. whereas the payback period for investments in energy efficiency is relatively short compared to other investments and investments have the potential to create a significant number of new local jobs in rural as well as in urban areas which can to a large extent not be outsourced, in particular in the construction sector and within SMEs, while public awareness and skilled workers are needed to make it happen,
- H. whereas using public funds in revolving financial instruments for giving financial incentives to energy efficiency measures has the advantage, at times of budgetary constraints, that it makes it possible to sustain most of these funds over time,
- I. whereas the demand side has been an important driver for increased energy consumption and there is a real need to address market and regulatory barriers to more energy-efficient products and to promote their use, in order to decouple energy consumption from economic growth,
- J. whereas a range of barriers stand in the way of full exploitation of energy saving opportunities, including upfront investment costs and non-availability of suitable finance, lack of awareness, split incentives such as between landlords and tenants, and lack of clarity over who is responsible for delivering energy savings,
- K. whereas mandatory targets have been shown in the case of other priority areas such as renewable energy and air quality to provide the drive, ownership and focus at EU and national level that are needed to ensure sufficient ambition in specific policies and dedication to their implementation,
- L. whereas progress on energy saving is hampered by a lack of accountability for and commitment to delivering the 20 % target,
- M. whereas buildings are responsible for about 40 % of energy consumption and about 36 % of greenhouse gas emissions in the EU and whereas construction represents a large part of the EU economy with about 12 % of the EU GDP; whereas the refurbishment rate of existing buildings is too low and whereas adequate measures to reduce the energy consumption of existing buildings are still missing; whereas increasing the number and level of deep renovations in the existing building stock is essential in order to reach the 2020 and 2050 EU policy goals on climate and energy and could create a substantial number of jobs thus contributing significantly to EU economic recovery, and whereas energy efficiency solutions on building envelope and with technical systems and installations already exist and can be implemented on both existing and new buildings leading to significant energy savings,
- N. whereas homes are not prepared for climate change: there are homes not being comfortably cool in the summer in all countries and there are homes not being comfortably warm in the winter (above 15 % in Italy, Latvia, Poland, Cyprus and 50 % in Portugal) and in country like Cyprus and Italy houses are not prepared for having cold winter,
- O. whereas industrial electrical motors consume 30 %-40 % of the electrical energy generated worldwide and whereas proper optimisation of relevant motor systems by using speed regulation and other techniques can save between 30 % and 60 % of energy consumed,

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- P. whereas between 50 and 125 millions of Europeans are suffering from energy poverty and these figures may rise with the economic crisis and the increase in energy prices; whereas causes for energy poverty are universal across the EU and involve a combination of low household income, poor heating and insulation standards and unaffordable energy prices; underlines that energy savings and energy efficiency policies are strategic remedies to energy poverty,
- Q. whereas transport is responsible for almost 30 percent of the total European greenhouse gas emissions, a move from conventional fossil fuels cars to green technology vehicles powered by renewable energy, would contribute to substantial CO₂ reduction, and create an optional energy storage, enabling the power grids to cope with the fluctuating production of renewable energy sources,
- R. whereas an estimated 69 % of the housing stock in Europe is owner-occupied and 17 % is private rented predominantly by individual landlords and whereas the private housing sector face financial constraints to carry out energy refurbishments,
- S. whereas the current economic crisis could lead to accelerating the transition to a low-carbon and energy efficient economy and to fostering a change of citizens' behaviour regarding energy consumption,
- T. whereas it is essential that new, cutting-edge energy technologies which make for sustainable energy production and more efficient energy use should be developed and marketed,
- U. whereas reaching the binding renewable energy target of 20 % of final energy consumption by 2020 will only be achieved if the existing buildings stock is addressed,
- V. whereas European companies have impressive track records for reducing their greenhouse gas emissions and, more importantly, for enabling emission reductions across European society and across the world through innovative products and solutions,
- W. whereas the aim must be to maintain the competitiveness of energy-intensive European undertakings facing global competition,

Compliance with and implementation of existing legislation

1. Calls on Member States, local authorities, and especially on the Commission, to give energy efficiency the attention it deserves, and put in place resources (staffing and finance) which match their ambitions;
2. Points out that energy efficiency should be integrated into all relevant policy areas, including finance, regional and urban development, transport, agriculture, industrial policy and education;
3. Calls on the Commission to present in sufficient time before the 4th February 2011 Energy Summit within its revised EEAP an evaluation of the implementation of the existing legislation; considers that based on the result of the evaluation the EEAP should include measures to be put forward by the Commission to close this gap to reach the overall energy efficiency target in 2020, such as individual energy efficiency targets that correspond to at least 20 % improvement in energy efficiency by 2020 at EU level and which take into account relative starting positions and national circumstances as well as an approval in advance of each Member States' national energy efficiency action plan; considers that such additional measures should be fair, measurable, have an effective and direct impact on the implementation of national energy efficiency plans target; calls on the Commission and Member States to agree on a common methodology for measuring national energy efficiency targets and monitoring progress on achieving these targets;
4. Attaches great importance to planning processes at European level. Energy efficiency should be given due attention in the Energy Action Plan 2011-2020. The new European Energy Efficiency Action Plan should be presented as soon as possible, and energy efficiency should have an important role in the future Roadmap towards a low carbon energy system and economy by 2050;
5. Calls for the EU to adopt a binding target on energy efficiency by at least 20 % by 2020, and thereby advance the transition into a sustainable and green economy;

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6. Considers that the Energy Efficiency Action Plan should be ambitious and focus on the full energy supply chain, which takes stock of the progress achieved with all measures contained in the 2006 Action Plan, reinforces implementation of energy efficiency measures adopted as outlined in the 2006 Action Plan, which are still under way, and includes additional measures which are cost-efficient and adequate principles in line with the criteria of subsidiarity and proportionality, that are required to achieve the 2020 target;
7. Calls on the Commission to design the new EEAP taking into account the needs of vulnerable energy consumers; notes that energy consumers would benefit the most from energy efficiency improvements but lack resources to undertake the necessary investments; calls on Member States to adopt appropriate measures and effective policies such as national action plans or targeted social measures to reduce energy poverty and to report regularly on their actions to address this concern; welcomes the fact that the Energy Council addresses the problem of energy poverty and supports the efforts of the Belgian presidency in this regard; asks the Commission to tackle energy poverty in all energy policies;
8. Calls for a revision of the Energy Services Directive (ESD) in 2011 that includes an expanded time framework until 2020, a critical assessment of National Energy Efficiency Action Plans and their implementation, including common standards for reporting containing binding minimum elements on e.g. all relevant energy efficiency policies including soft and supporting tools like financing; evaluation and ranking Member State's actions as well as merging reporting requirements from the ESD, energy labelling and eco-design where appropriate and where it is shown to remove burdens from Member States;
9. Urges Member States to implement quickly and efficiently market surveillance and compliance-monitoring programmes for Directive 2009/125/EC establishing a framework for the setting of ecodesign requirements for energy-related products, Directive 2010/30/EU on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, and Regulation (EC) No 1222/2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters, and calls on the Commission to facilitate and monitor the implementation of these programmes and start infringement procedures if necessary;
10. Suggests that, understanding the challenge and importance of market surveillance, which is a national competence, the Commission should facilitate cooperation and sharing of information among Member States, in particular by creating an open EU database of test results and of non-compliant products identified in Member State and by taking steps to ensure that a non-compliant product identified in one Member State is quickly removed from all 27 Markets;
11. Following the entry into force of the revised Energy Labelling Directive, encourages the Commission to assess, before the 2014 date mentioned in the Directive, the impact of the new energy labelling layout, and the mandatory reference to the energy-label scheme in advertisements on consumers' behaviour and to take further measures if necessary to increase their effectiveness;
12. Calls upon the Commission and the Member States to promote measures to raise the level of awareness for and the know-how of energy efficiency issues among all relevant stakeholders and all professional actors involved at all stages (assessment of existing energy performance, design and implementation of energy efficiency solutions, energy efficient operation and maintenance);
13. Calls on the Commission and the Member States to review the effectiveness of legislative measures to save energy and increase energy efficiency;
14. Considers that long-term agreements with the industry sector ensure a high compliance rate with energy efficiency requirements and thereby are able to result in an annual 2 % energy efficiency improvement;

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Energy infrastructure (production and transmission)

15. Considers that a stronger focus is needed on system innovations such as smart grids (for electricity but also for heating and cooling), smart metering, gas networks integrating biogas and energy storage which can facilitate energy efficiency by means of reduced congestion, fewer grid disconnections, easier integration of renewable technologies including the decentralised production, reduced reserve generation requirements and greater and more flexible storage capacities; asks to ensure that a fair share of these gains accrue to the end-use customers;

16. Underlines that district heating and cooling networks contribute to achieve a energy-efficient economy by 2050 and stresses that an explicit and comprehensive strategy for heat generation and use (industrial heat, domestic heating, cooling) is needed (including a method of multi-fuel benchmarks for district heating and cooling networks) that builds on synergies between sectors; calls on the Commission to undertake an inquiry on increasing their efficiency; stresses that these networks must be open to competition; notes that improvements to the energy efficiency of the housing stock will lead to a reduction in heat demand which should be factored in when assessing district heating capacity;

17. Emphasises the important role of supply side energy efficiency; points out that transmission and distribution, contribute considerably to energy loss (notably in generators and transformers, as well as those resulting from excessively high resistances during transmission) and that shortening excessively long conversion chains for converting one type of energy into another electricity represents a major source of savings; stresses the role that microgeneration and decentralised and diversified generation might play in guaranteeing supply security and reducing losses; considers that incentives should be created aimed at improving infrastructure and asks the Commission to make proposals to unlock the untapped savings potential, including by introducing sustainability reports for power stations and taking measures to facilitate the retrofitting and modernisation of power stations;

18. Stresses the fact that second to energy efficiency at the source (i.e. in primary energy production), tackling losses of (electrical) energy during transport through the grids should be considered a priority. Moving towards a more decentralised production system would reduce transport distances and thus energy losses during transport;

19. Urges the (petro) chemical industries throughout the EU to enhance energy recovery during flaring;

20. Considers that a stronger focus is needed to increase the overall energy system efficiency, in particular to reduce heat losses; therefore calls for a revision of the CHP Directive within the 2011 working programme to promote highly efficient CHP, Micro-CHP, use of waste heat from industry, and district heating/cooling, by encouraging Member States to set up a stable and favourable regulatory framework by introducing integrated energy demand planning for heat/cooling electricity, by considering priority access to the electricity grid for CHP, the use of industrial heat, and by promoting use of highly efficient CHP, Micro-CHP and district heating in buildings and sustainable funding for CHP, e.g. by encouraging Member States to introduce financial incentives;

21. Underlines the importance of a distributed combined heat and power (CHP) or tri-generation network, which in practice allows a doubling of overall energy efficiency; points out, moreover, that heat or cooling storage could add flexibility to the grid during peak hours, allowing production of electricity and heat storage when production exceeds local needs;

22. Calls on Member States, not only to support high efficiency industrial CHP generation, including by changing from fossil fuel to biomass, but also, for those which have of district heating infrastructure, to promote the use of CHP by supporting the establishment and refurbishment of district heating systems through appropriate financing and regulatory measures;

23. Considers it to be necessary in waste treatment processes to avoid biogas and heat losses through recovery and generation of steam and/or electricity. Takes the view that waste treatment plants without any form of heat recovery or production of energy should not be granted permits;

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24. Welcomes the Commission's ongoing work on smart grids and smart meters; considers it important to ensure a long-term and stable harmonised regulatory environment for smart grids and smart meters; urges the Commission to support and incentivize the development of smart grids and smart meters by setting common standards, which have to include requirements on privacy, data and frequencies; recommends that Smart Grids task force within the Commission, takes due account of the opinions of all stakeholders; asks the Commission to provide Parliament with regular progress reports on its work;

25. Welcomes the Commission's work 'towards a single energy network' and, in that connection, calls on the Commission to submit practical proposals to simplify and speed up authorisation procedures for priority infrastructure projects;

26. Calls on the Commission to step up cooperation between the EU and energy grid operators (expanded role for ENTSO) with the aim of improving cross-border grid connections and performance;

27. Asks the Commission to support and promote the setting up and development of a European high-voltage direct current (HVDC) grid able to optimise the harnessing of renewable energy sources, particularly wind and hydropower. This grid would provide long-range energy transmission at low energy loss, while making possible a synergy among all renewable energy sources;

Urban development and buildings

28. Supports a multi-level, decentralised approach to energy efficiency policy; highlights that energy efficiency can play a decisive role in the development of urban and rural areas; underlines the need to increase support for initiatives which focus on the local and regional level to enhance energy efficiency and lower greenhouse gas emissions such as the Covenant of Mayors and the Smart Cities initiative; stresses the potential of encouragement and implementation of best practices with regard to Energy Efficiency at the level of municipal and regional agencies; furthermore, aligning Cohesion policy with the EU2020 strategy can contribute to smart and sustainable growth in Member States and regions;

29. Calls on the Commission to assess the potential for efficiency in existing buildings starting with public administration buildings including schools and propose a cost-efficient target for the reduction of the primary energy consumption of buildings; calls on the Member States to implement practicable programmes to support deep renovations by which the energy demand will initially be reduced by more than 50 % over pre-renovation performance and where the level of financial and/or fiscal and other, support is proportionally linked to the level of improvement; asks that Member States should be required to include set annual refurbishment targets in their national action plans on Energy Efficiency and calls on the Commission to propose policy options on how to achieve a nearly zero level building stock in the context of the 2050 energy roadmap;

30. Calls on the Commission to broaden the scope of buildings policy to encompass eco-districts, with a view to ensuring that resource optimisation at local level results in lower primary energy consumption in buildings and reduced costs for consumers;

31. Believes it is essential that the homes of energy poor households are improved to the highest possible energy efficiency standards and without raising the daily costs for the energy poor; Stresses that this will often require substantial investment in homes but will on the same time generate a lot of non energy benefits, e.g. by reduced mortality, improved general wellbeing, lower levels of indebtedness and reducing healthcare costs by reducing indoor pollution and thermal stress;

32. Calls on the Commission and Member States to use investment grade audits in order to assess the quality of Energy Performance Certificates; based on these assessments, calls on the Commission to provide guidelines for Member States to ensure the quality of their Energy Performance Certificates and of the energy efficiency improvement of the measures undertaken as a result of recommendations from these certificates;

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33. Is convinced that it is key for achieving the energy savings target that public authorities at national, regional and local level lead the way; calls on public authorities to go well beyond the requirements set in the Energy Performance of Buildings Directive, in particular by renovating their existing stock as early as possible to a level comparable to nearly zero energy standard, where technically and economically feasible; acknowledges on the other hand that existing budgetary restrictions in particular at regional and local level often limit the capability of public entities to invest up front; calls on the Commission and the Member States to facilitate and promote the emergence of innovative solutions to address this problem including Energy Performance Contracting or market-based instruments, as well as inviting public authorities to consider cost-savings through multi-annual budget frameworks where this is not being done already;
34. Acknowledges the pioneering role of the European Union; believes that the EU institutions and agencies should set an example, in particular in those buildings that have been identified as having an energy efficiency potential, by refurbishing these buildings in a cost-efficient manner to nearly zero level by 2019 as part of a wider audit of energy use by the institutions;
35. Acknowledges the potential of energy savings in buildings, both in cities and rural areas; notes that various barriers exist for energy refurbishments in particular in the residential sector, such as upfront costs, split incentives or complex negotiations in multi-apartment buildings; asks for innovative solutions to removing these barriers, such as district refurbishment plans, financial incentives and technical assistance; stresses that EU schemes should provide incentives for retrofitting buildings to go beyond the minimum legal requirements and address only buildings with an energy efficiency potential; asks to promote refurbishment techniques which are more economical while ensuring a high level of savings;
36. Stresses the importance of reducing high fuel costs to poorer households by supporting deep refurbishment to drive down energy consumption and expenses; asks the competent authorities at local, regional, national and EU level to pay particular attention to the social housing by ensuring that additional costs of energy savings investments are not passed to vulnerable tenants;
37. Asks the Commission to promote new initiatives in support of building refurbishments in the context of the forthcoming innovation strategy, such as an innovation partnership on energy efficiency in energy-efficient/zero-emissions cities;
38. Encourages Member States to promote the replacement of certain non-heritage inefficient buildings, where refurbishment would not be sustainable or cost-effective;
39. Calls on the Member States to accelerate the introduction of Energy Performance Certificates which are issued in an independent manner by qualified and/or accredited experts, as well as to create one-stop shops providing access to technical advice and support as well as financial incentives available at regional, national and European level;
40. Asks the Commission and the Member States to ensure the wider use of energy audits and structured processes for energy management in companies and industrial buildings and to devise mechanisms for assisting SMEs; thereby supporting the enhancement or establishment of national schemes or voluntary agreements;
41. Calls on the Commission to pull in all the resources necessary in order to consult widely, so as to avoid a backlash with Member States, before coming forward by 30 June 2011 with its comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements under the Energy Performance of Buildings Directive; believes that once in place, the comparative methodology will motivate market players to invest in energy-efficient solutions;
42. Asks the Commission to propose energy benchmarks or requirements with regard to the installation of street lighting by public authorities including the use of smarter controls and energy saving use patterns by 2012; urges that these measures include specification on total lifetime costs for all public procurement of lighting installations;

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43. Urges Member States to systematically use energy efficient public procurement practices; takes the view that defining energy efficiency systematically as an award criterion in public procurement and making it a condition for publicly funded projects would give this policy a major push;

ICT and products

44. Calls on the Commission to develop a Product Policy that ensures greater consistency between environmental product policies by better coordinating the articulation, revision and implementation of the different policy instruments, to foster greater dynamism in market transformation and more meaningful consumer information on energy savings; calls therefore on the Commission to revise the Ecodesign and Energy Labelling directives together (i.e. advancing the revision date of the energy labelling directive); ideally Ecolabel and Green Public Procurement rules should also be revised at the same time and implemented in coordination with Ecodesign and Energy Labelling measures;

45. Calls for the rapid and proper implementation of the Directives on Ecodesign and Energy Labelling and regrets current long delays; suggests clearer and stricter deadlines for adoption, by proposing implementing or respectively delegated acts covering new energy-related products; regrets that the Commission up until now has not exploited the full potential of the Ecodesign Directive and strongly believes that it should cover more products including, if appropriate, new household appliances, ICT, energy-related products for use in buildings (such as industrial electrical motors, machinery, air conditioning, heat exchangers, heating and lighting equipment and pumps), industrial and agricultural equipment, building materials, and products for the efficient use of water; calls on the Commission to take into account the differences between consumer goods and investment goods when adopting implementing acts, and to prove the energy saving potential and practicability before issuing implementing acts; urges that energy efficiency minimum requirements within the eco-design directive include specification of total lifetime costs and emissions for all products including the recycling process;

46. Calls on the Commission to combine existing European legislation such as the Eco-Design-Directive and the Energy Labelling Directive, in order to implement EU legislation most efficiently and make use of synergies, especially for the consumer;

47. Calls on the Commission to take concrete initiatives to improve the resource efficiency of products such as through legislative measures; (+ENVI paragraph 35)notes that improving resource efficiency would also lead to significant energy efficiency gains.

48. Insists that more emphasis should be given to an analysis of the consequences of energy efficiency standards including the link between price and the quality of the end products, the effects of energy efficiency and the benefits for consumers; recognises that the Commission analyses all these effects but insists that the Commission and Member States must put much more effort on communication and control of all products including imports, such as for example energy efficient light bulbs;

49. Finds in this context that uniform technical standards are the appropriate means of achieving higher market penetration for energy efficient products, pumps and engines, etc.;

50. Calls on the Commission to make sure that legislation addresses products, systems and their energy use and considers it necessary to increase the awareness of EU citizens including relevant sales professionals, regarding the energy and resource efficiency of consumer and energy-related products; considers that when evaluating energy consumption, single products and components should be considered as a whole rather than individually;

51. Emphasises that Europe should be at the cutting edge in the development of energy related Internet and ICT low-carbon technologies and applications; stresses that ICT can and should play a major role in promoting responsible energy consumption in households, transport, electricity generation and distribution as well as in the ICT sector itself (accounting for some 8 % of electricity consumption); calls therefore to assess in particular the energy efficiency potential of data centres; considers that enhanced support for innovation must always be accompanied by a reduction of red tape for applicants; acknowledges the need to support partnerships between the ICT sector and major emitting sectors to improve the energy efficiency and emissions of these sectors;

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52. Stresses that informing society about the benefits of smart metering is crucial for their success; recalls that Parliament's own initiative report 'on a new Digital Agenda for Europe: 2015.eu' set as a policy goal that 50 % of homes in Europe would be fitted with smart meters by 2015; Welcomes the work by the taskforce on smart meters and asks the Commission to put forward a number of recommendations before the end of 2011 to ensure that:

- smart metering is implemented in accordance with the timetable of the 3rd Energy Market Package so that the objective of having 80 % of buildings fitted with smart meters by 2020 will be met,
- Member States agree by the end of 2011 on minimum common functionalities for smart meters,
- there should be smart meter benefits for consumers such as energy reductions, assistance to low income and vulnerable consumers and that aggregation, in which the loads of multiple end-use customers are combined in order to obtain lower rates than any of the users would have been able to obtain individually, is allowed and promoted in national markets,
- Member States develop and publish a strategy to deliver the potential benefit of smart metering to all consumers, including vulnerable and low income people,
- an obligation for national TSOs and regulators to install a 'time of use network tariffs' in order to create a financial incentive for load shedding and demand side management,
- an Ecodesign implementing measure is prepared for smart meters, to ensure these products are energy efficient and do not add unnecessary energy consumption to households,
- the ongoing preparatory study on networked standby modes (that is being carried out under the Ecodesign Directive) addresses smart meters, with a view to possible future regulation;

53. Notes that technological advances can open up opportunities for step changes in energy efficiency; calls on the Commission to include in the SET Plan a strand for the development and promotion of technology, materials such as for construction or machinery production and products such as ultra low energy lighting or printable electronics fostering energy and resource efficiency; calls on the Commission and the Member States to propose incentives and programmes for particularly innovative technologies including targeted R&D, small-volume production etc;

54. In order to promote energy efficiency, calls on the Commission in partnership with National energy regulation authorities to combine work on smart grids and smart metering with price incentives (differential pricing) and increased price flexibility, such as on an hourly basis, in national tariffs to incentivise reductions in electricity use, and recalls the provisions Member States under the 3rd energy package to develop innovative pricing formulas;

55. Calls for measures to tackle rebound effects so as to ensure that the impact of technical improvement is not negated through downward pressure on energy prices and increased consumption;

Transport

56. Asks the Commission to publish an ambitious white paper on transport in order to develop a sustainable European transport policy that promotes the introduction of energy-efficient new technologies and reduces dependency on fossil fuels, especially oil, possibly by electrification and other means; and in this regard promotes higher energy consciousness in infrastructure and spatial planning;

57. Considers that all tools, including vehicle and fuel taxation, labelling, minimum efficiency standards and measures to improve and favour public transportation, are urgently needed in order to address transport emissions;

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58. Underlines that the application of information and communication technologies (ICT) to the road transport sector and its interfaces with other modes of transport will make a significant contribution to improving energy efficiency, safety and security of road transport and even more if it is combined with logistics improvements and other rationalisation of transport, and calls on the Commission and the Member States to ensure a coordinated and effective deployment of e-Freight and Intelligent Transport Systems (ITS) within the Union as a whole;
59. Stresses that in order to meet the energy-efficiency targets mentioned above, it is crucial to invest in the transport sector, especially railway and urban transport systems, in order to minimise the use of the more energy-demanding ones;
60. Stresses the need for increasing the energy efficiency of the overall transport system by a modal shift from high energy intensive transport modes such as trucks and cars to low energy intensive ones such as rail, cycling and walking for passengers or rail and environmentally friendly shipping for freight;
61. Recognises that greater fuel efficiency in vehicles can lower fuel consumption considerably, asks the European Commission to evaluate the progress being made to reach emission reductions for different transport modes and secure a long term planning horizon, in particular in the automotive sector and road transport by setting further targets, if appropriate, and promoting further energy efficiency standards, such as for mobile air conditioning and is of the opinion that the EU should aim at realising efficiency gains that are leading in the world; notes that consumer information and advertising can have an important part to play in orienting consumers towards more efficient purchase choices and driving habits;
62. Calls on the Commission to promote the development and the use of innovative devices to improve energy efficiency (e.g. spoilers for trucks and other forms of improved aerodynamics, or functioning) for all means of transport in a cost-efficient manner;
63. Encourages, in this context, the promotion of the use of energy-efficient tyres without compromising on safety and asks the Commission to set minimum energy efficiency requirements for vehicles purchased by public authorities and tyres fitted on those vehicles; asks the Commission to present by the end of 2011 a strategy for lowering the fuel consumption and CO₂ emissions of heavy duty vehicles, which are currently barely addressed;
64. Calls on the Commission to consider adopting a single mandatory pan-European system of labelling for passenger vehicles which would have a positive effect on reducing market distortions, increasing public awareness in Europe and assisting technological innovation in reducing energy consumption and pollutant emissions from vehicles; also calls on the Commission to examine the possibility of extending the proposed single labelling system to include electric and hybrid vehicles;
65. Calls on the Commission to ensure, at the latest by mid 2011, framework conditions for the development of electric vehicles, notably concerning standardisation of infrastructures and charging technologies which will guarantee interoperability and safety of infrastructures and promote putting into place of charging infrastructure in the Member States; calls furthermore on the Commission to set up harmonised requirements for the approval of electric vehicles, with specific regards to health and safety, for both workers and end-users; calls on the Commission to ensure comparable framework conditions for the development of vehicles using fuel cells or other more sustainable energy sources;
66. Reiterates the need to promote inter-modal transport solutions as well as the development of intelligent transport systems in order to achieve energy savings in the transport sector (including congestion charging, traffic management information technologies, train infrastructure, etc);
67. Asks Member States to abolish tax regimes which incentivise purchases of fuel-inefficient cars and replace them with tax regimes which incentivise purchases of fuel-efficient cars;
68. Acknowledges that the deployment of modular road trains is a sustainable solution which contributes to a higher energy efficiency level in the road transport sector; further acknowledges that the

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diverging set of rules which modular road trains encounter when crossing country borders are detrimental for an increased use of this method of road transport; calls upon the Commission to inquire which differences in rules can easily be bridged and how an increased level of cross-bordering transport by modular road trains can be ensured;

69. Believes that price signals are crucial in order to increase energy efficiency and that a revised Energy taxation should be part of the revised Energy Efficiency Action Plan, as the use of economic instruments is the most cost-effective way of promoting energy savings;

Incentives and financing

70. Reminds the Commission and Member states of the *trias energetica*, according to which energy demand should be reduced before any investment in additional energy supply is agreed;

71. Calls on the Commission to submit a report on the need for further financial assistance in order to increase energy efficiency in the existing building stock and which evaluates current financial instruments; the Commission should put forward proposals on how to establish an EU framework of revolving financial instruments to support or guarantee complementary energy efficiency measures, existing national schemes and distribution channels (e.g. by means of risk sharing) and to encourage the setting-up and improvement of energy efficiency schemes in Member States; asks the Commission to propose within the EEAP policy options on how to ensure that energy efficiency funds are in place at national, regional or local level; considers that these funds could, i.e. through financial intermediaries, play an important role in the development of such instruments, which would deliver financing possibilities to private property owners, SMEs and ESCOs; supports the idea that such instruments promote greater support for more demanding energy-saving measures;

72. Believes that, while developing this framework, attention should be given to all financial resources available in the Member States, in order to create synergies and avoid overlaps with other financial instruments;

73. Welcomes the support given in the Europe 2020 Strategy to shifting the tax burden to energy and environmental taxes which can create incentives to consumers and the industry for energy efficiency and job creation; invites the Member States to consider the possibility to reduce VAT rates for energy efficiency refurbishment works;

74. Calls on the Commission to submit an annual report on whether and how appropriate (fiscal and subsidy-linked) incentives at national level were created, such as, in the private sphere and in SMEs, depreciations of small-scale industrial equipment up to EUR 10 000 or, in the industrial sphere, progressive depreciations of 50 % in the first year or the creation of appropriate investment incentives and of research subsidies, in order to push forward energy efficiency measures;

75. Highlights the EU ETS as an enormous resource potential for energy efficiency investments; recognises that billions of Euros will be raised by auctioning of EU emission allowances; reminds that according to the ETS directive at least 50 % of these revenues should go to adaption and mitigation measures including energy efficiency; stresses that these revenues as well as revenues from carbon taxation should be prioritised for cost-effective energy efficiency financing and technology diffusion; notes furthermore that EU companies are buying millions of CDM credits, mostly in China and India, while they could be investing in CDM in Least Developed Countries or energy efficiency in Europe;

76. Considers that this framework should take into account experience of existing revolving instruments provided by public financial intermediaries, involve existing EU funds and be designed to attract other public or private funds to create the highest leverage possible; considers that the European Commission cannot always be the sole source of all financial resources; calls upon the commission to fulfil a key role in unlocking and leveraging funding that is available in both public and private financial institutions; considers that the Commission should encourage financial institutions as well as funding programs such as the European Investment Bank to give high priority to innovative energy efficiency initiatives, especially when these contribute to other EU goals such as job growth;

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77. Recognises the lack of upfront finance as a major barrier to building refurbishment in the residential and SME sectors and calls on the Commission to list innovative solutions and best practice in overcoming this problem such as successful 'pay as you save' mechanisms, revolving funds and green investment banks (on the model of KfW in Germany or Caisse Depots in France);

78. Acknowledges that one of the greatest obstacles to realising energy efficiency at local and regional level is the need to invest upfront; is convinced that any measure taken at EU level should take due account of the implications for, and budgetary restrictions of, municipalities and regions; therefore recommends the Commission to consult local and regional representatives in order to set up development guidelines in the energy field and to provide financial support to local and regional projects through innovative programmes using existing energy resources and structural funds;

79. Welcomes the agreement between the Parliament and the Council to use uncommitted funds under the EPR Regulation for the creation of a dedicated financial instrument to support energy efficiency and renewable energy initiatives on the local and regional level; notes, at the same time, that, despite its significant job-creation potential, investment in energy efficiency is receiving undeservedly little support in the European Economic Recovery Programme;

80. Stresses the need to improve the use of existing EU funds such as the ERDF and EAFRD for energy efficiency measures; urges the Member States to make energy efficiency a priority in their operational programmes, and calls on the Commission and the national authorities to develop ways to facilitate the use of structural funds for energy efficiency measures, such as ensuring better information flow to the local level or establishing one-stop shops and finally reminds that those measures should be evaluated and that energy efficiency gains be an important parameter in this evaluation;

81. In the light of the expected revision of the cohesion and regional policy and of the EU Financial Perspective, calls for energy saving to be integrated into the conditionality for granting EU assistance and for consideration to be given to the possibility of directing a higher proportion of the national allocations toward energy efficiency and renewable energy measures;

82. Calls on the Commission to use the mid term review in order to allocate more funds for energy efficiency programmes and to promote the possibility to use up to 15 % of the ERDF for energy efficiency;

83. Stresses the need to develop technical assistance and financial engineering at local and regional authority level in order to support local players in setting up projects – e.g. by harnessing the EIB's ELENA technical assistance facility and the experience of ESCOs;

84. Calls on the Commission to strengthen the financing facilities (e.g. ELENA) and to consider setting up complementary facilities funded under the Intelligent Energy Programme;

85. Points out that policies for energy efficiency should be oriented towards involving as many parties as possible, public as well as private, to obtain the largest possible leverage effect, create jobs, contribute to greener growth and encourage the creation of a competitive, connected, and sustainable European market for energy efficiency;

86. Notes that mandating energy companies to fulfil energy saving obligations could provide additional sources of financing for energy efficiency measures, such as wire charges applied to TSOs or DSOs, funds provided by suppliers as a means of fulfilling their obligation, or fines paid for non-fulfilment of requirements;

87. Notes that while much of the upfront capital required to deliver energy saving investments will need to come from the private sector, public intervention is needed to help overcome market failures and ensure that the low carbon transition occurs in time to comply with EU renewable energy and emission reduction targets;

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88. Calls on the Commission to promote EU measures to support technical assistance provided by experienced (national and international) financial intermediaries:

- to raise awareness and know-how among managing authorities and public as well as private financial institutions on funding strategies and institutional requirements to support energy efficiency investments,
- to support public and private financial institutions in implementing corresponding measures and financial instruments,
- to structure sustainable and efficient financial instruments to better utilise available funds for energy efficiency investments,
- to encourage the transfer of best-practices experience among Member States and their financial intermediaries,
- to create an effective communication tool and to initiate a dialogue aimed at citizens in order to disseminate energy efficiency information to targeted categories of people and to guide their behaviour regarding energy consumption;

89. Acknowledges that a well-functioning energy market incentivises energy savings; calls on the Commission to assess and report on the role of energy companies, including Energy Service Companies (ESCO's) in promoting energy efficiency and calls on the Commission and the Member States to take effective measures to push energy companies to invest in energy efficiency and facilitate end-user energy efficiency improvements; calls on the Commission present recommendations based on best practices from which Member States can select the most suitable model for their domestic situation, such as a white certificate scheme, tax reliefs, direct incentives, etc.;

90. Calls on Commission, Member States as well as local and regional levels of government to increase their efforts to enhance education and training of energy efficiency experts of all kinds, but particularly of intermediary technicians, and in all sectors, but especially in the entire building value chain and in SMEs to upgrade skills of construction crafts; thereby creating green local jobs while facilitating the implementation of ambitious energy efficiency legislation; calls in this context for a full exploitation and increase of the structural and cohesion funds for training purposes;

91. Calls on the Commission to examine the applicability of innovative forms of regulation which can effectively combine the substantial potential for energy saving in the new Member States with the capital and technological potential of the more developed Member States;

92. Stresses the need to improve the development of markets for energy services; asks the Commission to consider, when revising the Energy Services Directive, measures to foster energy performance contracting in the public and private sector; Considers that energy services companies are in many respects the best placed to help households, SME's and the public sector to over-coming the barrier of high up-front investment costs when refurbishing existing buildings for energy efficiency purposes; proposes the Commission to do a study to assess best practices in the Member States as well as identify obstacles and barriers to fully exploiting the potential of the finance mechanism;

93. Points out that enterprises, through their innovation efforts, play a vital role in devising and implementing energy-saving measures; hopes that structural funding will encourage enterprises actively to participate in projects in the field of energy efficiency;

94. Reiterates its request that an energy efficiency chapter should be reinforced within the European neighbourhood policy and included systematically in EU-third country dialogues;

95. Recognises the chances and potential opportunities arising for European undertakings from the development, manufacture and marketing of energy efficient technologies (e.g. for applications in the area of engines and drives, lighting, electrical appliances, etc.);

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96. Considers, in this context, the development and placing on the market of innovative technologies to be the basis for improving energy efficiency in all fields of application, for reducing greenhouse gas emissions and for increasing the share of renewable energies;

97. Insists that energy efficiency must be a priority under the next Research Framework Programme (FP 8);

98. Calls on the Commission to make energy efficiency one of the key priorities of the 8th Framework Research Programme and to allocate a significant part to energy efficiency sub-programmes similar to the current Intelligent Energy Programme; stresses the need for an increase in the funds for research, development and demonstration in the energy area, including a significant increase in the EU's future budget, particularly for renewable energy, smart grids and energy efficiency, by 2020 compared with the current level;

99. Takes the view that more importance should be given to the significance of energy saving measures in the context of international climate talks; believes that ambitious energy efficiency policies can be better enforced and have less impact on competitiveness if they are harmonised internationally; calls, therefore, on the Commission and the Member States to convince the EU's international partners at the forthcoming talks in Cancun of the need for coordinated energy efficiency measures;

100. Endorses the call by the G20 group of countries in its Toronto Summit Declaration of 27 June 2010 for fossil fuel subsidies to be phased out over the medium term, and points out that doing so would liberate billions of Euros which could be redirected to supporting energy efficiency measures, thus contributing far better to the EU's strategic energy objectives of sustainability, competitiveness and security of supply;

101. Considers that the social dimension to the energy dialogue, covering aspects such as human rights, energy poverty and the protection of low income consumers, should always be taken into account while developing energy policies;

102. Recognises that energy efficiency policies have not so far addressed the social acceptance factor sufficiently in the reduction of energy consumption; emphasises that not only is the behaviour of users crucial for the success of energy efficiency measures but consumer trust should also be enhanced; calls for the future energy efficiency action plan to provide additional supporting measures to increase social acceptance; stresses the vital role that regional and local levels can play in reaching consensus;

103. Stresses the importance of an intensified information policy of the Commission and the Member States regarding energy efficiency and energy savings issues towards all relevant stakeholders and calls upon the Commission and the Member States to improve and further facilitate such access to information on energy efficiency and energy savings issues;

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

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Human Rights in the World in 2009 and EU policy on the matter

P7_TA(2010)0489

European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter (2010/2202(INI))

(2012/C 169 E/10)

The European Parliament,

- having regard to the eleventh European Union Report on Human Rights and Democracy in the World covering the period from July 2008 to December 2009,
- having regard to Articles 6 and 21 of the Lisbon Treaty,
- having regard to the Universal Declaration of Human Rights and to all relevant international human rights instruments,
- having regard to the United Nations Charter,
- having regard to all United Nations human rights conventions and the optional protocols thereto ⁽¹⁾,
- having regard to regional human rights instruments, including in particular the African Charter on Human and Peoples' Rights, the Optional Protocol on the Rights of Women in Africa, the American Convention on Human Rights, the Arab Charter on Human Rights and the ASEAN Intergovernmental Commission on Human Rights,
- having regard to the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (ICC) and to Parliament's resolutions related to the ICC ⁽²⁾,
- having regard to Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court and to the Council's Action Plan following up on the Common Position; recalling the essential role of the ICC in preventing serious crimes within its jurisdiction;
- having regard to the commitment of the European Union to supporting the effective functioning of the ICC;
- having regard that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,
- having regard to the European Convention on Human Rights and the ongoing negotiations on the EU's accession to the Convention,
- having regard to the Charter of Fundamental Rights of the European Union,

⁽¹⁾ UN Convention against Torture; UN Convention on the Rights of the Child; UN Convention on the elimination of all forms of discrimination against women; UN Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced Disappearance.

⁽²⁾ OJ C 379, 7.12.1998, p. 265; OJ C 262, 18.9.2001, p. 262; OJ C 293 E, 28.11.2002, p. 88; OJ C 271 E, 12.11.2003, p. 576; OJ C 279 E, 19.11.2009, p. 109; OJ C 15 E, 21.1.2010, p. 33; OJ C 15 E, 21.1.2010, p. 86; OJ C 87 E, 1.4.2010, p. 183; OJ C 117 E, 6.5.2010, p. 198; OJ C 212 E, 5.8.2010, p. 60; OJ C 265 E, 30.9.2010, p. 15; OJ C 286 E, 22.10.2010, p. 25.

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- having regard to the ACP-EU Partnership Agreement and its revision ⁽¹⁾,
- 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 ⁽²⁾ (the European Instrument for Democracy and Human Rights or EIDHR),
- having regard to its previous resolutions on human rights in the world,
- having regard to its resolutions of 14 January 2009 ⁽³⁾ on the development of the UN Human Rights Council, including the role of the EU, and 25 February 2010 ⁽⁴⁾ on the 13th session of the United Nations Human Rights Council,
- having regard to its resolutions of 1 February 2007 ⁽⁵⁾ and 26 April 2007 ⁽⁶⁾ on the initiative for a universal moratorium on the death penalty and to United Nations General Assembly Resolution 62/149 of 18 December 2007 on a moratorium on the use of death penalty, as well as to its resolution of 7 October 2010 on the World Day against the Death Penalty,
- having regard to Protocol No 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the abolition of the death penalty in all circumstances,
- having regard to the United Nations Declaration on Human Rights Defenders, the activities of the Special Representatives of the UN Secretary-General on the Situation of Human Rights Defenders, the EU guidelines on Human Rights Defenders, and Parliament's resolution of 17 June 2010 on Human Rights Defenders ⁽⁷⁾,
- having regard to the United Nations Declaration on the elimination of all forms of intolerance and discrimination based on religion or belief,
- having regard to the European Union Guidelines on promoting compliance with international humanitarian law (IHL) ⁽⁸⁾, on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, and on human rights defenders, as well as on human rights dialogues with non-EU countries, on the promotion and protection of the rights of the child, and on violence against women and girls and combating all forms of discrimination against them,
- having regard to the Council of the European Union's Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People ⁽⁹⁾,
- having regard to its resolution of 22 October 2009 on democracy-building in external relations ⁽¹⁰⁾,
- having regard to all the resolutions it has adopted on urgent cases of breaches of human rights, democracy and the rule of law,
- having regard to its resolution of 21 January 2010 on human rights violations in China, notably the case of Liu Xiaobo ⁽¹¹⁾,

⁽¹⁾ OJ L 317, 15.12.2000, p. 3; OJ C 303, 14.12.2007, p. 1; OJ L 209, 11.8.2005, p. 27.

⁽²⁾ OJ L 386, 29.12.2006, p. 1.

⁽³⁾ OJ C 46 E, 24.2.2010, p. 71.

⁽⁴⁾ Texts adopted, P7_TA(2010)0036.

⁽⁵⁾ OJ C 250 E, 25.10.2007, p. 91.

⁽⁶⁾ OJ C 74 E, 20.3.2008, p. 775.

⁽⁷⁾ Texts adopted, P7_TA(2010)0226.

⁽⁸⁾ OJ C 327, 23.12.2005, p. 4.

⁽⁹⁾ Council document 11179/10.

⁽¹⁰⁾ OJ C 265 E, 30.9.2010, p. 3.

⁽¹¹⁾ OJ C 305 E, 11.11.2010, p. 9.

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- having regard to Rules 48 and 119(2) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A7-0339/2010),
- A. whereas the Universal Declaration of Human Rights continues to be the world's reference document, which puts all human beings at the heart of the action,
- B. whereas the 11th European Union Annual Report on Human Rights (2008/2009) provides a general overview of EU action on human rights and democracy in the world,
- C. whereas this resolution sets out to examine, evaluate and, in specific cases, offer constructive criticism of, the EU activities regarding human rights and democracy,
- D. whereas the EU's internal human rights record has a direct impact on its credibility and ability to implement an effective external human rights policy,
- E. whereas the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including freedom of religion or belief and the rights of persons belonging to minorities,
- F. whereas justice, democracy and the rule of law are the pillars of sustainable peace, in that they guarantee fundamental freedoms and human rights, and whereas sustainable peace cannot be achieved by protecting those responsible for systematic human rights abuses and violations of international criminal law,
- G. whereas the Treaty of Lisbon reinforced the EU's powers on foreign policy in a way that will strengthen its values and objectives; whereas the main innovations related to the EU's external action, such as the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP) and the European External Action Service (EEAS), should further consolidate the EU's external action in the area of human rights and should provide better opportunities in terms of mainstreaming human rights in all relevant policy areas,
- H. whereas the Treaty provides the EU with a single legal personality, which will allow it to accede to the European Convention on Human Rights and enable the European Court of Human Rights (ECHR) in Strasbourg to verify compliance by EU acts with the Convention,
- I. whereas with the entry into force of the Treaty of Lisbon, the EU's Charter of Fundamental Rights became legally binding, thus strengthening protection of human rights in Europe,
- J. whereas the EU is a strong supporter of the ICC and promotes the universality, and defends the integrity, of the Rome Statute with a view to protecting and enhancing the independence of the Court,
- K. whereas the Council Common Position of 16 June 2003 and the Action Plan of 2004 are in need of updating in the light of developments in international criminal law since 2004; whereas effective assistance and cooperation by the EU must be intensified and improved as the warrants for arrest and trials at the ICC increase in number,
- L. whereas efforts to combat terrorism in the world have raised the need to reconcile security with respect for human rights,
- M. whereas the global economic and financial crisis has had a negative impact on economic, social and cultural rights; whereas the rights of the poorest people have been most affected; whereas, because of rising and volatile prices and commodity speculations, millions are struggling to meet basic needs in a number of countries in Africa, Asia and Latin America; whereas millions of people have been facing insecurity and indignity, and in some countries protests have been met with repression and violence,

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- N. whereas economic, social and cultural rights must receive the same attention and be treated at the same level of importance as civil and political rights; whereas the human rights clauses in the agreements signed by the EU and non-EU countries must be respected and implemented,
- O. whereas climate change is having a lasting, long-term impact on human rights; whereas negative consequences are especially likely for vulnerable groups, such as indigenous peoples, both in the developing world and in the High North, but could have much wider ramifications as well,
- P. whereas the fight against impunity is crucially important as it is aimed at preventing and punishing the gravest crimes and their perpetrators; whereas impunity is a cross-cutting matter which concerns a wide range of human rights issues, such as torture, the death penalty, violence against women, the persecution of human rights defenders and the fight against terrorism,
- Q. whereas, according to the UN, the old human rights problem of decolonisation is still not resolved throughout the immediate EU neighbourhood, notably in the case of Western Sahara,
- R. having regard to its resolution of 25 November 2010 on the situation of Western Sahara ⁽¹⁾,
- S. having regard to the paramount importance for the life of the European institutions of the implementation and enforcement of the founding principles codified in the European Convention on Human Rights,
- T. whereas new forms of human rights abuses are occurring in the world, notably in the area of the new information technologies, such as internet misuse and censorship, and infringement of privacy by the use of personal data,
- U. whereas freedom of religion or belief is under growing threat, notably by authoritarian governments targeting religious minorities or by governments failing to prevent attacks, harassment or other harmful acts against certain individuals or religious groups,
- V. whereas human rights are violated in countries that have recognised the jurisdictions stemming from the International Instruments of Human Rights and in those that disregard those historically acquired rights,
1. Reiterates the European Parliament's strong determination, and recalls its long-term efforts, to defend human rights and democracy in the world through the development of a strong and effective EU human rights policy which guarantees greater coherence and consistency across all policy areas and through bilateral relations with non-EU countries and active participation in international fora, as well as by supporting international and local civil society organisations;
 2. Takes the view that the entry into force of the Lisbon Treaty represents a historic opportunity to address the remaining gaps in the EU's human rights and democracy policy; calls in this respect for full compliance of the EEAS with the purpose and spirit of the Lisbon Treaty, which aims at ensuring that respect for, and promotion of, human rights are at the core of the various areas of the Union's external policy as enshrined in Articles 2, 3 and 21 of the TEU;
 3. Points out that, under Title V, Chapter 1 of the EU Treaty, action on the international scene is to be guided by the principles of democracy, the rule of law, and the universality, inalienability and indivisibility of human rights and fundamental freedoms; stresses that these principles constitute a common fundamental basis for relations with non-EU countries;
 4. Considers, therefore, that the decision of where to place human rights in the structure of the EEAS is of great importance; requests therefore the setting up of a Human Rights and Democracy Directorate with the tasks of developing a robust EU human rights and democracy strategy and providing overall coordination within all multilateral fora; is firmly convinced, while stressing the need to consider that expertise in human rights and democracy must be anchored as a key responsibility for every geographic or policy desk in the EEAS, that this approach prevents human rights from being isolated and is the only way to ensure full compliance with the provisions of the Lisbon Treaty;

⁽¹⁾ Texts adopted, P7_TA(2010)0443.

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5. Acknowledges the HR/VP's commitment to building up an active role for the EU on the world stage with a view to improving human rights and democracy globally; urges the HR/VP in this context to take the necessary action to establish a Brussels-based COHOM with a view to effectively mainstreaming and guaranteeing timely input into other areas of EU institutions and policy; calls in the same spirit on the HR/VP to consider the importance of obligatory human rights training for EU staff, including Heads of Delegations and EEAS Directors;
6. Calls for the creation of a Special Representative for Human Rights; stresses that the appointment of EU Special Representatives on human rights, notably for human rights defenders, for IHL and international justice and for women's rights and children's rights, could help to give EU external action in this field greater coherence and visibility; stresses that these EU Special Representatives should be expert-level appointees with a proven track record on human rights;
7. Takes the view that there is a crucial need for a more coherent framework to make EU support for democracy-building throughout the world more effective; takes the view that a consistent EU foreign policy must give absolute priority to promoting democracy and human rights, given that democratic society, the rule of law, and guarantees of fundamental freedoms are the basis for upholding human rights, which are to be included in all agreements on cooperation and strategic partnership between the EU and non-EU countries; believes that the new institutional structure of the EU, and particularly the EEAS, offers an opportunity to enhance the EU's coherence and effectiveness in this area;
8. Calls on the HR/VP to keep to her commitments on mainstreaming human rights throughout the EU's external action, so that they will be reflected in the structure of, and the resources made available within, the EEAS, enabling the new service to ensure that human rights issues are reflected in all areas of external action, including CSDP, Development and Trade;
9. Takes the view that EU Special Representatives should be further developed rather than gradually phased out, especially to cover countries and regions where the EU does not have a diplomatic mission; considers it essential that, given the importance of human rights issues in conflict and post-conflict situations, all EU Special Representatives should have a mandate which encompasses civil and political rights, economic, social and cultural rights, the rights of women and children, International Humanitarian Law and international justice, and specifically mentions promoting and ensuring respect for human rights, democracy and the rule of law; stresses that EU Special Representatives are the focal points for internal guidance, expertise and advocacy, and logical interlocutors for third countries and other non-EU actors; welcomes the designation of at least one individual in each EU delegation as a contact person to lead human rights policy coordination, mainstreaming and monitoring;
10. Welcomes the HR/VP's readiness to undertake a fundamental review of the effectiveness of all the EU instruments in this field, from human rights dialogues to EU guidelines, and from the European Instrument for Democracy and Human Rights (EIDHR) to the EU's bilateral assistance and actions in multilateral fora, and to launch a consultation process on the development of Country Strategies on human rights encompassing all human rights codified by International Covenants and UN Conventions, which also includes economic, social and cultural rights; stresses the determination to ensure, and the importance of, the EP's full participation in this consultation; stresses the need for civil society organisations to be involved in the consultation;
11. Shares the view that such Country Strategies on human rights, repeatedly requested by Parliament, can substantially reinforce the consistency and effectiveness of EU external action when the Country Strategy becomes a reference document establishing country-specific priorities and objectives to be mainstreamed into all relevant external EU policies and instruments;
12. Insists in particular, in the context of the review, on the importance of conducting a thorough assessment of the human rights aspects of the European Neighbourhood Policy (ENP), which should notably address the coherence and efficiency of the existing mechanisms such as the Action Plans, Progress Reports, Human Rights dialogues and the decision-making process of upgrading relations with non-EU countries;

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13. Considers the revised framework agreement on relations between the European Parliament and the Commission as a breakthrough for Parliament in its cooperation with the Commission, but regrets that the Council is not part of the agreement; insists on the necessity to enhance transparency and unrestricted access to documents between all the EU institutions in order to develop more effective interinstitutional cooperation and coherence;

14. Recalls that the development of a coherent EU foreign policy is essential if the Union is to play a significant, constructive role in promoting human rights around the world; calls on the Member States to show unwavering commitment and political will in pursuing this goal;

15. Stresses that greater priority needs to be given to improving the ability of the EU to respond rapidly to breaches of human rights by non-EU countries, notably when it comes to bringing its support to human rights defenders in danger, as well as to violations of human rights by EU-based companies in non-EU countries, by elaborating strategic programmes of action;

16. Recognises that non-governmental organisations are essential to the development and success of democratic societies, the promotion of mutual understanding and tolerance, as well as to initiating and sustaining actionable policy priorities and shared solutions to the challenges to democratic development;

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17. Underlines the importance of the EU Annual Report on Human Rights in analysing and evaluating the EU's human rights policy, notably with a view to raising the visibility of human rights issues in general; emphasises the right of the European Parliament to scrutinise action carried out in the human rights field by the Commission and Council; calls for the full involvement of the European Parliament in drafting sections of future Annual Reports with regard to Parliament's own activities in relation to human rights, reflecting the practice of some past presidencies;

18. Welcomes the presentation to Parliament by the HR/VP of the EU annual report. and the new reporting period based on a calendar year, which gives the Parliament the opportunity to dedicate the December plenary to human rights, with the award of its annual Sakharov Prize for Freedom of Thought and the discussion of the EP annual report on human rights in the world and the EU's policy on the matter;

19. Calls on the European Parliament, the Council and the Commission to make greater efforts to disseminate the EU annual reports on human rights and democracy and to ensure that they reach as wide a readership as possible, especially those involved in promoting human rights and democracy all over the world; also calls for public information campaigns aimed at raising the EU's profile in this field; recognises that in the current edition an improvement has been made in terms of clearer presentation;

20. Reiterates its request that more and better information should be provided by the Council, the Commission and EU delegations and embassies on the ground for the assessment of policies and that specific guidelines should be defined and proposed to improve the general approach, minimise any contradictions and adjust the policy priorities on a country-by-country basis, with a view to the adoption of human rights strategies by country as defined in the EEAS programme; considers that the issue of transparency must be placed at the forefront by the EU in its actions, with increased access to agendas and documents where human rights are specifically discussed with non-EU countries;

21. Reiterates its call for a regular assessment of the use and results of European Union policies, instruments, initiatives and dialogues on human rights in non-EU countries and for the results to be fully shared with Parliament; calls on the Council and the Commission to develop specific quantifiable indices and benchmarks in order to measure the effectiveness of those policies;

EU activities in the area of human rights in international fora

22. Highlights the future accession of the EU to the European Convention on Human Rights as an opportunity to prove its commitment to defending human rights inside and outside its borders; calls on the EU Member States to support this and commit the EU's citizens to it;

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23. Urges the Commission and the Council to promote widely, within and outside the Union, the European Convention on Human Rights, with the aim inter alia of educating the public on the existence of jurisdiction of the European Court of Human Rights that can be activated to address and redress violations suffered by a Member State of the Council of Europe or its citizens;
24. Urges the High Representative to ensure that the EEAS is well integrated and coordinated with other international bodies, regional organisations and their work in promoting human rights; calls on the High Representative to ensure that recommendations, concerns and priorities expressed within and by the UN system, the Council of Europe, the OSCE and other international institutions are fully and systematically integrated into all EU policy fields, and the human rights field in particular;
25. Notes with regret the slowness of the process of examining cases at the European Court of Human Rights, which has been as much as seven years; notes that there are about 100 000 cases pending at the Court; stresses that the Court must be an exemplary institution for the protection of the right to justice and a fair trial; urges the EU institutions and the EU Member States to make every effort to assist the Court; welcomes the fact that Russia, which was the last country out of 47 participating states at the Council of Europe to refuse to ratify Protocol 14, has ratified Protocol 14 to the European Convention of Human Rights on the efficiency of the Court, which provides for simplification of the Court's procedures and is intended to help it tackle the backlog of cases and which can only enter into force when ratified by all Council of Europe members;
26. Calls for enhanced cooperation between the Council of Europe and the European Union in the field of promoting and ensuring respect for human rights, including economic and social rights and the rights of persons belonging to minorities, promoting the rights of LGBTI individuals and defenders of LGBTI rights, and ensuring that victims of discrimination are aware of, and have access to, effective legal remedies before a national authority to combat discrimination, as well as protecting regional and minority languages, using the legal tools of non-discrimination and existing social rights organisations to advocate diversity and tolerance;
27. Calls on the EU Member States to sign up to, and ratify, all core UN and Council of Europe human rights conventions and the optional protocols thereto, in particular the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007, the 1998 ILO Declaration on Fundamental Principles and Rights at Work, the Council of Europe's framework convention for the protection of national minorities, the European Charter for Regional or Minority languages, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocols to the Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities; insists that the Optional Protocol to the Convention should be regarded as an integral part thereof, and calls for simultaneous accession to the latter (Convention and Protocol) ⁽¹⁾;
28. Underlines the fact that the definitions of human rights adopted by the international community since the end the Second World War have proved sufficiently flexible to include new developments in human progress, but stresses the need to codify new rights to respond to new threats to freedom, such as those relating to freedom of science, conscience and knowledge, gender identity or sexual orientation, and all the rights relating to the digital domain, starting from universal access to the Internet;
29. Stresses the importance of strengthening the rationalisation and, if possible, coordination of international bodies with jurisdiction over human rights and of their procedures, with the goal of always offering a more effective promotion and defence of fundamental rights as contained in the related international instruments;
30. Stresses the need for more serious attention to the various Council of Europe and UN monitoring mechanisms and for closer cooperation with their various treaty bodies in order better to channel their findings and use their expertise in the field;

⁽¹⁾ As of December 2009 Austria, Belgium, Germany, Hungary, Italy, Portugal, Slovenia, Spain, Sweden and the United Kingdom had ratified both the Convention and the Optional Protocol; all Member States had signed the Convention, but 15 Member States had not yet ratified it (Bulgaria, Cyprus, Estonia, Finland, France, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Slovakia); 19 Member States had also signed the Protocol, but 10 had not yet ratified it (Bulgaria, Cyprus, the Czech Republic, Finland, France, Lithuania, Luxembourg, Malta, Romania, Slovakia).

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31. Welcomes the EU's endeavours in the UN General Assembly's Third Committee (on Social, Humanitarian and Cultural Affairs) on a large number of resolutions, in particular on the call for a moratorium on the use of the death penalty, which received more supporting countries, on the rights of the child, on religious intolerance and on the human rights situations in Burma/Myanmar and the Democratic People's Republic of Korea (DPRK);

32. Welcomes the opening of the first European Regional Office of the UN High Commissioner for Human Rights in Brussels in October 2009; suggests establishing efficient cooperation with the High Commissioner to better promote and follow up on formulating and implementing human rights standards and policies in the EU and the rest of Europe;

33. Calls on the Council and the Commission to define a strategy vis-à-vis countries which refuse to cooperate fully with the UN mechanisms and allow access to UN independent experts and Special Rapporteurs, whereby they would grant them full access to their territory and refrain from hampering them in their work;

34. Regrets the weakening of the EU's policy and conduct towards the Burmese junta, and underlines that the current attitude is not helpful in fighting the tragic political, social and humanitarian situation in which the Burmese people have been forced to live since the beginning of the military rule and that this attitude is in danger of appearing to be a sort of appeasement of the dictatorship;

35. Welcomes the European Union's support for initiatives at the United Nations and in other international fora encouraging the decriminalisation of homosexuality; calls for the European Union's continued support in favour of initiatives condemning human rights breaches in relation to sexual orientation and gender identity in all international fora, in coordination with like-minded states; points out that the policy of most countries of the world, including those in the EU, discriminates against lesbians, homosexuals, bisexuals and transsexuals and transgenders and goes against human rights; calls therefore on the Member States and the EU to remedy matters and guarantee equal access to healthcare and treatment, including surgical treatment, for these individuals; calls on the EU and Member States to give particular attention, through their admissions policy for example, to third-country nationals who are the victims of discrimination because of their sexual orientation and gender;

36. Calls on the Commission and the Council to promote an official, judicial legitimisation of the term 'climate refugee' (intended to describe people forced to flee their homes and seek refuge abroad as a consequence of climate change), which is not recognised yet in international law or in any legally binding international agreement;

37. Calls for enhanced cooperation between the United Nations, its Permanent Forum on Indigenous People and the European Union in the field of the protection of indigenous peoples' rights, as indigenous people belong to one of the most vulnerable groups all over the world;

The United Nations Human Rights Council (UNHRC)

38. Stresses the role of the UNHRC within the overall UN architecture and its potential to develop a valuable framework for the European Union's multilateral human rights efforts; notes that this new body must continue to strive to operate according to the highest standards and in as efficient a way as possible in order to gain more credibility;

39. Stresses that active participation by civil society organisations is essential to the efficiency of the UNHRC;

40. Greatly welcomes the fact that the current US Administration is seeking greater involvement with the UN and has assumed a seat on the UNHRC for the period from 2009 to 2012; acknowledges that US membership enhances the credibility and capacity of the UNHRC; calls for the EU to strengthen cooperation with the US, particularly in terms of exchanging experiences of human rights dialogues;

41. Recalls that in 2011 the UNHRC will undergo a major review of its procedures, and therefore calls for the EU to prepare for, and actively participate in, this review;

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42. Highlights the important role of the Universal Periodic Reviews (UPR), and calls on the Council, the Commission and, in particular, the new EEAS to closely follow and monitor the undertakings of the Universal Periodic Review and, in the context of the UNHRC review, to make the UPR more effective and to increase the weight attached to independent expert opinion;
43. Strongly supports the EU's efforts to prevent any partiality and manipulation of the UPRs; in this context, strongly deplores the outcome of the session in February 2009, which suffered heavily from procedural obstructions and efforts to manipulate the process during the review process;
44. Calls upon the HR/VP to visit the UNHRC regularly and to ensure personally that there are the closest possible links between the UNHRC and the EEAS at all levels; encourages the future Human Rights segment of the EEAS to set up close working contact with the UNHRC; calls for coordinated dialogue with non-EU countries on the positions taken in the UN Human Rights Council, not just in Geneva and in the specific Human Rights Dialogues, but as an integral part of all the EU's bilateral political, trade and development cooperation discussions with these countries;
45. Notes that EU Member States are in a minority in the UNHRC; calls on the EU institutions and the Member States to take concerted action in developing appropriate alliances with those countries and with non-state actors which are continuing to defend the universal and indivisible nature of human rights;
46. Calls on the High Representative and EU Foreign Ministers to adopt Foreign Affairs Council (FAC) conclusions ahead of every UN Human Rights Council and of UN General Assembly Sessions, setting out the EU's priorities and strategies;
47. Calls on the Council, the Commission and the EEAS to strengthen their engagement with democratic governments or governments on the path to democracy from other regional groups within the UNHRC, with a view to improving the chances of success of initiatives aimed at respect for the principles contained in the Universal Declaration of Human Rights; to this end, calls on the Commission and the Member States to coordinate their actions more effectively, and asks the Commission to provide an annual report on voting patterns at the UN in matters concerning human rights, which would analyse how these have been affected by the policies of the EU and its Member States and those of other blocs; reiterates that the EU Delegation and EU Member States in Geneva should give greater priority to outreach to non-EU countries at an earlier stage in discussions, and avoid over-emphasis on internal discussions designed to achieve EU unity at the risk of a 'lowest common denominator' approach;
48. Reaffirms the vital importance of the special procedures and country mandates within the UNHRC; welcomes the newly established thematic mandate in the field of cultural rights, and welcomes the extension of the thematic mandates on the right to food, freedom of religion or belief, and internally displaced people; further welcomes the extension of the country mandates for Burundi, Haiti, Cambodia, Somalia, the Democratic People's Republic of Korea (DPRK), Myanmar and Sudan; regrets that the mandates for Liberia and the Democratic Republic of Congo (DRC) were not extended;
49. Warmly welcomes the 2008 decision of the UNHRC to extend the mandate of the UN Special Representative to the Secretary-General on Business and Human Rights, and the Council conclusions adopted in December 2009 under the Swedish Presidency welcoming the work of the Special Representative; calls on the EU Member States to continue to work towards the operationalisation of the final recommendations of the mandate and the 'protect, respect, remedy' framework due to be presented to the UNHRC in 2011;
50. Welcomes the special sessions of the UNHRC on the human rights situation in the east of the DRC, on the impact of the global economic and financial crises on the universal realisation and effective enjoyment of human rights, on the situation of human rights in Sri Lanka, and on the human rights situation in the Occupied Palestinian Territories and East Jerusalem; regrets that during the 12th session of the UNHRC on 16 October 2009 the EU Member States failed to come up with a single position with regard to the vote on the Goldstone report, with 4 Member States voting against, 2 abstaining and 2 being absent during the vote; calls on the Member States and all relevant EU institutions to achieve closer policy coordination in the HRC and other UN bodies; stresses that respect for international human rights law and

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international humanitarian law by all parties and under all circumstances is an essential prerequisite for achieving a just and lasting peace in the Middle East; urges all parties, therefore, to comply with the UNGA resolutions adopted on 5 November 2009 and 26 February 2010 by conducting investigations that meet international standards; calls on the HR/VP to ensure that those who have committed violations of international law are held accountable in accordance with the EU obligation under the Geneva Convention and the EU priority of combating impunity;

51. Supports the independence of the Office of the High Commissioner for Human Rights (OHCHR); regrets that during the 10th regular session in March 2009, despite the EU's opposition, a resolution aimed at limiting OHCHR's independence was adopted; calls on the EU institutions to provide additional financial support to OHCHR's special procedures system as a whole, so as to make sure that all special procedures' mandate holders have enough resources to perform their functions adequately;

EU cooperation with the International Criminal Court

52. Reiterates its strong support for the International Criminal Court and its primary objective of fighting impunity for genocide, war crimes and crimes against humanity; welcomes the fact that the ratifications of the Rome Statute by Bangladesh, the Seychelles, Saint Lucia and Moldova in March, August and October 2010 brought the total number of States Parties to 114; stresses that the Rome Statute of the ICC was ratified by all the EU Member States as an essential component of the democratic principles and values of the Union and therefore calls upon the Member States to comply fully with the Statute as part of the EU *acquis*; underlines the importance of the principle of universality, and calls on the EEAS, the EU Member States and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the agreement on Privileges and Immunities of the International Criminal Court and national implementing legislation, and to review the Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court and the 2004 Action Plan to follow up on the Common Position; requests that such efforts be extended to the Agreement on the Privileges and Immunities of the ICC (APIC), an important operational tool for the Court; further calls on EU Member States to revise and update the Common Position and Action Plan on the ICC in order to reinforce effective assistance by the EU of the ICC in light of current developments, challenges and needs of the Court, as the warrants for arrest and trials at the ICC continue to increase in number, as well as to start discussions on the possible adoption of EU guidelines on international justice/ ICC;

53. Strongly encourages the EEAS, the Commission and the EU Member States to support implementation of ICC decisions and cooperation with the Court during enlargement negotiations and in accession processes, as well as at all EU summits and dialogues with non-EU countries, including the United States, China, Russia, the African Union and Israel; urges in particular the Council and the Commission to ensure that justice is an integral element in all peace negotiations; calls on the EEAS to pursue systematically the inclusion of an ICC clause in related agreements with non-EU countries; calls on the High Representative to ensure the ICC is mainstreamed across EU foreign policy priorities and is included in the mandate of EU Special Representatives, as appropriate, and, furthermore, to ensure that EEAS staff are regularly trained on the ICC, both at headquarters and in EU delegations; calls on the High Representative to appoint a Special Envoy on International Justice with the mandate to promote, mainstream and represent the EU's commitment to the fight against impunity and the ICC across EU foreign policies;

54. Welcomes the execution by Belgium of the arrest warrant issued by ICC Pre-Trial Chamber III against Jean Pierre Bemba, on 3 July 2008; notes with great concern, however, that eight arrest warrants issued by the ICC, including those against four senior leaders of the Lord's Resistance Army (LRA) in Uganda, Bosco Ntaganda in the DRC, Ahmad Harun, Ali Kushayb and Sudanese President Omar Hassan Ahmad Al-Bashir, have not yet been executed; deplores the persistent failure and refusal of Sudan to arrest and transfer the suspects to the ICC in continuous disregard of its obligations under UN Security Council Resolution 1593 (2005); notes that on 26 May 2010 ICC Pre-Trial Chamber I informed the United Nations Security Council of the lack of cooperation by the Republic of the Sudan in the case against Harun and Kushayb; expresses great concern that two ICC States Parties, Chad and Kenya, recently invited and welcomed President Omar al-Bashir to their territories despite their obligation under the Rome Statute to arrest him, and failed to execute the relevant arrest warrant; calls for the continuing search for outstanding indictees, and stresses the role which the EU and ICC could play in ensuring that investigations are carried out into possible war crimes in Sri Lanka and the Democratic Republic of the Congo;

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55. Welcomes the US engagement with, and renewed commitment to, the ICC, illustrated not least by its participating as an observer in the Eighth Session of the Assembly of States Parties (ASP) in The Hague in November 2009, as well as in the first Review Conference of the Rome Statute in June 2010; notes with satisfaction the first promising statements on the ICC by the US Administration and its pledges of cooperation with the Court made during the Review Conference; calls on the USA to reinstate its signature and further engage with the ICC, especially by cooperating fully in situations which are the subject of an ICC investigation or preliminary analysis and by completing a comprehensive ICC policy;

56. Encourages the next ACP-EU Joint Parliamentary Assembly to discuss the fight against impunity in international development cooperation and relevant political dialogue, as advocated in several resolutions and in Article 11.6 of the revised Cotonou Agreement, with a view to mainstreaming the fight against impunity and the strengthening of the rule of law within existing development cooperation programmes and actions; calls on the EU and its Member States to continue the dialogue with the African Union on these matters and to support African States Parties in continuing to abide by their obligations under the Rome Statute; expresses support for the Court's request to open a liaison office with the African Union in Addis Ababa;

57. Notes that cooperation between States Parties, signatory states and the Court under Article 86 of the Rome Statute remains essential to the effectiveness and success of the international criminal justice system, in particular in terms of law-enforcement capacity and of the Court's effective and independent judicial activities; further acknowledges the agreement between the ICC and the EU on cooperation and assistance and, keeping this agreement in mind, calls on the European Union and its Member States to provide the Court with all necessary assistance, including field support in its ongoing cases and, in particular, for the implementation of pending arrest warrants; urges all EU Member States to enact national legislation on cooperation, in accordance with Part IX of the Rome Statute, if they have not yet done so, and to conclude ad hoc agreements with the Court for the enforcement of the Court's sentences and the protection and relocation of victims and witnesses; calls on the EU Member States to include cooperation as a standing item on the agenda of the Assembly of States Parties (ASP) to the ICC, in order to ensure that best practices are shared and to ensure that non-cooperation instances are discussed and appropriate measures taken by the ASP;

58. Underscores the need to strengthen the international criminal justice system in general and in this respect notes with concern that Ratko Mladić and Goran Hadžić remain at large and have not been brought before the ICTY; in this context, calls on the Serbian authorities to ensure full cooperation with the ICTY, which should lead to the arrest and transfer of all remaining indictees, in order to open the way to the ratification of a Stabilisation and Association Agreement; notes the need for ongoing support, including financial support, to enable the Special Court for Sierra Leone to complete ongoing trials, including any appeal processes; also notes progress in multilateral cooperation on the supply of expertise and assistance where the identification, collection and preservation of information would assist a wide range of international and transitional justice options, in particular through the Justice Rapid Response (JRR), in which more than half of EU Member States are participants, and encourages ongoing and increased support for the JRR;

EU human rights guidelines

Death penalty

59. Recalls the resolution calling for a global moratorium on the use of the death penalty (Resolution 63/168) adopted by the United Nations General Assembly on 18 December 2008; stresses that the resolution now has 106 countries voting in favour, confirming a gradual consolidation of global opinion against the death penalty;

60. Welcomes the decisions to abolish the death penalty in 2009 by Burundi and Togo and by the US State of New Mexico; urges the US to abolish the death penalty and regrets the fact that the death penalty is still implemented in 35 out of 50 states of the US;

61. Calls on the Council and the Commission to encourage those remaining countries which have not signed up to, ratified or implemented the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), or a similar regional instrument, to do so;

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62. Calls on the Commission and Member States to ensure that the production and sale of sodium thiopental by companies based in the EU is permitted for medical purposes only and that any licence to produce this drug must impose labelling requirements so that the packaging indicates that it may not be employed to administer lethal injections, in line with national and European laws prohibiting capital punishment, torture or any other cruel and inhuman or degrading treatment or punishment;

63. Reiterates that the EU is opposed to the death penalty in all circumstances including extra-judicial executions; recalls that the EU is the lead donor to civil society organisations which fight against the death penalty; asks the Commission to continue to give priority to the fight against this cruel and inhuman punishment and to keep it as a thematic priority under the EIDHR and geographical instruments; does not consider life imprisonment without parole to be an acceptable alternative to the death penalty;

64. Urges countries which still have recourse to death by stoning to abolish legislation providing for this inhuman punishment; urges the Iranian leaders to enact a law unequivocally banning stoning as a legal punishment, which is the most barbaric form of the death penalty; condemns the fact that many countries still sentence to death and execute juvenile offenders; condemns the Iranian regime's use of the death penalty, which places Iran in second position, just after China, in the league table of countries with the highest number of executions; strongly condemns the increased number of executions following the peaceful demonstrations after presidential elections in Iran in June 2009; is concerned that China still carries out the greatest number of executions worldwide and calls on China to make its national execution figures public, so that there can be transparent analysis and debate on the death penalty; welcomes the positive action of the Belarusian authorities in setting up a Working Group to draft proposals on imposing a moratorium on the death penalty; remains concerned that executions are still carried out in Belarus, which is the only country in Europe that continues to use the death penalty, leaving the families of those executed without information on the date of the execution or where the body is buried;

65. Notes that there are 32 jurisdictions in the world with laws allowing the death penalty to be applied for drug offences; notes that United Nations Office on Drugs and Crime (UNODC), the European Commission and individual European governments are actively involved in funding and/or delivering technical assistance, legislative support and financial aid intended to strengthen drug enforcement activities in states that retain the death penalty for drug enforcement; is concerned that such assistance could lead towards increased death sentences and executions; calls on the Commission to develop guidelines governing international funding for country-level and regional drug enforcement activities to ensure such programmes do not result in human rights violations, including the application of the death penalty; stresses that the abolition of the death penalty for drug-related offences should be made a precondition for financial assistance, technical assistance, capacity-building and other support for drug enforcement;

66. Is concerned that executions are still carried out in Belarus, which is the only country in Europe that continues to use the death penalty; supports the authorities in setting up a Working Group to draft proposals on imposing a moratorium on the death penalty;

67. Expresses grave concern about the Anti-Homosexuality Bill 2009 currently under consideration by Uganda's parliament, which punishes support for lesbian, gay or bisexual people with fines and imprisonment, and punishes consensual homosexual acts with fines, imprisonment and the death penalty; calls on the Ugandan parliament to reject this and any similar legislation; condemns the criminalisation of homosexuality worldwide;

LGBT rights

68. In the light of the numerous human rights abuses suffered by lesbian, gay, bisexual and transgender people throughout the world in 2009, welcomes the adoption by the Council of the European Union's Working Party on Human Rights of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People; calls on EU delegations and the European External Action Service to fully implement the guidelines included in the Toolkit;

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Violence against women

69. Notes that the programme of the Trio Presidency of France, the Czech Republic and Sweden (July 2008 - December 2009) gave priority to the question of violence against women and girls, and asks for coherence on principles and policies both outside and inside the EU, including with respect to supporting a ban on female genital mutilation as a human rights violation; notes the recent adoption of a new set of guidelines on the matter and expects the Commission to present the results of its implementation to Parliament;

70. Takes account of the new European Commission's gender equality strategy's referring specifically to the issue of female genital mutilation; reiterates the need for coherence on EU internal and external policies regarding this particular issue; urges the European Commission and the EU Member States to address the issue of female genital mutilation in the framework of political and policy dialogues with partner countries and stakeholders relevant to this sensitive issue in the national context, using a participatory approach and involving affected communities; calls on the Commission, the Council and the Member States to activate all political and institutional means in order to support initiatives aiming at the adoption as soon as possible of a resolution by the UNGA calling for a worldwide moratorium on female genital mutilation;

71. Considers that violence against women is also expressed psychologically; observes that in the field of work women remain underpaid in comparison with men and that more of them are employed in precarious or part-time jobs; stresses therefore that the role of the Commission and Member States in this field, both within and outside the European Union, cannot be confined to combating violence in the narrow sense, given the need to combat violence against women in all its forms – physical, psychological, social and economic – and that priority should be assigned to education free of gender bias for boys and girls from the earliest age and to combating gender stereotypes;

72. Underlines the importance of comprehensive implementation of the UN Security Council resolutions 1325, 1820, 888 and 1889 calling for the participation of women in all phases and at all levels of conflict resolution and the protection of women and girls from sexual violence and discrimination; calls on Member States that do not yet have a National Action Plan for the implementation of the UNSCR 1325 to adopt one as a matter of urgency; strongly condemns rape used as an instrument of war and the recurrent mass rapes occurring in DR Congo; requests full disclosure on the incapacity of the MONUSCO peacekeeping force to put a stop to mass rapes; urges the EU HR/VP, through EUSEC and EUPOL in DRC, to conduct an enquiry and report to the EP on all Congolese and international companies or entities involved in the extractive industries in DRC which pay armed groups and security personnel involved in such mass rapes and other systematic crimes against civilians;

73. Calls on the HR/VP to increase the number of staff working on gender issues in external action and to create dedicated structures; recognises the progress made in CSDP in both missions and staff training;

74. Expresses its deep concern about the entrenched gender-based discrimination and domestic violence in several countries, and points out that women living in rural areas are a particularly vulnerable group; similarly, is greatly concerned about cases of sexual violence and high rates of rape of women and girls in South Africa, investigations often being inadequate and obstructed by gender bias, with victims facing numerous obstacles in accessing healthcare and delays in the provision of medical treatment; strongly condemns violence against women and girls as a chronic problem in Guatemala and Mexico;

75. Is deeply concerned about the situation of women and girls in Iran, DRC, Afghanistan; condemns brutal violations of women's rights in DRC, urges the international community to significantly increase funds aimed at efforts to protect women from rape, and stresses that major international attention must be given as a matter of urgency to the situation of women and girls in the DRC; condemns the Shia Personal Status Law adopted in March 2009, which strongly violates the rights of Afghan women and contradicts the Afghan Constitution and international human rights standards; welcomes amendments made to the law on 'Personal Affairs of the Followers of Shia Jurisprudence' but remains deeply concerned about certain articles of the law, which contradict the obligations of Afghanistan under the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child; urges the Afghan authorities to take action without delay to improve the situation of women's rights in the country;

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76. Insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the combating and elimination of all forms of discrimination and violence against women and girls, including, most prominently, gender-selected abortion, all forms of harmful traditional or customary practices, for example female genital mutilation and early or forced marriage, all forms of trafficking in human beings, domestic violence and femicide, exploitation at work and economic exploitation, and likewise insists that the invocation by states of any custom, tradition, or religious consideration of any kind, in order to evade their duty to eliminate such brutality, be rejected; emphasises that efforts to eliminate all forms of female genital mutilation should be intensified both at the grass-roots level and within the policy-making process, so as to highlight the fact that such mutilation is both a gender issue and a human rights violation relating to physical integrity; underlines the situation of immigrant young women who, due to the principles of certain communities, religion, or family honour, have to face mistreatment, honour killings or genital mutilation and are being deprived of their freedom;

77. Recalls the Millennium Development Goals, and stresses that access to education and health are basic human rights; believes that health programmes, including sexual and reproductive health, promotion of gender equality, empowerment of women and rights of the child should be prominent in the EU's development and human rights policy, in particular where gender-based violence is pervasive and women and children are put at risk of HIV/AIDS, or denied access to information, prevention and/or treatment; calls on the Commission to integrate core labour rights and the decent work agenda into its development policy, in particular in trade-related assistance programmes;

78. Welcomes the UN Human Rights Council resolution of 16 June 2009 on preventable maternal mortality and morbidity and human rights, which calls for urgent action in line with the Millennium Development Goals to prevent women from dying needlessly in pregnancy and childbirth; notes that the resolution was supported by the EU Member States, and calls on them effectively to promote the protection of the human rights of women and girls, in particular their rights to life, to be equal in dignity, to education, to be free to seek, receive and impart information, to enjoy the benefits of scientific progress, to freedom from discrimination, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

79. Calls on the Council, the Commission and the Member States to promote in particular the ratification and implementation by African Union Member States of the African Union Protocol on the Rights of Women in Africa;

Torture and other cruel, inhumane or degrading treatment

80. Calls for recognition of health abuses against patients and individuals, in particular those unable to defend themselves, as cruel, inhumane and degrading treatment, while recognising the difficulty of proving certain acts and therefore calling for the highest degree of vigilance;

81. Calls for the recognition that minorities such as indigenous groups and people discriminated against because of their caste are disproportionately vulnerable and subjected to torture;

82. Calls on all states which have not yet done so to become parties to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to its Optional Protocol (OPCAT); urges states to lift any reservations they have made to these instruments; encourages states which have signed the OPCAT to implement the National Prevention Mechanism (NPM) better and faster;

83. Encourages states around the world to adopt and effectively implement the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol (IP); considers the IP to be a vital instrument for gathering evidence and preventing impunity; is convinced that impunity of torturers remains a significant obstacle to the effective prevention of torture as it implicitly encourages the perpetrators to continue their abhorrent practices;

84. Stresses the importance of effective implementation of the EU Guidelines against torture and other cruel, inhuman or degrading treatment or punishment; calls on the Council and Commission to present the results of implementation of such guidelines, paying special attention to the results in terms of rehabilitation of victims of torture of the European Instrument for Democracy and Human Rights;

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85. Calls on the Member States to follow up the requests made in its resolution of 17 June 2010 on trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment ⁽¹⁾; calls on the Commission to present as soon as possible a revision of several provisions of Council Regulation (EC) No 1236/2005 of 27 June 2005;

86. Is particularly concerned about the high wave of corruption, criminality, political persecution, impunity, and torture and imprisonment of opposition members in Venezuela due to the 'politisation' of police forces, the lack of policies and government's inability to tackle these serious threats to human rights;

87. Expresses deep concern at the resurgence of violations of human rights in the world against persons on grounds of their sexual orientation, and condemns any act of violence against them; notes an increasing number of murders of transgender people worldwide; strongly regrets that in many countries homosexuality is still considered a crime punishable by imprisonment and in some cases even by death; welcomes, in this regard, the decision of the Delhi High Court of 2 July 2009 that decriminalised homosexuality in India, and calls on other countries to follow its example;

Children's Rights

88. Deeply deplores the fact that some 215 million children are estimated to be victims of child labour, of whom three quarters perform the worst forms of child labour (ILO figures, 2009); welcomes the EU Council conclusions of 14 June 2010 on child labour and the related study by the Commission (SEC(2010)0037) calling for a comprehensive EU policy approach that focuses on development and the eradication of poverty; calls on the Commission to ensure effective monitoring of progress in this field and to encourage, along with the EU Member States, its implementation in dialogues with non-EU countries;

89. Recalls the successful 11th EU-NGO Human Rights Forum on the topic of combating violence against children, and the Swedish Presidency (Stockholm, July 2009) and its appeals to continue the legal work to prohibit all forms of corporal punishment in all settings including the home, to identify best practices and lessons learned in combating violence against children in conflict and post-conflict situations, and to increase coherence between EU external action and EU/MS internal policies on children's rights;

90. Expresses grave concern at the fact that millions of children are still victims of rape, domestic violence, and physical, emotional and sexual abuse, including sexual and economic exploitation; stresses that all rights recognised by the Convention on the Rights of the Child and its optional protocols have equal importance, and calls for the full ratification and implementation of obligations, as well as for particular attention to the new forms of commercial sexual exploitation of children;

91. Is deeply concerned that Eastern Europe and Central Asia continue to face rapid increases in HIV infections among men, women and children; notes with concern that access to antiretroviral treatment is still among the lowest in the world; notes with concern that stigmatisation and discrimination that violate the basic rights and dignity of children affected by HIV are hampering further progress in prevention, care and support; calls on the Commission to consider policy reforms, programmatic shifts and a reallocation of resources in order to protect the rights and dignity of children and young people who are vulnerable, at risk and living with or affected by HIV;

92. Calls urgently for additional EU measures against child labour, and calls for the EU to apply more efficiently the instruments at its disposal by incorporating them in human rights dialogues and consultations; calls for the EU to implement effectively the EU Guidelines on the Rights of the Child and to study the possibility of adopting guidelines on combating child labour; recalls that even EU trade policy can play a useful role in the fight against child labour, notably through the use of GSP+ incentives; hopes that in future this tool will be assessed better and will be the subject of an annual evaluation submitted to the European Parliament on the occasion of the annual debate on human rights;

⁽¹⁾ Texts adopted, P7_TA(2010)0236.

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93. Notes that 2009 marked the 20th anniversary of the Convention of the Rights of the Child; notes with satisfaction that accession to the Convention is now almost universal, and urges countries which have not joined the Convention to do so without delay; remains deeply concerned that full realisation of the rights entailed is still widely violated; calls for an increase in the attention devoted to the child's needs for special safeguards and care, including appropriate legal protection, before as well as after the birth, as foreseen by both the Convention on the Rights of the Child and the Declaration of the Rights of the Child; welcomes the appointment of the Special Representative to the Secretary-General on Violence Against Children and underlines the importance of the mandate;

94. Expresses deep concern about children involved in, or otherwise affected by, armed conflicts or even forced to take an active part in them; urges the Commission and the Council to strengthen the implementation of the EU Guidelines on Children and Armed Conflicts; welcomes the new UNSC Resolution 1882 (2009), which further strengthens the protection of children involved in, and affected by, armed conflict;

95. Expresses deep concerns about the use of children as soldiers; calls for immediate steps to be taken by the EU and the UN for their disarmament, rehabilitation and reintegration;

Human rights defenders

96. Welcomes actions undertaken to implement the review and upgrade of the EU Guidelines on Human Rights Defenders as reviewed in 2008; notes the development of more than 60 local implementation strategies and the appointment of relevant liaison officers; remains, however, particularly concerned by the failure to implement these Guidelines by EU delegations, calls on the EEAS to develop an implementation plan with clear indicators and deadlines in order to continue progress towards effective implementation of the Guidelines, and requests the list of available local strategies; calls on the EEAS, the Council, the Commission and the Member States to take the necessary measures to increase awareness of the Guidelines amongst human rights defenders and EU diplomats working in non-EU countries; calls on the EU missions to maintain regular contacts with human rights defenders before taking action on their behalf and to provide them with feedback; emphasises that during the process of drafting local implementation strategies, a wide range of human rights defenders working in both urban and rural environments on economic, social and cultural rights as well as on civic and political rights should be consulted; notes that local implementation strategies should include a concrete agenda of measures to be taken to improve the protection of human rights defenders and that the impact of these strategies should be evaluated after a reasonable period of time; calls in this respect for an evaluation of the implementation of the assistance and measures undertaken by civil society organisations to support human rights defenders under the EIDHR;

97. Calls on the HR/VP to prioritise a more effective implementation of the existing tools and mechanisms for coherent and systematic protection of human rights defenders, calls on the High Representative of the European Union and on all Commissioners with responsibilities in the area of External Relations to institutionalise a policy of systematically meeting with human rights defenders when they travel officially in non-EU 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;

98. Urges the Council, the Commission and the Member States to implement the measures proposed by Parliament in its resolution on EU policies in favour of human rights defenders, adopted in June 2010, with emphasis on measures aimed at providing swift assistance to human rights defenders at risk, such as emergency visas and shelter, and those implying public support and visible recognition of the work of human rights defenders, with a gender perspective in the implementation of the guidelines in favour of women human rights defenders and other particularly vulnerable groups, such as defenders working to promote economic, social and cultural rights and those working with the rights of minorities and indigenous people; calls on the HR/VP to push for the implementation of the Shelter Cities programme, which provides shelter for human rights defenders in European cities;

99. Calls, in the context of the implementation of the Treaty of Lisbon and the establishment of the EEAS, for the EU institutions to establish an interinstitutional cooperation mechanism on human rights defenders; understands that the creation of such a mechanism could be eased by the setting up of focal

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points and explicit guidelines for human rights defenders in all the EU institutions and development of closer cooperation, with the focal points for human rights defenders and those responsible for human rights and democracy in EU missions and delegations; calls on the EEAS to set up a statistical database on cases where the EU delegations provided assistance to human rights defenders, in order to evaluate the effectiveness of the guidelines and to report back to the EP on the results of these evaluations;

100. Acknowledges conclusions in many human rights reports that human rights defenders, while making an invaluable contribution to the protection and promotion of human rights at the risk of their own personal safety, have been suffering from increasingly strong attacks in various forms, such as attacks on freedom of conscience, freedom of religion, freedom of expression or freedom of association, assaults on, and murder of, relevant persons, arbitrary arrests, unfair trials and closure of the offices of civil society organisations; calls on the EU delegations to play a more active role in preventing these attacks in cooperation with the civil society organisations of the countries concerned, while taking care not to expose these organisations' staff and supporters to danger;

101. Remains vigilant vis-à-vis non-EU governments which use the adoption of controversial laws governing NGOs as an attempt to silence the human rights movement, such as the so-called 'Charities and Societies Proclamation', passed by the Ethiopian Parliament in January 2009, which virtually forbids all human rights activities;

102. Condemns the fact that in several countries attacks and anonymous threats against human rights defenders are commonplace, journalists, in particular those covering corruption and drug trafficking facing threats and attacks for their work;

103. Expresses its deep regret at the assassinations of, among others, Stanislav Markelov, Anastasia Baburova and Natalya Estemirova in Russia and of André Rwisereka and Jean Leonard Rugambage in Rwanda, the arbitrary detention of Roxana Saberi and Abdolfattah Soltani in Iran, and the continued detention and the lack of adequate access to healthcare to which Hu Jia, 2008 Sakharov Prize, was submitted in China, all of which took place during the reporting period; urges the Chinese authorities to clarify without delay the situation of the prominent human rights lawyer Mr Gao Zhisheng, who disappeared on 4 February 2009, and to open a fully independent and transparent investigation into his disappearance;

104. Condemns the detention and harassment of Saharawi human rights defenders in the Moroccan-controlled, Western Saharan territory, and urges the UN to include the monitoring of the human rights situation in the UN mission for the Western Sahara mandate (MINURSO);

105. Notes the release of local human rights defenders in Cuba; deeply regrets the fact that the Cuban Government refuses to recognise human rights monitoring as a legitimate activity, denying legal status to local human rights groups; notes with concern that the detention of human rights defenders in the country is also a grave human rights violation; calls on the Government of Cuba not to exile political prisoners and to give them the freedom to leave and to travel back to Cuba without being arrested;

106. Welcomes the decision of the Nobel Peace Prize Committee to award Liu Xiaobo with the 2010 Nobel Peace Prize for his long and non-violent struggle for fundamental human rights and freedoms in China; urges the Beijing Government to release Liu Xiaobo immediately and unconditionally from detention and to lift the restrictions on his wife Liu Xia;

107. Is greatly concerned that Iran has continued in 2008 and 2009 to suppress independent human rights defenders and members of civil society, and that serious violations of human rights have persisted, even increased; condemns the arbitrary arrest, torture and imprisonment of human rights defenders for their work, on the charge of 'activities contrary to national security'; regrets the current government policy directed against teachers and academics, barring students from access to higher education, and condemns the persecution and imprisonment of student activists; regrets the turmoil in the aftermath of the 12 June 2009 Presidential elections and the violence used by the Iranian authorities, resulting in the arbitrary detention of at least 400 people, the reported killing of at least 40, mass trials of people accused of crimes against national security, the ill-treatment and torture that took place, and the death sentences issued;

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Human rights clauses

108. Emphasises the importance and indispensability of human rights and democracy clauses and effective dispute mechanisms in trade agreements, including fisheries agreements, between the EU and non-EU countries; requests, however, once again that this clause be accompanied by an enforcement mechanism so as to ensure its implementation in practice; highlights the importance of closely monitoring the human rights record of non-EU countries that engage in trade relations with the EU; stresses that such monitoring and assessment should include formal consultations with civil society regarding the impact of these agreements; calls for a clear set of human rights benchmarks to be established within the framework of individual trade agreements to ensure that there is a clear standard and understanding for both parties on what situations and actions may trigger such human rights clauses;

109. Reaffirms the principle of the indivisibility of human rights, and condemns attempts to consider any right or ground of discrimination less important than others; calls on the Commission and Council to respect the principle of indivisibility when negotiating human rights clauses with non-EU countries;

110. Stresses that, with a view to fulfilling its international human rights commitments, the EU should include, taking account of the nature of the agreements and the situation specific to each partner country, systematic clauses relating to democracy, the rule of law and human rights, as well as social and environmental standards; considers that these clauses should allow the Commission to suspend at least temporarily trade advantages, including those stemming from free trade agreements, if sufficient evidence of human rights – including labour rights – violations is found, either on its own initiative or at the request of a Member State or the European Parliament; considers that, at all events, the EU should clearly indicate the appropriate penalties which could be applied to non-EU countries that commit serious human rights violations, and should apply them; reiterates yet again its call for the Commission, the Council and, in particular the HR/VP of the Commission, to render effective the human rights clauses in the international agreements in force and consequently to establish a procedure for effective implementation of these clauses in the spirit of Articles 8, 9 and 96 of the Cotonou Agreement;

111. Welcomes the use of impact assessments on sustainable development, but considers that they should also be carried out once the agreement is in place, and not only ex-ante, to ensure continuing evaluation;

112. Notes the functioning of the GSP+ (Generalised System of Preferences) regime; considers, however, that this system which rewards countries with considerable trade benefits for compliance with international human rights and labour rights conventions and standards must be more closely and transparently monitored, including by the use of detailed Human Rights Impacts Assessments, a consistent and fair benchmarking system, and open consultations when the preference is being awarded, and that trade preferences must be granted only to countries that have ratified and effectively implemented key international conventions on sustainable development, human rights - particularly child labour - and good governance; calls for enhanced monitoring of implementation with civil society, trade unions and communities, taking account of the achievements as well as the setbacks in the development of human rights, including social, economic, cultural and environmental rights; stresses the importance of close monitoring of ICCPR implementation by Pakistan, which is invited to participate in the GSP+ system;

113. Urges the Commission to table a proposal for a regulation banning importation into the EU of goods produced using forced labour, and in particular child labour, in violation of basic human rights standards; emphasises that such a regulation would have to enable the EU to investigate specific claims;

114. Welcomes the inclusion of a human rights clause in the Partnership Agreement signed by the EU with Indonesia and in the Stabilisation and Association Agreement with Albania, which entered into force during the reporting period, which brings to more than 120 the number of countries accepting the inclusion of this clause in agreements with the EU;

115. Deplores the poor follow-up of human rights clauses inserted in the Cotonou Agreement, and urges the HR/VP, the Commission, the Council and the Member States to make full use of those clauses in order to take up extensively human rights problems and the promotion of human rights in bilateral and regional dialogues with ACP partner countries;

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Promotion of democracy and rule of law in external relations

116. Welcomes the Council Conclusions on Democracy Support in EU External Relations⁽¹⁾ and the adoption of the EU Agenda for Action on Democracy Support in EU External Relations as a means of improving the coherence and effectiveness of EU democracy support;

117. Urges the Commission finally to follow up without delay, through the necessary initiatives and financial commitments, the 2007 Human Rights Report in which Parliament considered 'non-violence as the most appropriate means of ensuring that fundamental human rights are enjoyed, upheld, promoted and respected', believing that 'its promotion should constitute a priority objective in EU human rights and democracy policy';

118. Calls on the Commission to integrate the agenda for democracy support more fully in the annual action programmes of its external instruments, in particular that of the EIDHR, as well as in regional and country strategy papers, thereby consistently taking into account the country's specific situation and the EU's regional strategy;

119. Takes note of the Amnesty International Report 2010 which highlights the ongoing second trial of former YUKOS oil company chief Mikhail Khodorkovsky and his business associate Platon Lebedev as representative of unfair trials in Russia; calls upon the Russian Federation to ensure that fundamental norms of due process and human rights are respected in the prosecution of these and all other defendants in the country's justice system;

120. Urges the Russian judicial authorities to press ahead with the investigation of the death on 16 November 2009 of Russian lawyer Sergey Magnitsky; deplores that this case is still an outstanding example of the serious shortcomings within the country's judicial system; regrets the situation that, while human rights defenders are often subject to a harsh treatment and trials that ignore the Russian Federation's Code of Criminal Procedure (such as its Article 72 in the case against Oleg Orlov of Memorial for slander), those guilty of aggressions against and even murder of human rights defenders, independent journalists and lawyers still too often enjoy impunity; calls on the Council, in the absence of positive moves from the Russian authorities to cooperate and investigate the case of Sergey Magnitsky, to insist that the Russian authorities bring those responsible to justice and to consider imposing an EU entry ban for Russian officials involved in this case, and encourages EU law enforcement agencies to cooperate in freezing bank accounts and other assets of these Russian officials in all EU Member States;

121. Calls on the HR/VP of the Commission to ensure that human rights and democracy-building effectively become 'the silver thread running through all' external policy areas; notes meanwhile with concern that the Council has not formally taken note of any follow-up report in relation to the Council conclusions of November 2009 on Democracy Support in the EU's External Relations and the Agenda for Action on Democracy Support, contrary to what is stipulated in the said Council conclusions;

International Humanitarian Law (IHL)

122. Welcomes the conclusions adopted by the Council in December 2009 on promoting compliance with IHL, in the same year that the 60th anniversary of the Geneva Conventions was celebrated;

123. Notes the adoption of the Updated EU Guidelines on promoting compliance with IHL in 2009; calls on the Council to integrate the implementation of the IHL guidelines more effectively with the other EU human rights guidelines and to improve the mainstreaming of IHL throughout the external action of the EU;

124. Welcomes the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia (IIFMCG – CEIIG) (the 'Tagliavini Report') issued on 30 September 2009, and supports its main observations and conclusions under international humanitarian law and human rights law, in particular the need to ensure accountability and reparation for all violations committed in August 2008, and expects that the extensive background information provided by the report can be used for legal proceedings at national and international level to finally ensure accountability for the crimes committed during the conflict between Russia and Georgia of August 2008;

⁽¹⁾ GAERC 17 November 2009.

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125. Deeply regrets that during the armed conflict between Russia and Georgia over South Ossetia and Abkhazia in August 2008 the violations of international humanitarian law resulted in hundreds of casualties and tens of thousands of displaced individuals; recalls that to this day Russia has fulfilled only the first point of its six-point ceasefire agreement with Georgia; deplores the deliberate destruction of ethnic Georgian villages in South Ossetia and Abkhazia during and after the conflict; stresses that impunity for these violations persists to this day;

Freedom of religion or belief

126. Underlines that freedom of religion or belief constitutes, amongst all human rights, an essential and basic right which must be respected, and that conditionalities related to respect for human rights which feature in the bilateral agreements with non-EU countries need to be enforced more strongly and more effectively;

127. Welcomes the Council conclusions on freedom of religion or belief adopted in November 2009; acknowledges the importance of freedom of religion or belief for the identity of religious and non-religious individuals alike, given that belief, in whatever form it takes, is a vital component of personal and social belonging; calls on the Council and the Commission to adopt and implement practical measures to fight religious intolerance and discrimination and promote freedom of religion or belief worldwide as considered in the aforementioned conclusions; calls on the Council and the Commission to involve the EP, civil society organisations and other relevant actors in the process;

128. Calls on the HR/VP of the Commission to mainstream freedom of religion or belief in EU human rights policy and to give a thorough evaluation of the situation of freedom of religion or belief in the EU Annual Report on Human Rights;

129. Calls on the HR/VP to increase the number of staff working on issues concerning respect for freedom of religion or belief in external action and to create dedicated structures, especially in the context of the establishment of the European External Action Service; supports the identification of the issue of respect for freedom of religion or belief in the world as one of the priorities of the EEAS, given the grave violations of such freedom existing in the world and the obvious need to provide assistance for persecuted religious minorities in many areas of the globe;

130. Calls on the Council and Commission to take into account religion and the dialogue with religious authorities and bodies engaged in inter-faith dialogue in conflict prevention, conflict resolution and reconciliation;

131. Remains deeply concerned that discrimination based on religion or belief still exists in all regions of the world, and that persons belonging to particular religious communities, including religious minorities, continue to be denied their human rights in many countries, such as North Korea, Iran, Saudi Arabia, Somalia, the Maldives, Afghanistan, Yemen, Mauritania, Laos, Uzbekistan, Eritrea, Iraq, Pakistan and Egypt; condemns the Chinese authorities for the persecution of individuals who practise their religion outside officially sanctioned channels, including Christians, Muslims, Buddhists and Falun Gong practitioners; urges China to ratify the ICCPR as it promised; urges the Chinese authorities to refrain from their oppressive policy in Tibet, which could eventually lead to the annihilation of the Tibetan religion and culture; condemns the Iranian authorities for the persecution of individuals belonging to religious minorities, including Christians, Bahá'í, and Muslims who have converted to another or no religion; urges the Iranian authorities to protect religious minorities in accordance with their obligations under the ICCPR; urges the authorities of the Russian Federation to impose a moratorium on the implementation of the 2002 Law on Fighting Extremist Activity, which is extensively misused to persecute peaceful religious minority groups; expresses its concern about the situation of the Montagnard Christian minority living in the Central Highlands of Vietnam; reminds the Vietnamese authorities that the rights of minorities include freedom to practise their religion without restriction, freedom of association and expression, the right of peaceful assembly, the equal right to own and use land and the right to participate fully and effectively in decision-making regarding issues that affect them, including with respect to economic development projects and re-settlement issues;

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132. Urges the EU to develop a toolkit on the advancement of the right to freedom of religion or belief in its external policy, to regard freedom of religion or belief as fundamental, to include a checklist on the necessary freedoms pertaining to the right of freedom of religion or belief in order to assess whether they are being respected and to include mechanisms to identify infringements of freedom of religion or belief, in order to enhance the promotion of freedom of religion or belief in the work of civil servants, especially in the European External Action Service, as well as to involve civil society organisations in the preparation of the toolkit;

133. Welcomes the EU's continuous stance of principle in relation to the UNGA and UNHRC resolutions on combating defamation of religions; welcomes the resolution on elimination of all forms of intolerance and discrimination based on religion or belief tabled by the EU; encourages the EU to continue its striving for a balanced approach between freedom of expression and a prohibition of incitement to religious hatred; encourages the EU to engage in a constructive dialogue with the Organisation for Islamic Conference and other supporters of the principle of defamation of religions;

134. Stresses that international human rights law recognises freedom of religion or belief regardless of registration status, so registration should not be a mandatory precondition for practising one's religion; points out with concern, furthermore, that in Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Vietnam religious groups need to register with the government and operate under government-controlled management boards, which interfere with their religious autonomy and restrict their activity;

135. Calls on Russia to put a moratorium on the implementation of the 2002 Law on Fighting Extremist Activity as it is used and abused to restrict religious freedom, and to repress and attempt to ban non-violent religious groups; notes furthermore with great concern that 265 religious and faith-based organisations are on a black list of so-called extremist organisations;

136. Urges, furthermore, the following countries to stop restrictions on freedom of association and assembly of religious groups and to respect freedom of religion or belief: Saudi Arabia, Egypt, Eritrea, Iran, Somalia, Yemen, Belarus, North Korea and Laos;

137. Underlines the obstacles still existing in parts of the world such as Saudi Arabia, Indonesia, Pakistan, Iraq, Somalia and Sudan to the unhindered profession of faith, at both the individual and the collective level, as well as growing intolerance of religious minorities in countries with grounded democratic traditions such as India, and calls on the Commission to emphasise such issues in the context of its relevant political dialogues;

138. Firmly condemns any criminalisation or punishment for 'apostasy' in relation to cases of conversion from one religion to another or from one religious denomination (subgroup) to another, as still carried out in most of the countries of the Middle East and North Africa; calls on the EU institutions to exert pressure on these countries to reject such practices, in particular where capital punishment is the prescribed penalty; is deeply concerned about forced conversion practices still existing in countries such as Saudi Arabia and Egypt, and asks for a clear commitment on the part of the EU institutions to the fight against such human rights violations;

139. Recalls that in a number of countries in the world, prohibition, confiscation and destruction of both places of worship and religious publications, and prohibition of the training of clergy, are still common practice; urges the EU institutions, in their contacts with the relevant governments, to counter such violations and to encourage those countries where blasphemy laws are used for the purpose of persecuting members of religious minorities to amend or abolish such provisions;

140. Stresses that for the EU freedom of conscience is a fundamental value, incorporating the freedom to believe or not to believe and the freedom to practice the religion of one's choice;

Freedom of expression

141. Is concerned that freedom of expression has come under attack in various new forms, especially using modern technologies such as the internet; reiterates that freedom of expression includes the right to seek, receive and impart information and ideas through any medium;

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142. Recognises that new technologies provide unprecedented opportunities to participate in public life, express opinions, gain access to information about human rights and make violations of human rights known to the rest of the world; is concerned that states are using increasingly sophisticated techniques, such as dual-use technologies, to censor information and monitor activities on the internet, and that harassment, persecution and even detention and imprisonment of people using the internet to exercise the right to freedom of opinion and expression have occurred in a number of countries;

143. Encourages the HR/VP to take the lead in adopting a position and developing concrete policies for the EU to act as a global player when it comes to internet freedom by covering not only ways of addressing threats to human rights through the use of new technologies, but also using them as a means of enhancing opportunities to protect and support human rights;

144. Urges countries that limit access to the internet to lift restrictions on the free flow of information; notes that according to 'Reporters without Borders' the 'internet enemy list' includes the following states which engage in pervasive internet censorship: Belarus, China, Cuba, Egypt, Iran, Myanmar/Burma, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan and Vietnam;

145. Urges the Commission to draw up a list of individuals responsible for severe human rights violations, such as torture, censorship, rape and extra-judicial executions, in Iran, particularly after the 2009 elections, and to consider imposing sanctions on them in the form of asset freezes and travel bans;

146. Supports the right of expression and peaceful assembly in Russia as formally, but not actually, guaranteed by Article 31 of the Russian Constitution; expresses solidarity with the organisers and participants of Strategy-31, the series of civic protests in support of this right which started on 31 July 2009 and take place on Triumfalnaya Square in Moscow on the 31st of every month with 31 days; regrets that, except for the very last one, on 31 October 2010, all Strategy-31 demonstrations have been refused permission by the authorities on the grounds that other activities had been scheduled to take place in Triumfalnaya Square at the same time; is deeply concerned that on 31 December 2009, among dozens of other peaceful protesters, Russian police detained the Chairperson of the Moscow Helsinki Group, Lyudmila Alexeyeva, who had been awarded Parliament's Sakharov Prize only a few weeks before her detention; supports the call of the Human Rights Commissioner of Russia Vladimir Lukin to launch an investigation into the harsh police action in connection with the 31 May 2010 protests;

147. Is deeply concerned at the lack of freedom of expression in Venezuela and Cuba, the grip on news media, the restricted and controlled internet use and the attempts to stifle dissent;

Human rights and the fight against terrorism

148. Condemns terrorism in all its forms; recalls that terrorism worldwide has resulted in thousands of deaths of innocent civilians and has shattered the lives of many families; takes the view that in the case of terrorist attacks it is imperative to talk first and foremost about the rights of the victims and not the perpetrators; stresses the need to make sure that terrorists are brought to justice;

149. Notes that measures to fight terrorism have resulted in violations of basic human rights in a number of countries around the world, in the form of the application of disproportionate surveillance measures, illegal detentions and the use of torture as a means of extracting information from suspected terrorists; expresses concern that certain countries are using the fight against terrorism as a cloak to crack down on ethnic minorities and local human rights defenders, and urges that the fight against terrorism not be used as an argument to restrict or ban the lawful and legitimate action of human rights defenders; condemns these violations of human rights, underlines the EU's position that the fight against terrorism must be conducted with full respect for fundamental rights and the rule of law and is convinced that civil liberties should not be compromised in the fight against terrorism;

150. Calls on the Commission and the Council to use the opportunity of bilateral political and human rights dialogues with non-EU countries to recall that human rights have to be respected when combating terrorism, and that under no circumstance must counter-terrorism policy be instrumentalised and used against human rights defenders or political opponents; calls in particular on the HR/VP to publicly denounce human rights violations in counter-terrorism policies and operations;

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151. Calls for a greater coordination and interaction between COTER and COHOM on this issue in order to condemn cases of abusive use of counter-terrorism policy against human rights defenders by systematically initiating *demarches* under the EU guidelines on Human Rights Defenders and to adopt the same approach in cases of torture and ill-treatment linked to the fight against terrorism under the EU guidelines on torture;

152. Recalls the decision of US President Barack Obama to close the Guantanamo Bay detention camp in January 2009; expresses its regret that this decision has not yet been able to be fully implemented; recalls its resolution of 13 June 2006 on the situation of prisoners at Guantanamo, which insists that every prisoner be treated in accordance with international humanitarian law and, if charged, tried without delay in a fair and public hearing; recalls the EU-US Joint Statement of 15 June 2009 on the Closure of the Guantanamo Bay Detention Facility and Future Counter-Terrorism Cooperation, which welcomed the determination of the US to eliminate secret detention facilities; asks the US Government to live up fully to its commitments; calls on the EU Member States to agree on a coordinated action plan to assist the USA in closing Guantanamo's detention facilities, by granting refugee status to former detainees who are not charged with crimes and cannot be repatriated or resettled in the USA; welcomes the constructive engagement of a number of EU Member States in their efforts to assist with reception of certain former Guantanamo detainees and with finding accommodation for some of the people cleared for release from the detention camp; notes however that to date only the following EU Member States – Germany, Ireland, Slovakia, Denmark, the United Kingdom, Spain, Portugal, Belgium, France, Hungary and Italy – have agreed to take detainees; is concerned about the ongoing detention without trial of detainees by the US, for example at the Bagram Air Base in Afghanistan;

153. Notes the convening under the French Presidency on 16 September 2008 of the inaugural Roma Summit, and the second such Summit held under the Spanish Presidency on 9-10 April 2010; notes with gravest concern the forced expulsions of Roma communities in Europe and the rise in xenophobic and hate language in relation to minority and migrant communities; reiterates the call of the European Parliament for Member States to honour to the full their obligations under EU law; and where Member States do not comply, calls on the European Commission to act formally and forcefully on infringement proceedings;

154. Notes that following the entry into force of the Lisbon Treaty the codecision procedure applies to directives and other forms of legislation on the fight against terrorism and organised crime, whereas international agreements related to this subject will have to be assented to by Parliament; notes that these changes will give Parliament additional leverage on the right balance between security and human rights; undertakes, therefore, to act in line with its new prerogatives by consistently calling for respect for, and promotion of, human rights, civil and political liberties and democracy in all the EU's relations with non-EU countries and regional organisations;

155. Reiterates that each Member State has a positive obligation to protect identifiable potential victims who are at real and immediate risk of terrorist acts, and adds that all Member States must take all reasonable measures to put in place procedures to prevent terrorist activity and to minimise the collateral impact of counter-terrorism activities;

156. Recalls the EU Council Framework Decision of March 2001 on victims of terrorism: emergency assistance, continuing assistance, investigation and prosecution, effective access to the law and justice, administration of justice, compensation, protection of the private and family life of victims, protection of the dignity and security of victims, information for victims and specific training for those responsible for assisting victims;

Human rights dialogues and consultations with non-EU countries

157. Expresses its disappointment at the lack of progress achieved by a number of human rights dialogues and consultations; notes the fact that the involvement of civil society in these dialogues and consultations is not systematically guaranteed and is sometimes subject to constraints imposed by the non-EU parties; is concerned that even when cases are raised, governments are not fulfilling their commitment to report back to the EU on the individual and structural issues raised within the framework of the dialogue;

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158. Calls for real participation by the EP in the on-going evaluations of the human rights dialogues and consultations; asks for full access to the outcome documents and to other relevant sources; expects, as a result of the evaluations, the development of clear indicators to measure the impact of the dialogues and explicitly defined suggestions, based on a country-by-country approach, as to how to improve these outcomes and avoid any repeated failures of EU human rights consultations;

159. Calls on the European institutions to ensure transparency and coherence between themselves in terms of objectives, values and attitudes in this field;

160. Points out the need to feed the conclusions of the human rights dialogues and consultations into EU summits with its partners;

161. Takes the view that, in general, human rights dialogues and consultations must be planned and conducted transparently, and that objectives set in advance of the dialogue must be evaluated immediately afterwards; calls on the Council and the Commission to press the non-EU countries' authorities for high, broad ministerial involvement in the dialogues and consultations;

162. Calls on the EU accession countries to improve the level of human rights protection in their territories in the light of that provided for under the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms;

163. Calls on the Commission and the Council in their human rights consultations and dialogues with non EU-countries to pay close attention to the situation of ethnic and religious minorities and the frequent violations of their rights;

164. Welcomes closer coordination and cooperation between the United States and the European Union on human rights;

165. Welcomes the establishment of human rights dialogues with each of the Central Asian states – Tajikistan, Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan – and the holding of a second dialogue in each case up to November 2009; welcomes in addition the first EU-Uzbek civil society seminar on human rights dialogue in October 2008; regrets that the EU-China human rights dialogues have consistently failed to deliver any improvements as regards specific human rights abuses in China; points out that, despite some steps taken by the Chinese authorities in the right direction (labour reform, Supreme People's Court review of death sentences), the human rights situation continues to deteriorate and is marked by widening social unrest and tightening of the control and repression of human rights defenders, lawyers, bloggers, and social activists, as well as by targeted policies aimed at marginalizing Tibetans and their cultural identity; is deeply concerned about the lack of progress of the Sino-Tibetan dialogue; is deeply concerned about the deteriorating human rights situation of the Uighur population in China, condemns its longstanding oppression in East Turkestan and deplores the non-adherence of the Chinese authorities to the safeguards of freedoms including those of expression, demonstration, assembly, religion and person contained within the constitution of the People's Republic of China; also deplores the population transfer policy of the People's Republic of China, which is intended to dilute the culture of the Uyghur population and fragment their unity; expresses its disappointment that EU-Russia human rights consultations have not yielded any substantial results; welcomes the launch in 2009 of human rights dialogues with Indonesia, and the holding of the first dialogue meetings with Georgia and Armenia; considers that while such human rights dialogues bring a welcome focus on human rights issues in the EU's external relations, they cannot be allowed to become an end in themselves and must be focused on ensuring follow-up action is taken on the issues which are raised and discussed in these dialogues; regrets the lack of results from the human rights dialogue with India and is disappointed that the issue of caste-based discrimination was not discussed during the last human rights dialogue;

166. Calls for strong coordination between EU Member States, the European Commission and the EU Agency for Fundamental Rights of every EU human rights dialogue with non-EU countries; points out the need for the EU to be able to tackle human rights violations inside the Union itself if it is to be viewed as a beacon of human rights on the world stage;

167. Welcomes the first EU-Belarus human rights dialogue, which took place in June 2009, while regretting that the human rights situation in that country remains dire, with continuing restrictions on freedom of associations, assembly and expression, and repression of human rights defenders and journalists;

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168. Welcomes the efforts of the Government of Mexico in the fight against drug trafficking and organised crime and the submission to Congress of a bill aiming to reform the Military Code of Justice; stresses that the EU – Mexico Strategic Partnership should be seen as an opportunity to reinforce human rights and democracy;

169. Notes that in April 2009 the Parliament of the Democratic People's Republic of Korea (North Korea) revised the country's Constitution to include, among other things, a provision that North Korea 'respects and protects human rights', urges the North Korean authorities to make concrete and tangible steps towards improving human rights conditions, and in this respect calls on the authorities to allow inspection of all types of detention facilities by independent international experts, and to allow UN Special Reporters to visit the country; stresses that not only constitutional provisions, but above all the application of concrete measures, have to be taken into account when evaluating the human rights situation in the country; calls on the North Korean authorities to lift restrictions on international staff's ability to monitor the distribution of aid, and to ensure that international aid reaches the needy; urges the leadership of North Korea to engage constructively in human rights dialogues with the EU;

170. Continues to be concerned that the human rights dialogue with Iran has been interrupted since 2004 due to a lack of cooperation from Iran, and considers that the time has come for the international community to act in support of Iranian civil society at this crucial juncture in the history of the country's democratic movement; calls on the Iranian authorities to resume this dialogue with a view to supporting all civil society stakeholders who are committed to democracy, and to strengthen – through peaceful and non-violent means – existing processes that can foster democratic, institutional and constitutional reforms, ensure the sustainability of those reforms and consolidate the involvement of all Iranian human rights defenders and civil society representatives in policy-making processes, reinforcing the role played by them in the general political discourse; calls on the Council, the Commission and the Member States to support and strengthen those processes; is deeply concerned that, in 2008 and 2009, the human rights situation in Iran worsened and the restrictions on freedom of expression and assembly persisted; in this context, is deeply concerned by the suppression of the journalists, writers, scholars and women's rights and human rights activists; remains concerned about the repression of ethnic and religious minorities in Iran;

171. Takes note of the worrying authoritarian trend in Cambodia, underlined by a long-standing impunity for human rights violations and the narrowing of political space and freedom of expression for people belonging to the opposition parties and other political activists; calls on the Commission to take action for the reactivation of the 1991 Paris Agreement on Cambodia;

Economic, social and cultural rights

172. Recognises that economic, social and cultural rights should be given equal importance to civil and political rights, bearing in mind the universality, indivisibility, interdependence and inter-relatedness of all human rights, as confirmed by the 1993 World Conference on Human Rights held in Vienna; urges countries around the world to sign up to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which was opened for signature on 24 September 2009;

173. Stresses that human rights include, inter alia, the right to food, water and sanitation, education, adequate housing, land, decent work and social security; these rights should be granted as fair access to natural resources on a sustainability basis, including for future generations; recognises that poverty and the lack of good governance are important factors behind many of the situations of non-compliance with such rights; calls for the EU to invest greater efforts in achieving the Millennium Development Goals (MDGs), given the evidence that the world is falling far short of the goals set for 2015; in this context, reiterates the importance of implementing human-rights-based policies for the realisation of the MDGs;

174. Recognises the importance of the International Labour Organisation's supervisory system in defending rights in the areas of trade and employment, statistical systems, social protection and employment policies, as well as occupational safety and health;

175. Calls on the Commission and the Member States to ensure that companies which come under national or European law do not disregard human rights and the health and environmental standards applicable to them when they establish themselves or conduct their activities in a non EU-country, in particular in developing countries;

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176. Asks the Commission and the Member States to fulfil their Official Development Assistance (ODA) commitments towards developing countries in order to fight the global economic and financial crisis and in this way reduce the negative consequences this crisis has had on the human rights situation in the world; welcomes the 10th Special Session of the Human Rights Council entitled 'The Impact of the Global Economic and Financial Crises on the Universal Realisation and Effective Enjoyment of Human Rights', which took place on 20 February 2009; calls for EU Member States to maintain their cooperation with non-EU countries on human rights in the face of the crisis, and insists that lack of resources can never be used to justify the violation of human rights;

The Commission's external assistance programmes and the EIDHR

177. Welcomes the fact that Parliament's priorities have been taken into consideration in the 2008 and 2009 programming documents of the EIDHR;

178. Supports the contributions of the EIDHR, mainly through civil society projects by local and international civil society organisations (90 % of contributions), and also through regional and international organisations in this field, such as the Council of Europe, the OSCE and the Office of the UN High Commissioner for Human Rights (10 % of contributions);

179. Notes that in 2008-2009 resources for human rights and democracy amounted to over EUR 235 million, making it possible to fund 900 projects in some 100 countries, that a particularly high number of projects were funded in countries covered by the European Neighbourhood Policy, while ACP countries received the highest overall amount; notes with concern an imbalance to the detriment of democracy assistance projects other than election observation; considers that EIDHR funding should be significantly increased, so as to include appropriate funding for a European Endowment for Democracy, to support human rights capacity building and democracy promotion in the most needful societies;

180. Stresses as a key strength of the EIDHR the fact that it does not depend on host government consent and is therefore able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations, which need to preserve their independence from public authorities;

181. Stresses the importance of using the EIDHR as a way of reacting to human rights threats and a way of providing increased support to human rights defenders and victims of human rights abuses; supports a network of 11 EIDHR-funded organisations focusing on protecting human rights defenders and responding rapidly in emergency situations; encourages the development of specific strategies to respond to the needs of different categories of human rights defenders, including those defending LGBTI rights and those associated with investigations of human rights and humanitarian law violations;

182. Calls on the Commission to ensure that there is coherence between the Union's political priorities, its partnership and cooperation agreements, and the projects and programmes which it supports, particularly in connection with its bilateral programming with non-EU countries;

183. Is mindful of the still worrying human rights situation in the African continent and convinced that African states have taken significant steps towards the promotion of the rule of law at continent level with the adoption of the African Charter on Human and Peoples' Rights (also known as the Banjul Charter), and is consequently considering the possibility of setting up an ad hoc budget line to support the work of the African Court on Human and Peoples' Rights;

184. Calls on the Commission staff to meet regularly with civil society representatives in Brussels in order to foster dialogue with those partners who actually implement projects on the ground;

185. Welcomes the spread of funds for human rights through geographical programmes, the implementation of the policy at national and regional level being supported by the European Development Fund (in the African, Caribbean and Pacific countries), the Development Cooperation Instrument (in Latin America, Asia and South Africa) and the European Neighbourhood and Partnership Instrument (in the neighbouring regions), as well as through thematic instruments such as EIDHR, IfS, DCI and ICI Plus;

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Electoral assistance and election observation

186. Notes with satisfaction that the EU is making increasing use of electoral assistance and election observation to promote democracy in non-EU countries, thereby enhancing respect for human rights, fundamental freedoms and the rule of law, and that the quality and independence of these missions are widely recognised;

187. Calls on the HP/VP to monitor the implementation of recommendations made in EU EOMs final reports, to ensure follow-up assistance if needed and to report back regularly to the EP;

188. Reiterates its calls for the electoral process, including both the pre- and post-electoral stages, to be incorporated into the different levels of political dialogue with the non-EU countries concerned, accompanied by specific measures where appropriate, with a view to ensuring the coherence of EU policies and reaffirming the crucial role of human rights and democracy;

189. Calls for increased vigilance with regard to the criteria for selection of the countries in which electoral assistance/election observation is to take place, and for compliance with the methodology and rules set up at international level, particularly concerning the independence and effectiveness of the mission;

190. Welcomes the amount of funding, which totalled a further EUR 50 million over the 18-month period of this report;

Making use of European Parliament's actions on human rights

191. Calls on the Council and the Commission to make thorough use of Parliament's resolutions and other communications, responding in a substantive manner to the concerns and wishes expressed, particularly with respect to urgent resolutions;

192. Reiterates the need to give greater visibility to the Sakharov Prize of Freedom of Thought annually awarded by the EP; regrets that a proper follow-up is not being carried out on the well-being of the candidates and laureates, nor on the situations in their countries; calls also on the Council and the Commission to give visibility to this prize, among other things by including it in the annual report on Human Rights; calls, furthermore, on the Council and the Commission to stay in touch with the Sakharov Prize candidates and laureates to ensure continuous dialogue and monitoring of the situation of human rights in their respective countries and to offer protection to those being acutely persecuted;

193. Reminds Parliament's delegations to systematically include debates on human rights in the agendas of interparliamentary meetings, to include in their visits projects and institutions seeking to improve respect for human rights, and to meet human rights defenders and provide them, where appropriate, with international visibility and protection;

194. Welcomes the establishment of the Sakharov Prize Laureates Network; urges that the necessary resources be found without delay to achieve its objectives and to facilitate communication between Sakharov Prize winners and Parliament by granting special status to the prize-winners, allowing them to enter Parliament's premises with facilitated entrance procedures;

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195. Instructs its President to forward this resolution to the Council and the Commission, to the governments and parliaments of the Member States and the candidate countries, to the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe, and to the governments of the countries and territories mentioned in this resolution.

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A new strategy for Afghanistan

P7_TA(2010)0490

European Parliament resolution of 16 December 2010 on a new strategy for Afghanistan (2009/2217(INI))

(2012/C 169 E/11)

The European Parliament,

- having regard to its previous resolutions on Afghanistan, in particular its resolutions of 8 July 2008 on the stabilisation of Afghanistan ⁽¹⁾, of 15 January 2009 on the budgetary control of EU funds in Afghanistan ⁽²⁾, and of 24 April 2009 on women's rights in Afghanistan ⁽³⁾,
- having regard to the EU-Afghanistan joint political declaration signed on 16 November 2005, which is based on shared priorities for Afghanistan such as the establishment of strong and accountable institutions, security and justice sector reform, counter-narcotics, development and reconstruction,
- having regard to the Afghanistan Compact of 2006, which set out the Afghan Government's three main areas for activity for the subsequent five years: security; governance, rule of law, human rights; and economic and social development, as well as a commitment to the elimination of the narcotics industry,
- having regard to the London Conference on Afghanistan held in January 2010, where the international community renewed its commitment to Afghanistan, and which laid the foundations for an international consensus on a strategy entailing a 'non-military' solution to the Afghan crisis, as well as establishing that the transfer of security responsibilities to Afghan forces would begin in 2011 and be largely completed by 2014,
- having regard to Resolution 1890 (2009) of the UN Security Council, which extends the authorisation of the International Security Assistance Force (ISAF) in Afghanistan under Chapter VII of the UN Charter, as defined in Resolutions 1386 (2001) and 1510 (2003), for a period of 12 months beyond 13 October 2009, and calls on the UN member states participating in ISAF 'to take all necessary measures to fulfil its mandate',
- having regard to the proposed 'Peace and Reintegration Trust Fund' to which London Conference participants pledged an initial sum of USD 140 million, with the aim of integrating Taliban and other insurgents,
- having regard to Afghanistan's National Consultative Peace Jirga held in Kabul at the beginning of June 2010, which set out to find a national consensus on the issue of reconciliation with enemies,
- having regard to the Kabul Conference held on 20 July 2010, which assessed progress in implementing decisions taken at the London Conference, and provided a fresh opportunity for the Afghan Government to show leadership and ownership of the process, with the cooperation of the international community, in strengthening security, reinforcing the capabilities of the Afghan security forces and improving good governance and the rule of law, and to chart the way forward, including on combating drug production and trafficking and corruption, and on peace and security, economic and social development, human rights and gender equality; having regard to the conclusions of the Kabul Conference establishing that control of military operations in all provinces is to be transferred to the Afghan forces by the end of 2014,

⁽¹⁾ OJ C 294E, 3.12.2009, p. 11.

⁽²⁾ OJ C 46E, 24.2.2010, p. 87.

⁽³⁾ OJ C 184E, 8.7.2010, p. 57.

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- having regard to the presidential decree of 17 August 2010, which set a four-month deadline for private security companies present in Afghanistan to disband, with an exception for private security firms working inside compounds used by foreign embassies, businesses and NGOs,
- having regard to the presidential elections held in Afghanistan in August 2009, to the critical final report of the EU Election Observation Mission published in December 2009, and to the parliamentary elections held on 18 September 2010,
- having regard to all the relevant Council Conclusions, in particular the GAERC Conclusions of 27 October 2009 and the Council's Action Plan for Enhanced Engagement in Afghanistan and Pakistan, and the Foreign Affairs Council Conclusions of 22 March 2010,
- having regard to the appointment, as of 1 April 2010, of a 'double-hatted' EU Special Representative/ Head of EU Delegation to Afghanistan, and having regard to the Council decision of 11 August 2010 extending the mandate of Special Representative Vygaudas Usackas until 31 August 2011,
- having regard to the Council declaration of 18 May 2010 extending the European Union Police Mission in Afghanistan (EUPOL Afghanistan) for three years, from 31 May 2010 to 31 May 2013,
- having regard to the Country Strategy Paper for 2007-2013 which sets out the Commission's commitment to Afghanistan until 2013,
- having regard to the general budget of the European Union for the financial year 2010,
- having regard to the United Nations 2009 Human Development Report, which ranks Afghanistan 181st out of 182 countries,
- having regard to Afghanistan's own National Risk and Vulnerability Assessment 2007-2008 and its estimates that the cost of eliminating poverty in Afghanistan by lifting all those below it up to the poverty threshold would be some USD 570 million,
- having regard to the 2008 report by the Agency Coordinating Body for Afghan Relief (ACBAR), 'Falling Short – Aid Effectiveness in Afghanistan', which highlights the vast sums of aid ending up as corporate profits for contractors (as much as 50 % per contract), the minimal transparency in procurement and tendering processes, and the high cost of expatriate salaries and allowances,
- having regard to the United Nations Assistance Mission in Afghanistan (UNAMA) report of August 2010 on 'Protection of Civilians in Armed Conflict',
- having regard to the recommendations of the Peace Dividend Trust, which advocate an 'Afghan first' policy, encouraging local Afghan procurement of goods and services, as opposed to importing them, with the aim of benefiting Afghans first and foremost,
- having regard to the NATO/ISAF counter-insurgency strategy for Afghanistan and its implementation under the command of General David Petraeus, and to the strategy review announced by President Obama for December 2010,
- having regard to the US Congressional Majority Staff report entitled 'Warlord, Inc: Extortion and Corruption Along the US Supply Chain in Afghanistan' (Committee on Oversight and Government Reform, US House of Representatives, June 2010),
- having regard to the work of the United Nations Office for Drugs and Crime (UNODC) and, in particular, its October 2009 report on 'Addiction, Crime and Insurgency – the transnational threat of Afghanistan opium' and its World Drug Report 2010,

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- having regard to Rule 48 of its Rules of Procedure,

- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0333/2010),

- A. whereas the international community has repeatedly reaffirmed its support for the relevant United Nations Security Council resolutions upholding the security, prosperity and human rights of all Afghan citizens; whereas, however, the international community has implicitly recognised that nine years of war and international involvement have not succeeded in eliminating the Taliban insurgency and bringing peace and stability to the country; and whereas a new counter-insurgency policy has been introduced as of 2009 and around 45 000 troops have been dispatched as reinforcements,

- B. whereas there is no obvious end in sight in Afghanistan, with a coalition of international forces in place but unable to defeat the Taliban and the other insurgents, and an insurgency and Taliban movement unable to prevail against these military forces,

- C. whereas, in 2009, General Stanley McChrystal stated that he did not see indications of any large Al-Qaeda presence in Afghanistan, and senior American officials confirm that Al-Qaeda is now hardly present in Afghanistan,

- D. whereas security and living conditions have deteriorated, eroding the popular acceptance the coalition's presence enjoyed at one stage, and whereas the coalition is being increasingly perceived by the population as an occupying force; whereas a new, broader partnership with the people of Afghanistan is needed, involving unrepresented groups and civil society in peace and reconciliation efforts,

- E. whereas the EU is one of the major donors of development assistance and humanitarian aid to Afghanistan; whereas it is a committed partner in reconstruction and stabilisation efforts,

- F. whereas, under the 2006 Afghanistan Compact and at the Kabul Conference, donors agreed to channel an increasing proportion of their aid, up to 50 %, through the Afghan Government's core budget, either directly or through trust-fund mechanisms, wherever possible, but whereas only 20 % of development aid is channelled through the government budget at present,

- G. whereas the lack of sufficient coordination is undermining the effectiveness of EU aid contributions to Afghanistan,

- H. whereas between 2002 and 2009 a sum of over USD 40 billion in international aid was channelled towards Afghanistan; whereas the number of children attending school has increased over this period but whereas, according to UNICEF estimates, 59 % of Afghanistan's children under the age of five still do not get enough to eat, and five million children are unable to attend school,

- I. whereas the situation of women in the country remains a matter of great concern; whereas, according to UN reports, Afghanistan's maternal mortality rate is the second highest in the world, at nearly 25 000 deaths per year, and whereas only 12,6 % of women over the age of 15 are able to read and write, and 57 % of girls are married off below the legal age of 16; whereas violence against women continues to be a widespread phenomenon; whereas the discriminatory Shia Personal Status Law is still in place and, amongst other points, criminalises women for denying their husbands sexual intercourse and forbids women from leaving the house without their husband's consent,

- J. whereas Afghanistan is a party to several international conventions protecting women's and children's rights, notably the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women and the 1989 UN Convention on the Rights of the Child, and whereas the Afghan Constitution, in Article 22, stipulates that 'the citizens of Afghanistan, men and women, have equal rights and duties before the law'; whereas the Afghan Family Code is currently under revision in order to harmonise it with the Constitution,

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- K. whereas in July 2010 the US Congress called for an audit on billions of dollars of past funding for Afghanistan and voted for a provisional cut of almost USD 4 billion in aid to the Government of Afghanistan,
- L. whereas Afghanistan's Finance Minister, Omar Zakhilwal, has criticised, firstly, NATO/ISAF contracting practices for not benefiting the local Afghan economy and, secondly, ISAF's one-sided interpretation of the rules on tax-free provisions in the ISAF-Afghan Government agreement, and whereas the Minister has blamed foreign contractors for taking the bulk of ISAF-financed contracts, amounting to up to USD 4 billion, and reportedly causing a constant outflow of money from the country; whereas the Afghan Government is calling for an international investigation,
- M. whereas it has become obvious that no military solution is possible in Afghanistan, and whereas the US has stated that it will start to withdraw its troops from Afghanistan in summer 2011, other countries have either already withdrawn or are making plans to do so, and others still have not indicated an intention to withdraw; whereas, however, the withdrawal of the military has to be a gradual and coordinated process in the framework of a political project that guarantees a smooth transition of responsibility to the Afghan security forces,
- N. whereas the Kabul Conference stipulated that the Afghan National Army should reach a personnel complement of 171 600 and the Afghan National Police 134 000 by October 2011, with the necessary financial and technical support from the international community,
- O. whereas the main objective of the EUPOL Afghanistan mission is to contribute to the establishment of an Afghan police system in accordance with international standards,
- P. whereas Afghanistan is not only the world's leading source of opium production and the main supplier to heroin markets in the EU and the Russian Federation, but also one of the world's leading cannabis producers, according to a recent UNODC report; whereas, however, opium production in Afghanistan has dropped by 23 % in the last two years and by a third since its peak in 2007; whereas UNODC has established that there is a clear correlation between opium cultivation and the territories where the insurgency is in control, and that in the parts of Afghanistan where the government is more able to enforce the law nearly two-thirds of farmers have said they do not grow opium because it is banned – whereas in the southeast, where the authorities' reach is weaker, just under 40 % of farmers have cited the ban as a reason for not cultivating poppies,
- Q. whereas, according to a recent UNODC report, the number of Afghan citizens addicted to drugs has increased sharply in recent years, a trend which will have major social repercussions for the country's future,
- R. whereas the EU has played an active role in supporting counter-narcotics efforts from the outset of the reconstruction process, without achieving any significant results in restricting the pervasive influence of the drugs industry on the economy, the political system, state institutions and society,
- S. whereas some poppy eradication in Afghanistan has been carried out using chemical herbicides, and whereas this practice results in serious harm to people and to the environment in terms of soil and water pollution; whereas, however, there is now a consensus on the need to concentrate repressive measures on the drug trade and heroin-producing labs, and not on farmers; whereas the main effort is currently focused on providing alternative livelihoods for farmers,
- T. whereas Afghanistan has remarkable natural resources, including rich mineral reserves such as gas and oil, estimated at a value of USD three trillion, and whereas the Afghan Government is relying on these resources to spur economic development after peace and security have been established in the country,

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A new EU strategy

1. Is aware of the set of factors hampering progress in Afghanistan but has chosen to focus in this report on four main areas where, it believes, efforts expended could result in improvements: international aid and coordination; the implications of the peace process; the impact of police training; and the elimination of opium cultivation through alternative development;
2. Expresses support for the new concept of a counter-insurgency strategy geared to protecting the local population and rebuilding areas where security has been ensured, and for the EU's Action Plan for Afghanistan and Pakistan;
3. Believes, therefore, that the EU strategy for Afghanistan will have to take as its starting point two premises: an acknowledgement of the continuing deterioration in security and socio-economic indicators in Afghanistan despite almost a decade of international involvement and investment; and the need to further encourage the shift in the mindset of the international community – which in the past, and in particular prior to the counter-insurgency strategy, has all too often shaped plans and decisions with scant regard for Afghan involvement – so that in future its plans and decisions are shaped in close cooperation with the Afghans; notes that the conferences in London and Kabul were an important step in this direction;
4. Welcomes and supports the Council Conclusions of October 2009, entitled 'Strengthening EU Action in Afghanistan and Pakistan' and outlining a more coherent and coordinated EU approach towards the region and highlighting the importance of regional cooperation and of a more civilian focus in the policy towards Afghanistan;
5. Stresses that any long-term solution to the Afghan crisis has to start from the Afghan citizens' interest in their internal security, civil protection and economic and social development, and should include concrete measures for the eradication of poverty, under-development and discrimination against women, for enhancing respect for human rights and the rule of law, strengthening reconciliation mechanisms, ensuring an end to opium production, engaging in a robust state-building exercise, and fully integrating Afghanistan into the international community, as well as banishing Al-Qaeda from the country;
6. Welcomes the conclusions of the Kabul International Conference on Afghanistan; stresses that commitments by the Afghan Government to improve security, governance and economic opportunities for Afghan citizens, as well as the commitments by the international community to support the transition process and the shared objectives, need to be respected;
7. Reiterates that the EU and its Member States should support Afghanistan in the reconstruction of its own state, with stronger democratic institutions capable of ensuring national sovereignty, security based on a democratically accountable army and police, a competent and independent judiciary, state unity, territorial integrity, equality between men and women, media freedom, an emphasis on education and health, sustainable economic development and the prosperity of the people of Afghanistan, and respect for the historical, religious, spiritual and cultural traditions and rights of all ethnic and religious communities on Afghan territory, while recognising the need for fundamental change in the attitude towards women; calls for more support to be given to local-authority development projects in those provinces where there is evidence of good governance;
8. Notes that 80 % of the population is settled in rural areas, and that arable land per capita diminished from 0,55 ha in 1980 to 0,25 ha in 2007; highlights the fact that Afghanistan continues to be highly vulnerable to adverse climatic conditions and to rising food prices on the world market, while the widespread and indiscriminate use of landmines poses a significant risk to successful rural development; considers, in this context, that it is of primary importance to continue and enhance funding geared towards rural development and local food production, in order to achieve food security;
9. Takes note of the Afghan Government's commitment to implementing over the next 12 months, in a phased and fiscally sustainable manner, the Sub-National Governance Policy, strengthening local authorities and their institutional capacities and developing sub-national regulatory, financing, and budgetary frameworks;

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10. Notes that more substantial Afghan involvement in the rebuilding process can be hampered by weak public administration and civil service capacity; is therefore convinced that more attention needs to be paid to these important areas; welcomes the idea that the Commission and the Member States should devise a special long-term flagship programme to address the issue of strengthening public administration by developing a curriculum, helping to build or use existing premises, linking up with the network of EU public administration institutes, as well as mentoring civil service institutes in a number of metropolitan cities in Afghanistan such as Kabul, Herat and Mazar i Sharif;
11. Points out that development efforts must focus on improving the capabilities of Afghan government structures and that the Afghans themselves must be closely involved both in setting priorities and during the implementation phases, with a view to fostering the process of taking ownership and responsibility at national and community level; draws attention, therefore, to the essential role of civil-society organisations in ensuring that Afghan citizens are involved in the process of democratisation and reconstruction and in guarding against the risk of corruption;
12. Remains deeply concerned, despite some improvements in women's lives since the end of the Taliban rule in 2001, about the general situation regarding human rights in Afghanistan and particularly about the deterioration in women's fundamental, political, civil and social rights over the past few years, and expresses its concern about negative developments such as the fact that the majority of prisoners in Afghan jails are women escaping oppressive relatives, and about the recent changes to the electoral code which reduce the quotas for parliamentary seats for women;
13. Believes that women's rights are part of the security solution and that it is impossible to achieve stability in Afghanistan without women enjoying their full rights in political, social and economic life; calls, therefore, on the Afghan authorities and the representatives of the international community to include women in every stage of the peace talks and reconciliation/reintegration efforts, in accordance with UNSC Resolution 1325; calls for special protection to be provided for women who are publicly or politically active and therefore endangered by fundamentalists; points out that progress in the peace talks may not, under any circumstances, involve any loss of the rights acquired by women in recent years; calls on the Afghan Government to improve the protection of women's rights by amending existing legislation, such as the criminal code, to avoid discriminatory practices;
14. Calls on the Commission, the Council and EU Member States to continue to raise the issues of discrimination against women and children, and of human rights in general, in bilateral relations with Afghanistan, in line with the Union's long-term commitment to assisting Afghanistan in peace and reconstruction efforts;
15. Calls on the EU and the international community to increase the level of funding and political and technical support for policies to improve the situation of Afghan women and non-governmental women's organisations, including those defending women's rights;
16. Notes that, despite improvements since the fall of the Taliban regime, the situation has worsened in recent years with regard to freedom of expression and of the press; notes that armed groups and the Taliban attack and threaten journalists to prevent them reporting on areas under their control; calls for action to be taken in this field to allow journalists to exercise their profession with certain safety guarantees;
17. Notes with concern that the parliamentary elections which took place in Afghanistan on 18 September 2010, with a turnout of around 40 % despite the security conditions in the country, were, once again, marred by fraud and violence, in which, according to NATO, 25 people lost their lives; regrets that many Afghans have been prevented from exercising their fundamental right to vote;
18. Notes irregularities in the country's judicial processes, which do not comply with international standards of justice; deplores the execution in 2008 of 16 people sentenced to death; calls on the EU to seek approval for a moratorium on the death penalty, in accordance with UN Resolution 62/149 of 2007, with a view to its subsequent abolition;

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International aid – use and abuse

19. Recalls that the combined EU (European Community and Member States) budget for aid to Afghanistan for the period 2002-2010 totalled around EUR 8 billion;

20. Highlights the importance of strengthening media freedom and civil society in Afghanistan to enhance democratisation in the country; also commends the conclusions of the 2009 EU Election Observation Mission;

21. Notes that, despite the huge injections of foreign aid, the situation in Afghanistan continues to be discouraging, preventing humanitarian and medical aid from reaching the most vulnerable sections of the population, that more Afghans are dying through poverty than as a direct result of the armed conflict, and that, shockingly, infant mortality has risen since 2002, while life expectancy at birth and levels of literacy have declined markedly, and that since 2004 the number of people living below the poverty threshold has increased by 130 %;

22. Emphasises the importance of achieving the Millennium Development Goals and deplores the fact that, although progress has been made in some areas, Afghanistan's ranking in the UNDP Human Development Index has descended from 173 in 2003 to 181 (out of 182 countries), while mortality rates among children aged under five and maternal mortality rates in Afghanistan remain among the highest in the world; considers that specific objectives in these areas, and on access to health and education, in particular for women, should not be neglected, but urges that special attention be paid to improved income generation and the construction of a functioning justice system;

23. Underlines the revelation by UNODC in its study of January 2010 that corruption is the biggest concern of the population and that revenues generated by bribery amount to almost one quarter (23 %) of Afghanistan's GDP;

24. Calls on the Commission to ensure transparency and accountability in relation to the financial assistance provided to the Afghan Government, international organisations and local NGOs, in order to ensure the coherence of aid and the success of Afghanistan's reconstruction and development;

25. Calls for humanitarian aid to be distributed on a geographically more homogenous basis, in the light of an analysis of needs and in keeping with the requirement for urgency;

26. Notes, however, the limited progress made on infrastructure, telecommunications and basic education – usually cited by donors and the Afghan Government as areas of achievement;

27. Draws attention to the huge cost of the war prosecuted in Afghanistan between 2001 and 2009, estimated at over USD 300 billion and equivalent to more than 20 times Afghanistan's GDP, and set to rise to over USD 50 billion per year with the additional military 'surge' that is foreseen;

28. Acknowledges the widespread perception that Afghan Government corruption is solely responsible for the lack of provision of essential services to citizens, but also notes that the majority of resources for socio-economic development have been channelled through international organisations, regional development banks, NGOs, international contractors, consultants etcetera, and not through the central Government; urges the Afghan Government and the international community to exercise greater control in order to eliminate corruption and to ensure that aid reaches its target;

29. Takes the view that the fight against corruption should be at the core of the peace-building process in Afghanistan, since bribery causes misallocation of resources, constitutes an obstacle in terms of access to basic public services such as health and education, and represents a huge impediment to the country's socio-economic development; emphasises likewise that corruption undermines confidence in the public sector and the government, and consequently constitutes a major threat to national stability; therefore, urges the EU, when providing assistance to Afghanistan, to pay special attention to the fight against corruption;

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30. Notes that, according to the Afghan Minister of Finance, as corroborated by other independent sources, only USD 6 billion (or 15 %) out of a total of USD 40 billion in aid actually reached the Afghan Government between 2002 and 2009, and that, of the remaining USD 34 billion, which was channelled through international organisations, regional development banks, NGOs, international contractors, etcetera, between 70 % and 80 % never reached the intended beneficiaries, the people of Afghanistan; notes the decision taken at the Kabul Conference that 50 % of the international aid should be channelled through the Afghan national budget by 2012, in accordance with Afghanistan's request;
31. Points out the urgent need to establish coordination mechanisms among international donor countries and to provide for detailed evaluations of European and international aid to combat the lack of transparency and the limited mechanisms for donor accountability;
32. Condemns the fact that a significant proportion of European and other international aid money is lost along the distribution chain – a situation drastically highlighted in the recent scandal around the Kabul Bank – and draws attention to the four main ways in which this happens: waste, excessive intermediary and security costs, overbilling and corruption;
33. Notes, however, that EU losses are mitigated by the fact that 50 % of the Union's aid (as compared with 10 % of US aid) is allocated through multilateral trust funds, whose rate of effectiveness is very high (around 80 %);
34. Calls on the EU to set up a centralised database on, and to analyse the costs and impact of, all EU aid to Afghanistan, as the lack of comprehensive, up-to-date and transparent data undermines aid efficiency;
35. Calls, too, on all the main humanitarian and development bodies active in Afghanistan, including the EU and its Member States, the US, UNAMA, the UN agencies, the main NGOs and the World Bank, drastically to prune their operating expenses by allocating funds to concrete projects implemented in real and balanced partnership with Afghan institutions, and to ensure that aid actually reaches its target; emphasises, in that regard, that Afghan institutions shall have the right to decide on the use of the funds, while ensuring due transparency and accountability;
36. Stresses the importance of coordinating reconstruction and development efforts at regional level in order to promote cross-border development in a region where ethnic and tribal links often transcend national borders;
37. Notes that increased involvement by Afghan local and regional governments should be promoted, and emphasises that, at this level, allegiance, the rule of law and democracy are imperative for the proper use of funds; points out that the allocation of funds at local and regional level shall require the approval of the central Government, thus enhancing its role and responsibility;
38. Calls on the High Representative for Foreign and Security Policy, the Council and the Commission to set up a joint team of researchers to evaluate all EU and Member State measures and missions in Afghanistan once a year, using explicit qualitative and quantitative indicators, especially with regard to development aid (including public health and agriculture), good governance (including the justice sector and respect for human rights) and security (especially the training of Afghan police); calls too, in this context, for an evaluation of the relative impact of EU measures on the overall situation in the country and of the level of coordination and cooperation between EU bodies and other international missions and measures, and for the findings and recommendations of such an evaluation to be published;
39. Stresses that the security situation and the geographical distribution of assistance are mutually dependent and calls, therefore, for help to be dispatched directly to the population in Afghanistan immediately affected;
40. Stresses that combating corruption in Afghanistan must be a priority; recognises that local corruption exists but hopes that this will be countered through strengthening the legitimacy of Afghan state institutions by making them responsible for approving the allocation of funding and ensuring the effectiveness of aid;

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41. Advocates a policy of increasing procurement within Afghanistan itself wherever possible rather than importing goods or services;
42. Takes the view that impartial humanitarian bodies should be responsible for the distribution of aid in the country and that military personnel should be involved only in entirely exceptional circumstances, in recognition of the neutral, impartial and independent nature of the work of humanitarian bodies and in full compliance with the relevant international standards, as codified in the 'Guidelines on the Use of Military and Civil Defence Assets in Humanitarian Emergencies' (MCDA) and advocated in the European Consensus on Humanitarian Aid;
43. Points out that any perceived breach of the principles of neutrality, impartiality and independence by such bodies in their work makes them more vulnerable on the ground, particularly as they will continue to be present on the ground long after troops have been withdrawn;
44. Notes that, as widely reported in the press and in the US House of Representatives report 'Warlord, Inc.', the US military in Afghanistan has outsourced most of its logistics to private contractors, who in turn subcontract the protection of military convoys to local Afghan security providers, with disastrous consequences;
45. Notes that the decision to place the US military supply chain in private hands without any reliable criteria for assuring accountability, transparency and legality is fuelling extortion and corruption, as warlords, local mafia bosses and ultimately Taliban commanders end up taking a significant share of the USD 2.2-3 billion business of military logistics in Afghanistan;
46. Is appalled by the fact that protection money and extortion at every level of the military supply chain constitute the most significant source of funding for the insurgency, as recognised by US Secretary of State Hilary Clinton in her testimony before the Senate Foreign Relations Committee in December 2009;
47. Is equally appalled by the fact that, since US and NATO/ISAF military logistics follow similar lines, the full traceability of EU financial contributions might not be fully guaranteed in all cases;
48. Fully welcomes the new guidelines issued in September 2010 by the NATO military command in Afghanistan on contracting – currently worth around an estimated USD 14 billion per year – which aim to reduce corruption and decrease the funds that flow indirectly to the insurgency and the Taliban; hopes this change of orientation in contracting policy will be implemented quickly;
49. Welcomes, in this context, the recent decree by President Karzai setting a four-month deadline for all local and foreign private security firms in Afghanistan to cease operation;

The peace process

50. Stresses that good governance, the rule of law and human rights are the foundations for a stable and prosperous Afghanistan; stresses, therefore, that a credible justice process is a fundamental aspect of the peace process and that respect for human rights and the prevention of widespread impunity should be non-negotiable aspects at all stages of the peace process; calls, in this respect, on the Afghan Government to implement a judicial reform strategy as a matter of priority;
51. Believes that much of the blame for the present stalemate in Afghanistan rests with early miscalculations made prior to the new counter-insurgency strategy by coalition forces who foresaw a speedy military victory over the Taliban and an easy transition to a stable country run by a legitimate government with strong Western backing;
52. Believes, consequently, that the presence of the Taliban was underestimated and the ability of the Karzai government to provide governance overestimated, and that, as a result, little attention was paid to the task of rebuilding and developing the country;

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53. Fears that these errors have fuelled the resurgence of the Taliban in over half the country, exacerbating the deterioration in security in the entire region and in respect for human rights, particularly those of women;
54. Points out that the military focus of the past did not achieve the desired results, and therefore strongly supports a more civilian approach;
55. Recognises that the only possible solution is a political one and that this should include negotiations – which should eventually take place against the backdrop of a ceasefire – with the Taliban and other combatant groups, as well as other political players in the country, who are ready to participate in a government of national unity capable of putting an end to the civil war that has raged there for almost three decades and of ensuring full respect for the rule of law and fundamental human rights; believes that, in order to achieve the political solution, the new counter-insurgency policy must be given time to show results in line with the timetable announced by President Obama;
56. Firmly believes that the EU's three main prerequisites for such a peace process and the involvement of Taliban groups must be a commitment by all parties involved in negotiations to banish from the country Al-Qaeda and its promotion of international terrorism, as well as any other terrorist group; to take action to eliminate poppy cultivation; and to establish a policy of promoting and respecting fundamental human rights and the Afghan Constitution;
57. Believes, too, that all other issues should be left to the will and capacity of the Afghan people themselves;
58. Recognises that the Taliban are not a single uniform entity and that there are at least 33 top leaders, 820 mid-level/junior leaders, and 25 000 to 36 000 'foot soldiers' distributed among 220 communities, some fighting for ideological and others for monetary reasons; believes, therefore, that negotiations should, from now on, be encouraged at local level between the democratically elected local government and members of the armed opposition 'who renounce violence, have no links to international terrorist organisations, respect the Constitution and are willing to join in building a peaceful Afghanistan', in accordance with paragraphs 13 and 14 of the Kabul communiqué of 20 July 2010;
59. Welcomes the Afghan Government's Peace and Reintegration Programme, which is open to all Afghan members of the armed opposition and their communities on the basis of the above-mentioned paragraphs 13 and 14 of Kabul communiqué;
60. Points out that any disarmament and reintegration strategy must take close account of the problem of the return of ex-combatants and refugees to their villages of origin;
61. Highlights the importance of increasing the credibility, responsibility and competence of the Afghan Government and administration, in order to improve its reputation among its own citizens;
62. Stresses the key role of Pakistan, as there is no incentive for the Taliban to undertake any serious negotiations as long as the Pakistan border remains open to them; recommends wider international coordination and involvement in the process, including that of other neighbouring countries and leading regional players – notably Iran, Turkey, China, India and the Russian Federation;
63. Calls on the Commission to evaluate the strategic and political implications for Afghanistan and the broader region of the recent disastrous floods in Pakistan, and to take every necessary step to assist the affected population of the country and the Afghan refugees whose camps were overwhelmed by the flooding;
64. Stresses the importance of good water management in and around Afghanistan and highlights the benefits of regional and cross-border cooperation in this field, inter alia in terms of confidence-building among neighbours in South-West Asia;

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65. Notes the involvement of the Pakistan Intelligence Service (ISI) aimed at making sure that Pakistan, too, gets a satisfactory outcome from any peace dividend;

66. Stresses, however, that for peace to be allowed to take root in Afghanistan will require political deals among key regional powers, including India, Pakistan, Iran and the Central Asian States, Russia, China and Turkey, and a common position of non-interference and support for an independent Afghanistan; calls, too, for normalisation of the relationship between Afghanistan and Pakistan, namely through a final settlement on the issue of the international border between the two countries;

67. Calls on the EU to continue to support the peace and reconciliation process in Afghanistan as well as Afghan efforts to reintegrate those ready to renounce violence, allowing the Karzai Government enough flexibility in its choice of dialogue partners, but insisting that the Afghan Constitution and respect for fundamental human rights form the overall legal and political framework for the peace process;

68. Welcomes the National Priority Programmes prepared by the Afghan Government in line with the Afghanistan National Development Strategy and supported by the Kabul Conference, and calls for their full and effective implementation;

69. Cannot stress strongly enough the need for a much more active EU role in the reconstruction and development of Afghanistan, as no lasting peace is possible in the country itself or in the region as a whole without significant poverty reduction and sustainable development; recognises that there is no development without security, as there is no security without development;

70. Urges the EU and its Member States to work together with the United States to channel more of the international aid effort through domestic authorities and the Kabul Government, and to ensure that drones, special forces and local militias against Taliban leaders are used according to General Petraeus' orders for zero tolerance on the loss of innocent civilians' lives;

71. Pays tribute to the servicemen and women of all the Allied Forces who have lost their lives in defending freedom, and expresses its condolences to their families, as well as to the families of all innocent Afghan victims;

72. Points out that the military presence of some EU Member States and their allies in Afghanistan is part of the NATO/ISAF operation and its objectives of combating the threat of international terrorism and tackling drug cultivation and trafficking;

73. Stresses that this presence can help create the security conditions that would allow for recent plans by the Afghan Government to exploit the country's potentially vast mining and minerals industry to be put into practice, thus providing it with sorely needed own resources for the national budget;

74. Stresses that the potentially vast mining and minerals resources on Afghan territory belong exclusively to the people of Afghanistan, and that 'protection' of these assets can never be used as an excuse for the permanent presence of foreign troops on Afghan soil;

Police and the rule of law

75. Notes that there can be no stability or peace in Afghanistan without the state first of all guaranteeing security for its citizens on its own responsibility;

76. Welcomes President Karzai's objective that, by the end of 2014, only the Afghan National Security Forces should lead and conduct military operations in all provinces, as well as the Afghan Government's commitment to a phased exercise of full authority over its own security;

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77. Stresses that Afghanistan must be provided with an efficient police force and an autonomous army capable of ensuring security so as to permit a subsequent withdrawal of the foreign military presence from the country;

78. Sees merit in General Petraeus's idea that local, democratically elected authorities could be given a local gendarmerie to maintain law and order and protect the local population;

79. Recognises, however, that having self-sustaining security forces is a somewhat long-term goal and therefore draws particular attention to the need for a more coordinated and integrated approach in the training of police, as well as, separately, the training of army officers, and draws attention to the funding being invested in police training, with limited results; calls on all those involved to coordinate their work closely in order to avoid unnecessary duplication and to fulfil complementary tasks at strategic and operational levels;

80. Highlights the need for a comprehensive reform of the Interior Ministry, without which the efforts to reform and build a new police force could fail, and points in this context to the importance of monitoring, support, advice and training at Interior Ministry, regional and provincial level, in line with a further objective of EUPOL;

81. Believes that the undeniable vagueness of EUPOL's remit and its limited achievements to date prevent it from acquiring the leading EU role it deserves; deplores the fact that three years after its deployment EUPOL still has not reached three-quarters of its authorised strength; and reiterates its call to the Council and the EU Member States to honour in full their commitments towards this mission;

82. Welcomes the setting up by EUPOL Afghanistan of the Anti-Corruption Prosecutor's Office with the aim of investigating cases against high-profile public officials and other officials suspected of corruption;

83. Is disturbed by the ISAF figures indicating that of the 94 000 men in the Afghan National Police almost 90 % are illiterate, 20 % are drug users, and over 30 % go missing after a year, not to mention the 1 000 or so killed in service every year;

84. Believes that major factors behind the ineffectiveness of the overall training are a lack of coordination of the various aspects of police training and the practice of transferring duties to private military and security companies (PMSC);

85. Notes that the commitment by the EU and its Member States to the creation of a professional Afghan police force risks being compromised by the prevalence of practices such as the 'fast-track' approach (poor vetting of recruits, six weeks of training with no textbooks because of trainee illiteracy, minimal field training, recruits then given a badge, uniform and gun and sent out on patrol) implemented by a few big US security companies; emphasises the need for more coherent and sustainable police training enabling different Afghan police forces to work together; stresses that police training missions should not only focus on technical aspects but must guarantee recruits' literacy and give them a basic knowledge of national and international law;

86. Is disturbed to learn of the poor financial controls being applied to these private companies, and cites a 2006 joint US Defense and State Department report, the findings of which are still valid today, concluding that the police force in Afghanistan was incapable of carrying out routine law enforcement work and that no effective field training programme existed; acknowledges the attempts by the general command, and under the counter-insurgency policy, to exercise some degree of control over the private foreign militias operating with impunity in Afghanistan;

87. Recommends that police training should, as soon as possible, cease to be carried out by private contractors;

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88. Calls for improved international cooperation and coordination to increase police training capacities significantly and to further improve the effectiveness of training programmes; proposes that a large-scale training programme be launched by EUPOL and NATO/ISAF, incorporating the national police units as agreed with the Afghan Government and thereby eliminating duplication, waste and fragmentation;

89. Urges the High Representative for Foreign and Security Policy and the EU Member States to intensify police training in Afghanistan and to increase significantly the number of police trainers on the ground so that the objective of the London Conference to reach 134 000 trained Afghan police officers by the end of 2011 becomes a realistic scenario; urges the High Representative for Foreign and Security Policy to amend EUPOL Afghanistan's mission by also mandating training for low-grade personnel in all provinces, by increasing the number of weeks dedicated to basic training, and by ensuring that patrols and other policing activities are conducted jointly in the field; urges the EU Member States not only to merge their bilateral police training mission with EUPOL but also to refrain from imposing caveats for national police deployed in EUPOL;

90. Recommends that salaries for the Afghan police be increased and that the whole recruitment process be reviewed, giving preference to recruits with a basic standard of literacy who are not drug users and are better qualified psychologically and physically than the present cohort;

91. Stresses that police training cannot deliver without a properly functioning judiciary and calls, therefore, on the international community to provide increased financial and technical support to strengthen the judicial system, including through an increase in the salary of judges at all levels; further requests the Council to put in place, in coordination with the UN, a specialised mission to train judges, as well as public officials in the Ministry of Justice and the penal system, in Afghanistan;

92. Welcomes the fact that the Afghan Government pledged at the Kabul Conference to improve, with the support of international partners, access to the delivery of justice throughout the country by implementing concrete measures within the next 12 months, as well as the capacity of judicial institutions, including through the design and implementation of a comprehensive human resources strategy;

Narcotics

93. Points out that Afghanistan is the source of 90 % of the world's illicit opium, and yet that when coalition forces entered Kabul in 2001 no opium poppies were being grown in Afghanistan owing to the UN's success in achieving a ban on their cultivation;

94. Opines that a large, well-resourced military force should, subsequently, have found it easy to sustain this opium-free situation through local agricultural development projects, protected by its troops against the Taliban and local warlords;

95. Notes, however, that opium production is still a key social, economic and security issue, and calls on the EU to consider this as a strategic priority in its policies towards Afghanistan;

96. Points out that more than 90 % of heroin in Europe originates from Afghanistan and that the cost to public health in European countries runs into billions of dollars; emphasises that the challenges posed by the drug economy in Afghanistan must be tackled not only nationally but internationally by addressing all links in the drug chain and that this requires, in particular, assistance to farmers to reduce supply, as well as drug prevention and treatment to curb demand, and law enforcement against the intermediaries; proposes, in particular, massive investment in the establishment of a comprehensive agricultural and rural policy to offer opium producers a credible, lasting alternative; insists also on the need to integrate environment into the agriculture and rural strategy, as degradation of the environment – caused for instance by poor management of water resources or the destruction of natural forest – is one of the main barriers to the development of the agricultural economy;

97. Notes that, as a result of the impunity given to growers and traffickers, within two years cultivation reached pre-2001 levels, with a small number of powerful warlords running a huge cartel;

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98. Expresses deep concern at the sharp increase, indicated in the recent UNODC report, in the number of Afghans addicted to drugs; calls for targeted measures to be taken immediately to reduce the number of drug addicts and provide them with medical care; with this in view, stresses the need to fund programmes to set up rehabilitation centres in the country, particularly in those areas which do not have access to medical treatment;

99. Points out that, despite an earlier dip in prices caused by excessive production, in 2009 trade in narcotics totalled USD 3,4 billion and the potential gross export value of opium was 26 % of Afghanistan's GDP, with around 3,4 million Afghans (12 % of the population) said to be involved in the illicit narcotics industry;

100. Draws attention, however, to the findings of the recent UNODC report indicating that the Taliban net only 4 % of the profits from the annual narcotics trade, and local farmers 21 %, with 75 % going to government officials, the police, local and regional brokers, and traffickers; notes, in short, that NATO's Afghan allies are in fact getting the lion's share of the profits from the drugs trade;

101. Notes that between 2001 and 2009 the US and the international community spent USD 1.61 billion on counter-narcotics measures without having any significant impact on production and trafficking, and recalls Richard Holbrooke, US Special Representative for Afghanistan and Pakistan, describing US counter-narcotics efforts in Afghanistan to date as 'the most wasteful and ineffective programme I have seen in and out of government';

102. Points out that, unless the dependence of the Afghan economy on drugs is ended once and for all and a viable alternative economic growth model found, the goals of restoring security and stability to the region will not be achieved;

103. Emphasises the importance of efforts to phase out opium cultivation in Afghanistan – which have had little success so far – and calls, in this connection, for viable alternative livelihoods to be provided for the 3,4 million Afghans who make a living from opium, and for the situation of rest of the Afghan rural population to be improved;

104. Notes successful attempts in Pakistan, Laos and Thailand to phase out the cultivation of opium through its replacement by alternative crops; notes, too, the emergence in Afghanistan of promising new crops, such as saffron, that can deliver a much higher income than opium poppies;

105. Notes that a similar process of phasing out opium poppy cultivation could be envisaged for Afghanistan at a cost of EUR 100 million per year by specifically earmarking 10 % of the EU's annual aid to the country for a period of five years;

106. Notes that the recently signed Afghanistan-Pakistan Trade and Transit Agreement will give an opening to producers of pomegranates, the most famous legal crop in the area, and one repeatedly been cited by foreign development workers as a key to creating decent alternative livelihoods for poppy-growers in the south of Afghanistan;

107. Commends UNODC for its active work to support the Government of Afghanistan in its struggle against illicit drugs, and calls for the strengthening of UNODC and its programmes in Afghanistan;

108. Calls for a five-year national plan for the elimination of illicit opium crops, with specific deadlines and benchmarks, to be implemented through a dedicated office with its own budget and staff;

109. Stresses that this plan should be promoted through cooperation between the EU and the Russian Federation, the latter being the major victim of Afghan heroin and the world's second-largest opioids market after the EU;

110. Calls on the Government and Parliament of Afghanistan to enact specific legislation aimed at prohibiting all eradication practices that may involve the use of non-manual and non-mechanical means;

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111. Calls on the Council and the Commission fully to incorporate this proposed strategy into their existing strategies, and urges EU Member States to take the proposal fully into account within their own national plans;

112. Urges the Council and the Commission to take full account of all the budgetary implications of the proposals contained in this report;

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113. Instructs its President to forward this resolution to the Council and the Commission, the Secretary-General of the United Nations, the Secretary-General of NATO and the governments and parliaments of the Member States and of the Islamic Republic of Afghanistan.

Establishing a permanent crisis mechanism to safeguard the financial stability of the euro area

P7_TA(2010)0491

European Parliament resolution of 16 December 2010 on establishing a permanent crisis mechanism to safeguard the financial stability of the euro area

(2012/C 169 E/12)

The European Parliament,

- having regard to Articles 121, 122, 126, 136 and 148 of the Treaty on the Functioning of the European Union (hereinafter ‘TFEU’),
- having regard to its resolution of 7 July 2010 with recommendations to the Commission on Cross-Border Crisis Management in the Banking Sector ⁽¹⁾ (hereinafter ‘the Ferreira Report’),
- having regard its resolution of 7 July 2010 on the European Financial Stability Facility and European Financial Stabilisation Mechanism and future actions ⁽²⁾,
- having regard to the question of 24 June 2010 to the Commission on the European Financial Stability Facility and European Financial Stabilisation Mechanism and future actions ⁽³⁾,
- having regard to its position of 6 July 2010 on the proposal for a Council Regulation amending Regulation (EC) No 479/2009 as regards the quality of statistical data in the context of the excessive deficit procedure ⁽⁴⁾,
- having regard to its position of 22 September 2010 on the proposal for a regulation of the European Parliament and of the Council establishing a European Banking Authority ⁽⁵⁾ (hereinafter ‘the Garcia-Margallo Report’),
- having regard to its resolution of 20 October 2010 on improving the economic governance and stability framework of the Union, in particular in the euro area ⁽⁶⁾ (hereinafter ‘the Feio Report’),

⁽¹⁾ Texts Adopted, P7_TA(2010)0276.

⁽²⁾ Texts Adopted, P7_TA(2010)0277.

⁽³⁾ Oral question 0095/2010.

⁽⁴⁾ Texts Adopted, P7_TA(2010)0253.

⁽⁵⁾ Texts Adopted, P7_TA(2010)0337.

⁽⁶⁾ Texts Adopted, P7_TA(2010)0377.

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- having regard to its resolution of 20 October 2010 on the financial, economic and social crisis: recommendations concerning measures and initiatives to be taken (mid-term report) ⁽¹⁾ (hereinafter 'the Berès Report'),
 - having regard to the Statement by the Heads of State and Government of the euro area of 25 March 2010,
 - having regard to the Conclusions of the Extraordinary Ecofin of 9-10 May 2010,
 - having regard to Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ⁽²⁾,
 - having regard to the Commission Communication of 12 May 2010 on 'Reinforcing economic policy coordination' (COM(2010)0250),
 - having regard to the European Central Bank (hereinafter 'ECB') paper of 10 June 2010 on 'Reinforcing the economic governance in the Euro area',
 - having regard to the Commission Communication of 30 June 2010 on 'Enhancing economic policy coordination for stability, growth and jobs – Tools for stronger EU economic governance' (COM(2010)0367),
 - having regard to the six Commission legislative proposals on EU economic governance of 29 September 2010 (hereinafter 'the economic governance legislative package' - COM(2010)0522, COM(2010)0523, COM(2010)0524, COM(2010)0525, COM(2010)0526 and COM(2010)0527),
 - having regard to Decision 2010/624/EU of the European Central Bank of 14 October 2010 concerning the administration of the borrowing and lending operations concluded by the Union under the European financial stabilisation mechanism ⁽³⁾,
 - having regard to the Report of the Task Force on Economic Governance to the European Council of 21 October 2010 on 'Strengthening Economic Governance in the EU',
 - having regard to the Conclusions of the European Council of 28-29 October 2010,
 - having regard to the Statement by the Euro Group of 28 November 2010,
 - having regard to Question B7-0199/2010 to the Commission on establishing a permanent crisis mechanism to safeguard the financial stability of the euro area,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas a comprehensive and integrated solution to the euro area debt crisis is needed since a piecemeal approach has not worked so far,

⁽¹⁾ Texts Adopted, P7_TA(2010)0376.

⁽²⁾ OJ L 118, 12.5.2010, p. 1.

⁽³⁾ OJ L 275, 20.10.2010, p. 10.

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- B. whereas at the extraordinary Ecofin of 9-10 May 2010 the Council and the Member States agreed on a temporary mechanism to preserve financial stability totalling EUR 750 billion, including a rapid reaction stabilisation fund (European Financial Stabilisation Mechanism, hereinafter 'EFSM') with a total volume of up to EUR 60 billion and a European Financial Stability Facility (hereinafter 'EFSF') with a total volume of up to EUR 440 billion, to be complemented by IMF funds of up to EUR 250 billion,
- C. whereas the EFSM is based on Article 122(2) TFEU and an intergovernmental agreement between Member States; whereas its activation is subject to strong conditionality, in the context of joint EU/IMF support, and to terms and conditions similar to those of the IMF, adjusted to the social and economic specificities of the countries in which it is being implemented, as well as according to their development agenda,
- D. whereas the EFSF is set up as a Special Purpose Vehicle that is guaranteed on a pro rata basis by participating Member States in a coordinated manner in accordance with their share in the paid-up capital of the ECB and pursuant to their national constitutional requirements, and that will expire after three years,
- E. whereas the Commission, in its Communication of 12 May 2010, stated that the crisis has demonstrated that a robust framework for crisis management is a necessary complement to the implementation of the enhanced Stability and Growth Pact as well as the new macroeconomic surveillance mechanism intended to prevent adverse developments in the budgetary stance and competitiveness,
- F. whereas the ECB, in its paper of 10 June 2010, included proposals for a debt crisis management framework, providing financial support for euro area Member States experiencing impaired access to private credit,
- G. whereas, at the European Council of 28-29 October 2010, Heads of State or Government agreed on the need for Member States to establish a mechanism to safeguard the financial stability of the euro area as a whole (the European Stability Mechanism, hereinafter 'the ESM'),
- H. whereas the ESM is meant to complement the new framework of reinforced economic governance, aimed at effective and rigorous economic surveillance and coordination, which will focus on prevention and will substantially reduce the probability of a crisis arising in the future,
- I. whereas Parliament is convinced of the need for a permanent crisis mechanism to safeguard the financial stability of the euro and has called for the creation of a European Monetary Fund (hereinafter 'EMF') in the Feio Report,
- J. whereas Parliament has also identified the need for a crisis resolution mechanism for the banking sector in the Ferreira and Garcia-Margallo Reports as a necessary complement to the supervisory powers granted to the new authorities (ESAs) in order to ensure the supervision of the Union's financial system,
- K. whereas at the Euro Group meeting of 6 December 2010 the creation of pan-European bonds to support countries that run into financial trouble was proposed by its President but was not discussed, as some of the countries expressed objections to this idea,
- L. whereas since the Commission presented the legislative proposals on economic governance to Parliament and the Council on 29 September 2010 the markets have suffered several crises, inter alia the Irish debt crisis, that must be taken into account by Parliament and the Council,
- M. whereas it is essential to streamline the current processes of economic policy coordination and remove overlaps to ensure that EU strategy is understandable to market operators and citizens, as well as to move to more integrated approaches and to bring about a change in the decision-making process,

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- N. whereas the European Systemic Risk Board (hereinafter the 'ESRB') is responsible for the macroprudential oversight of the financial system in order to contribute to the prevention of systemic risks to financial stability in the EU so as to avoid periods of widespread financial distress and contribute to smooth functioning of the internal market and thereby ensure a sustainable contribution of the financial sector to economic growth,
1. Calls on the European Council to specify as soon as possible the Treaty changes required in order to establish a permanent ESM;
 2. Underlines that, from a rational, practical and democratic point of view, consideration of the economic governance legislative package cannot be dissociated from the decision taken by the European Council to create a permanent mechanism;
 3. Wishes, as a co-legislator, to stress the need to create a permanent crisis mechanism which is credible, robust, lasting and grounded in the essential technical realities, and which should be adopted under the ordinary legislative procedure and inspired by the Community method, in order, on the one hand, to strengthen Parliament's involvement and improve democratic accountability and, on the other, to draw on the expertise, independence and impartiality of the Commission; urges the European Council, therefore, to provide an adequate legal basis, in the framework of revision of the TFEU, for this purpose;
 4. Notes that, in any case, the ESM/EMF should be based on solidarity, subject to strict conditionality rules and financed, inter alia, by innovative financing tools and/or by the fines applied to Member States as the outcome of excessive deficit proceedings or of measures in relation to excessive debt or excessive imbalances if corresponding provision is included in the legislative package on economic governance currently being negotiated, and in the form required in accordance with such provision;
 5. Calls on the Commission to present a Communication bringing together the broad guidelines of the economic policies (Article 121(2) TFEU) as well as the guidelines on employment policies (Article 148(2) TFEU) for consideration in the debate on the 'European Semester' to reduce meaningless and endless discussions; urges the Commission to ensure greater involvement of the European Parliament at every stage of this debate to enhance democratic accountability and raise its public profile;
 6. Considers that the policy response to the specific recommendations addressed to Member States in the framework of the 'European Semester' should be specifically taken into account when implementing the legislative proposals on economic governance currently being discussed by Parliament and the Council;
 7. Notes that the ESRB should cooperate closely with the Commission, Council and Parliament in identifying systemic risk and ensuring proper functioning of the ESM, especially as regards assessment of the solvency of the country concerned;
 8. Calls on the Commission to present a Communication, after consultation with the ECB, containing a comprehensive description of the ESM, clarifying the position of investors, savers and market participants and stating explicitly that the ESM will be fully consistent with IMF policy and IMF practices as regards private-sector involvement in order to dissipate market concerns;
 9. Notes that the permanent crisis mechanism should be implemented as soon as possible in order to ensure stability in the markets and to reinforce certainty as regards bonds that have been issued before the setting up of the permanent crisis mechanism;
 10. Recognises that, while it is in the interest of all Member States that a workable crisis mechanism is established, not all Member States will be members or candidate members of the euro area by the time such a mechanism is set up, and notes that their particular situations should be clarified, especially for those moving towards the euro area and which have sovereign debt in euros; recalls that non-euro area members benefit from the balance of payments facility under Article 143 TFEU;
 11. Notes therefore that Member States outside the euro area should be involved in the creation of such a mechanism and that those Member States which are willing to participate in the mechanism should have such a possibility;

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12. Calls on the European Council to provide the necessary political signal for a Commission investigation into a future system of eurobonds, with a clear specification of the conditions under which such a system would be beneficial to all participating Member States and to the eurozone as a whole;
13. Stresses that this strict and incremental conditionality should serve to restore sustainable growth and not be achieved at the expense of the most vulnerable and therefore should not equate to lowering minimum incomes and aggravating poverty and inequalities;
14. Urges the Commission to speed up a legislative proposal defining a common consolidated corporate tax base (CCCTB);
15. Insists that rules should be adapted to provide for case-by-case participation of private-sector creditors, fully consistent with IMF policies;
16. Stresses the need for a high degree of transparency in the information relating to national accounts, including all off-balance sheet activity; notes that this must be backed up by external audits, reliable statistics and data, and accountability; welcomes the enhanced powers of Eurostat and recalls that Parliament has in the past asked for Eurostat to be able to make unannounced inspections of a Member State's accounts as a measure to enhance fiscal surveillance;
17. Calls on the Commission to present a Communication containing a comprehensive description of clauses and conditions attached to the EFSM, as well as other EU financial assistance instruments and packages granted as a response to the crisis;
18. Asks the Commission to inform the European Parliament of the estimated effect on the EU's credit rating (a) of the creation of the financial stabilisation mechanism, and (b) of the utilisation of the full line of credit;
19. Asks the Commission to prioritise the spending in the EU budget in each year of the existence of the EFSM to establish the order in which the budget will have to be cancelled in the event of having to return up to EUR 60 billion;
20. Instructs its President to forward this resolution to the President of the European Council, the Council, the President of the Euro Group, the Commission, the ECB and the parliaments and governments of the Member States.

Situation in Côte d'Ivoire

P7_TA(2010)0492

European Parliament resolution of 16 December 2010 on the situation in Côte d'Ivoire

(2012/C 169 E/13)

The European Parliament,

- having regard to its previous resolutions on Côte d'Ivoire,
- having regard to the provisions of the Electoral Code of Côte d'Ivoire, particularly Law 2001-303 and Ordinance 2008-133, particularly Article 64 thereof,
- having regard to the interim report of the European Union electoral observation mission,

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- having regard to the communiqué of the Chairman of the African Union, the statement of the African Union Peace and Security Council, and the final communiqué of the 7 December 2010 ECOWAS Commission Extraordinary Session of the Authority of Heads of State and Government on Côte d'Ivoire held in Abuja, Nigeria,
 - having regard to the Declaration of the ACP-EU Joint Parliamentary Assembly adopted on 3 December 2010 in Kinshasa,
 - having regard to the statements of HR/VP Catherine Ashton on the electoral process, and in particular those of 3 December 2010 on the Côte d'Ivoire election results and of 1 December 2010 on the second round of presidential elections in Côte d'Ivoire,
 - having regard to the Statement of 3 December 2010 made by Mr Young Jin Choi, Special Representative of the UN Secretary General in Côte d'Ivoire, on the certification of the results of the second round of the presidential election held on 28 November 2010,
 - having regard to the UN Security Council Declaration of 8 December 2010,
 - having regard to the Conclusions on Côte d'Ivoire adopted by the EU Foreign Affairs Council at its 3058th meeting on 13 December 2010,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. having regard to the holding of presidential elections in Côte d'Ivoire and the serious political and institutional crisis which has engulfed the country in the aftermath of the second round of voting on 28 November 2010; whereas the electoral campaign for the second round of the elections was characterised by a climate of tension and violent acts inflicting injuries and causing several deaths,
 - B. whereas according to independent observation reports, particularly by the UN and the European Union, the elections – the organisation of which cost USD 400 million – generally proceeded in a satisfactory manner,
 - C. whereas Côte d'Ivoire's Independent Electoral Commission announced that Ouattara had won the elections, but the country's Constitutional Council overturned the result, claiming that fraud had occurred in some areas, and declared Gbagbo to be the winner,
 - D. whereas the Constitutional Council has a duty to the people of Côte d'Ivoire to apply the law impartially and whereas the Constitution, Law 2001-303 and Article 64 of the Ordinance of 2008 assign to it the power only to annul the presidential elections but not to proclaim results different from those of the Independent Electoral Commission,
 - E. whereas two UN resolutions adopted after the 2005 peace agreement assign to the United Nations responsibility for certifying the results, the first time that this has been done in Africa,
 - F. whereas the Special Representative of the Secretary General of the United Nations has certified the quality of the Côte d'Ivoire electoral process and that the results released by the Independent Electoral Commission are representative of the will of the Ivorian citizens, and has declared Mr Ouattara to be the winner of the elections,
 - G. whereas the UN Security Council has welcomed the announcement of provisional results by the Independent Electoral Commission of Côte d'Ivoire (CEI) and reiterated its readiness to take appropriate measures against those who obstruct the peace process, in particular the work of the CEI, as set out by Paragraph 6 of Resolution 1946(2010),

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- H. whereas the sole source of democratic legitimacy is universal suffrage, the results of which have been certified by the UN,
- I. whereas, at its extraordinary summit of 7 December 2010, the Economic Community of West African States (ECOWAS) called on Mr Gbagbo to 'surrender power without delay' and suspended Côte d'Ivoire 'from all its activities until further notice',
- J. whereas the President of the African Union (AU), Mr Bingu Wa Mutharika, took the view, as expressed in his official statement of 8 December 2010, that 'Mr Gbagbo must respect the will of the people as expressed through the ballot box and surrender power peacefully in order to avoid another bloodbath in Africa' and that the AU 'stands side by side with ECOWAS and the international observers who certified that Mr Ouattara had won the elections',
- K. having regard to the concern of economic stakeholders, as the present situation could impoverish the country and therefore its population, and the whole of West Africa, as Côte d'Ivoire accounts for 40 % of the GDP of the WAEMU,
- L. whereas the outgoing President has a responsibility to allow a peaceful transition which will maintain civil peace, which is indispensable to the future of Côte d'Ivoire, by withdrawing, thus avoiding inflicting fresh sufferings on his people and on the region,
1. Considers that the sole source of democratic legitimacy is universal suffrage, the results of which have been certified by the UN, and calls therefore on Mr Gbagbo to step down and hand over power to Alassane Ouattara;
 2. Urges all the political and armed forces in Côte d'Ivoire to respect the will of the people that was reflected by the results of the 28 November 2010 poll, as announced by the CEI and certified by the UNSG Special Representative;
 3. Deplores the violent clashes that preceded the proclamation of the results of the second round of presidential elections in Côte d'Ivoire and expresses its deepest solidarity with the victims and their families; regrets also the political obstruction and attempts to intimidate CEI members, which ultimately delayed the announcement of provisional results, thus hampering the due course of the democratic electoral process;
 4. Deeply regrets the decision of the Constitutional Council of Côte d'Ivoire, all of whose members were appointed by the outgoing President, to alter the results announced by the Electoral Commission, in violation of the law which it was its task to enforce, and considers this decision to have been contrary to the desire expressed by the people of Côte d'Ivoire through the ballot box;
 5. Stresses the importance of the decision by the AU to suspend Côte d'Ivoire 'from all participation in the activities of the organisation until the democratically elected President, Alassane Ouattara, actually exercises power';
 6. Welcomes the declarations of various actors of the international community expressing support for the electoral process in Côte d'Ivoire and acknowledging Mr Ouattara as the legitimate winner of the poll;
 7. Firmly supports the efforts of the AU and ECOWAS to prevent violence and ensure the recognition of the legitimate government;
 8. Accords its full confidence to the Special Representative of the UN Secretary General responsible for certifying the results;
 9. Is deeply concerned by the current post-electoral political deadlock prevailing in the country, as well as by the reported acts of violence involving, in some instances, the Ivorian security forces; emphasises the need to closely monitor the situation prevailing in the country and the reported acts of violence;

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10. Deplores the violence which has occurred and considers that it is a priority to protect the civilian population; calls on all parties concerned in Côte d'Ivoire to avoid any risk of an escalation of tension and to prevent any confrontation; calls therefore for action to restore the democratic functioning of institutions in the sole interest of the people of Côte d'Ivoire and the preservation of peace;
11. Welcomes all mediation efforts and calls on all political forces in Côte d'Ivoire to actively support a peaceful transition and thus avoid a division of the country;
12. Strongly condemns the acts of intimidation directed against the European Union's observers in Côte d'Ivoire that forced the mission to withdraw for security reasons;
13. Deplores the suspension of the nongovernmental media in Côte d'Ivoire; recalls that it is essential that all the people of Côte d'Ivoire should enjoy full access to plural and diverse information in the media, and calls on the Ivorian authorities to immediately restore equitable access to the State media;
14. Supports the EU decision to impose sanctions against Laurent Gbagbo and welcomes the EU Council decision to adopt targeted measures against those who are obstructing the process of peace and national reconciliation, and in particular those who are jeopardising the outcome of the electoral process; calls on HR/VP Catherine Ashton to present as soon as possible new initiatives to support the democratically elected authorities in Côte d'Ivoire;
15. Instructs its President to forward this resolution to the Council, the Commission, HR/VP Catherine Ashton, the UN Security Council, the UN Secretary General, the ONUCI, the institutions of the African Union, ECOWAS, the ACP-EU Parliamentary Assembly and the EU Member States.

Welfare of laying hens

P7_TA(2010)0493

European Parliament resolution of 16 December 2010 on the EU laying hens industry: the ban on the use of battery cages from 2012

(2012/C 169 E/14)

The European Parliament,

- having regard to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens ⁽¹⁾, which entered into force on 3 August 1999 and introduced a ban on the use of battery cages for the rearing of laying hens, whilst granting a transitional period of more than 12 years for producers to change their rearing systems,
- having regard to Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs ⁽²⁾,
- having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽³⁾,
- having regard to Commission Communication COM(2007)0865 of 8 January 2008 on the various systems of rearing laying hens in particular those covered by Directive 1999/74/EC (SEC(2007)1750),

⁽¹⁾ OJ L 203, 3.8.1999, p. 53.

⁽²⁾ OJ L 163, 24.6.2008, p. 6.

⁽³⁾ OJ L 299, 16.11.2007, p. 1.

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- having regard to Commission Regulation (EC) No 798/2008, as amended by Regulations (EC) Nos 1291/2008 and 411/2009, and by Regulations (EU) Nos 215/2010, 241/2010, 254/2010, 332/2010, 925/2010 and 955/2010, laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (replacing Commission Decision 2006/696/EC as from 1 January 2009) ⁽¹⁾,
 - having regard to its resolution of 11 November 2010 on the crisis in the EU livestock sector ⁽²⁾,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas, at the meetings of Parliament's Committee on Agriculture and Rural Development of 30 August and 29 September 2010, the Commission provided information on this issue, but was unable to give satisfactory answers to the members of the committee, for example because no action plan had been formulated,
- B. whereas the Welfare of Laying Hens Directive (1999/74/EC) prohibits, as from 1 January 2012, the rearing of laying hens in unenriched cage systems, and whereas Member States and producers in the EU-15 will by then have had more than 12 years to ensure that they comply with the terms of the legislation, and producers in the EU-10 and EU-2 will have had respectively eight and five years, since enlargement, to comply,
- C. whereas, in recent years, the sector has faced major epizooties as well as a severe market crisis due in part to huge production costs caused by a rise in feed prices – which account for up to 50 % of producers' total costs – as a result of cereals market speculation,
- D. whereas many producers in the Union have started to change their production systems in order to comply with Council Directive 1999/74/EC, but will not have completed the process by the 1 January 2012 deadline,
- E. whereas in 2008 the Commission adopted a communication on the various systems of rearing laying hens, in particular those covered by Council Directive 1999/74/EC, confirming that the decision to phase out battery cages by 1 January 2012 was justified and that no amendment to the directive was necessary; whereas the Commission reiterated this position at the Agriculture Council meeting on 22 February 2010,
- F. whereas eggs which are not produced in compliance with Directive 1999/74/EC are not legally marketable in the EU,
- G. whereas the Member States are responsible for establishing proportionate, effective and dissuasive systems of sanctions to ensure that the directive is implemented, whilst the Commission – as guardian of the Treaty – has a duty to supervise progress with its implementation throughout the EU and to take measures as needed,
- H. whereas reports by DG AGRI on the current situation, and the sector's own estimates for the coming years, show that a substantial number of Member States and 30 % of egg production are not expected to be in compliance with the ban on battery cages by 1 January 2012,
- I. whereas Directive 1999/74/EC does not provide for a specific mechanism allowing a Member State to prevent the marketing on its territory of eggs or egg products from another Member State not taking the necessary measures to stop eggs from establishments which are not compliant with Directive 1999/74/EC being placed on the market,

⁽¹⁾ OJ L 226, 23.8.2008, p. 1.

⁽²⁾ Texts adopted, P7_TA(2010)0402.

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- J. whereas the poultry and egg producing sector does not receive EU subsidies under the first pillar of the CAP and has been facing a severe market crisis over the last few years, including recent substantial increases in feed prices, whilst having to comply with EU animal health and welfare standards which are amongst the highest in the world,
- K. whereas the production costs borne by egg producers using enriched cages are 8-13 % higher than those of producers using conventional cages, and the resulting income difference is estimated at 3-4 %, 1. Calls on the Commission to maintain the requirement for a ban on battery cages by 1 January 2012, as laid down in the Welfare of Laying Hens Directive (1999/74/EC), and strongly to oppose any attempts by Member States to secure a deferral of that deadline;
2. Stresses that, as a matter of principle, postponement of the ban or derogations from it would seriously harm the welfare of laying hens, distort the market and penalise those producers who have already invested in non-cage or enriched-cage systems; believes, nevertheless, that a solution should be found, subject to clearly defined conditions, for those producers who have started to change their rearing systems, by introducing new cages or alternative rearing methods, but who will not have completed this process by 1 January 2012;
3. Expresses its deep concern at the substantial numbers of Member States and egg producers behind schedule for meeting the 2012 deadline;
4. Welcomes the Commission's intention to meet the main stakeholders and competent authorities in January 2011 in order to assess the state of play regarding implementation of the directive, but stresses that these efforts are long overdue;
5. Calls on the Commission urgently to provide clarity concerning the state of play in the Member States and reveal, at the latest by 1 March 2011, the measures it envisages taking in order to ensure compliance with the directive;
6. Emphasises that such measures should, first and foremost, maintain a level playing field and protect producers who are compliant by 1 January 2012 against unfair competition from producers inside and outside the EU who continue unlawfully to use battery cages after that date;
7. Calls on the Commission to monitor progress at frequent intervals and to take urgent action directed at Member States to make sure that their egg producers comply with the ban by 1 January 2012 and to urge them to develop national action plans, including dissuasive sanctions, with a view to ensuring that the use of battery cages is brought to an end on their territory by 1 January 2012;
8. Believes that egg producers and Member States that have made the effort to comply with Directive 1999/74/EC should not be penalised through unfair and illegal competition, in particular in the form of eggs and egg products imported from third countries; emphasises that eggs not produced in compliance with Directive 1999/74/EC cannot be legally marketed or be part of internal trade in the EU; urges the Commission, therefore, to take measures to avoid trade distortions and prevent non-compliant producers from exporting beyond their national territory;
9. Insists that the Commission should take no action against a Member State which prevents the marketing and import of eggs which have not been produced in accordance with EU law;
10. Notes that some, but not all, Member States have made use of the possibility of providing funding for producers to support the conversion to enriched cages; stresses, however, that the current constraints on the finances of some Member States and the difficulties faced by EU farmers in obtaining bank loans to finance on-farm investment may make the process of converting to enriched cages before 1 January 2012 more difficult;

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11. Urges all Member States to include in their rural development programmes measures to help the poultry sector comply with the Directive;
12. Underlines the need to raise consumer awareness about this issue and about the effects of non-compliance in terms of the welfare of laying hens and unfair competition between farmers;
13. Notes that eggs should be regarded as a basic and staple food and points out that non-compliance with Directive 1999/74/EC may give rise to a risk of egg shortages and significant price increases for consumers; emphasises, further, that such shortages and price increases could lead to increased imports of eggs or egg products from third countries that do not observe EU welfare standards;
14. Asks the Commission to step up its monitoring of the enforcement of the directive by means of more frequent inspections by the Food and Veterinary Office;
15. Requests the Commission to submit, at the latest by 31 December 2011, a list of egg and egg-product producers, processors and retailers not complying with the provisions of Directive 1999/74/EC;
16. Instructs its President to forward this resolution to the Council and the Commission.

Malaysia: the practice of caning

P7_TA(2010)0494

European Parliament resolution of 16 December 2010 on Malaysia: the practice of caning

(2012/C 169 E/15)

The European Parliament,

- having regard to the absolute ban on torture and other cruel, inhuman or degrading treatment or punishment, a ban which applies in all circumstances and, as a peremptory norm in international law, to all states,
- having regard to the practical expression given to this ban 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) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture),
- having regard to the UN Standard Minimum Rules for the Treatment of Prisoners,
- having regard to the UN Convention Relating to the Status of Refugees,
- having regard to the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, which entered into force on 15 December 2008, and the creation of the ASEAN Intergovernmental Commission on Human Rights on 23 October 2009,
- having regard to the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers of 13 January 2007,
- having regard to the Guidelines for EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, adopted in 2001 and revised in 2008,

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- having regard to the EU-Malaysia Strategy Paper for the period 2007-2013,
 - having regard to Rule 122(5) of its Rules of Procedure,
 - A. whereas corporal punishment in all its forms is prohibited in all circumstances under international law,
 - B. whereas Malaysian law provides for punishment by caning (known as ‘whipping’) for at least 66 offences, and whereas according to estimates by Amnesty International as many as 10 000 Malaysian citizens and increasing numbers of refugees and migrants are caned in Malaysian prisons every year,
 - C. whereas the Malaysian authorities have in recent years expanded the list of offences punishable by caning to include illegal entry into the country and drug abuse,
 - D. whereas the UN Human Rights Council, of which Malaysia is a member, has adopted Resolution 8/8 stating that ‘corporal punishment can be tantamount to torture’, and whereas the practice of caning causes severe pain and suffering and long-term physical and psychological trauma,
 - E. whereas although caning – a remnant of colonial rule – is still practised in a small number of countries, Malaysia is the only country with a considerable population size and a high level of human development to retain this form of punishment,
 - F. whereas foreign caning victims are often not informed of the charges against them and denied the right to interpretation and access to legal counsel, in violation of their right to an objective and impartial trial,
 - G. whereas the doctors involved in the process – whose role is no more than that of certifying that prisoners are fit to be caned and resuscitating them should they lose consciousness – are violating medical ethics,
 - H. whereas the Malaysian Bar Association, which represents 8 000 lawyers, has called for this form of punishment to be abolished, claiming that it contravenes all international human rights norms and various conventions on torture,
1. Strongly condemns caning and all forms of corporal punishment and ill-treatment of prisoners; firmly believes that Malaysia cannot invoke its domestic laws to justify a practice that amounts to torture and is clearly illegal under international law;
 2. Urges Malaysia to enact a moratorium on caning and all forms of corporal punishment in all cases, with a view to their abolition in law and in practice;
 3. Calls on the Malaysian authorities immediately to halt the current practice of pressuring prison officials and medical officers to be complicit in the ill-treatment of prisoners when canings are administered;
 4. Calls on the Malaysian Parliament to ratify the UN Convention against Torture and its Optional Protocol and the ICCPR and its protocols and to amend Malaysian law so that immigration offences are treated as administrative offences, rather than crimes punishable by imprisonment or corporal punishment, and that drug-related offences are no longer punishable by caning;
 5. Calls on the Human Rights Commission of Malaysia (SUHAKAM) and the Malaysia Law Reform Committee to make suitable recommendations to the government concerning the abolition of corporal punishment in law;

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6. Calls on the Malaysian authorities to implement international standards relating to the protection of migrants, refugees and asylum seekers, including in criminal proceedings against them, in order to ensure their effective protection against torture and ill-treatment;
7. Calls on the High Representative of the Union for Foreign Affairs and Security Policy, the Commission and the Council systematically to raise the issue of the human rights situation in Malaysia, and, in particular, the allegations of various abuses and ill-treatment of migrants and asylum seekers, in their political contacts with the country;
8. Urges the High Representative of the Union for Foreign Affairs and Security Policy, the Council and the Commission to continue making representations to all of the European Union's international partners urging them to ratify and implement international conventions banning the use of torture and ill-treatment; calls on the European Union to give the fight against torture and ill-treatment top priority in its human rights policy, in particular through enhanced implementation of the European Union guidelines and all other European Union instruments, such as the European Instrument for Democracy and Human Rights;
9. Regards the creation of the ASEAN Intergovernmental Commission on Human Rights as a welcome step towards a more comprehensive approach and the more effective implementation of human rights standards across the region; believes that the issue of caning in Malaysia, which often concerns migrants and asylum seekers coming from fellow ASEAN Member States, could be addressed by this body;
10. Instructs its President to forward this resolution to the High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of Malaysia, the governments of the ASEAN Member States, the UN Special Rapporteur on Torture and the UN Secretary-General.

Uganda: the Bahati Bill and discrimination against the LGBT population

P7_TA(2010)0495

European Parliament resolution of 16 December 2010 on Uganda: the so-called 'Bahati bill' and discrimination against the LGBT population

(2012/C 169 E/16)

The European Parliament,

- having regard to the international human rights obligations and instruments, including those contained in the UN conventions on human rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing human rights and fundamental freedoms and prohibiting discrimination,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) and the human rights clauses contained therein, in particular Article 9,
- having regard to Articles 6 and 7 of the Treaty on European Union (TEU) and Article 19 of the Treaty on the Functioning of the European Union (TFEU), which commit the European Union and the Member States to upholding human rights and fundamental freedoms and provide means to fight discrimination and human rights violations at EU level,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which prohibits discrimination on grounds of sexual orientation,

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- having regard to all EU activities that relate to fighting homophobia and discrimination on grounds of sexual orientation,
 - having regard to its previous resolutions on homophobia, protection of minorities and antidiscrimination policies,
 - having regard to its resolution of 17 December 2009 on Uganda: anti-homosexual draft legislation ⁽¹⁾,
 - having regard to the Declaration by the High Representative, Catherine Ashton, on the International Day Against Homophobia, 17 May 2010,
 - having regard to the ACP-EU JPA resolution of 3 December 2009 on social and cultural integration and participation of young people,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Anti-Homosexuality Bill tabled by private Member David Bahati MP on 25 September 2009 before the Ugandan Parliament foresees the punishment of homosexual acts by imprisonment between seven years and life as well as the death penalty; whereas the Bill foresees the punishment of a failure to disclose a child's or patient's homosexuality by up to three years' imprisonment; whereas the Bill is still under consideration,
- B. whereas the international community at large has strongly condemned the proposed law, with some EU Member States threatening to revoke their development aid to Uganda should this bill pass into law,
- C. whereas on 9 October and 15 November 2010 the local newspaper 'Rolling Stone' listed the names and personal details of people alleged to be homosexual, inciting readers to harm or hang them; whereas the Ugandan High Court temporarily ordered the newspaper to cease publication,
- D. whereas in Africa homosexuality is legal in only 13 countries and a criminal offence in 38 countries; whereas Mauritania, Sudan and northern Nigeria punish homosexuality by death,
1. Reiterates the fact that sexual orientation is a matter falling within the sphere of the individual right to privacy as guaranteed by international human rights law, according to which equality and non-discrimination should be protected, whilst freedom of expression should be guaranteed;
 2. Reminds the Ugandan authorities of their obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;
 3. Reiterates its commitment to universal human rights, notes in this regard that the defence of the fundamental rights of LGBT people cannot be qualified as imposing European values, but rather as the defence and promotion of shared universal human rights, which is one of the EU's objectives in all its external activities;
 4. Denounces any attempt to incite hatred and advocate violence towards any minority group, including on grounds of sex or sexual orientation; in this context condemns the tabling of the Anti-Homosexuality Bill in Parliament and urges the Ugandan authorities not to approve the Bill but to review their laws so as to decriminalise homosexuality and decriminalise marginalised groups, including LGBT activists; underlines that an anti-homosexuality law would be extremely detrimental in the fight against HIV/AIDS;
 5. Once again strongly rejects any moves to introduce the use of the death penalty under any circumstances and extradition procedures for Ugandan citizens who perform homosexual acts abroad;

⁽¹⁾ OJ C 286 E, 22.10.2010, p. 25.

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6. Welcomes the fact that the Ugandan High Court ordered the newspaper 'Rolling Stone' to cease publication; nevertheless, remains concerned that many Ugandans have been attacked as a direct result of the article, with many still fearing attacks, and calls for their protection by the authorities;

7. Instructs its President to forward this resolution to the Council, the Commission, the High Representative/Vice-President for Foreign Affairs and Security Policy, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament, the East African Legislative Assembly and the African Union Commission and its institutions.

Eritrean refugees held hostage in Sinai

P7_TA(2010)0496

European Parliament resolution of 16 December 2010 on Eritrean refugees held hostage in Sinai

(2012/C 169 E/17)

The European Parliament,

- having regard the Barcelona Declaration of November 1995;
- having regard the first Conference of the Euro-Mediterranean Human Rights Network in Cairo 26-27 January 2006,
- A. Whereas Egyptian security authorities are searching for hundreds of Eritrean refugees who the UNHCR says are being held hostage by Bedouin smugglers in Sinai after the refugees failed to pay the fees demanded by the smugglers to help them sneak into Israel;
- B. Whereas last Tuesday 7 December 2010, the office of the United Nations High Commissioner for Refugees said it was concerned about 250 Eritrean migrants believed to be held hostage in the Sinai desert;
- C. Whereas it is claimed that the traffickers are demanding payments of USD 8 000 per person for their release, that people are being held in containers and are subject to abuses;
- D. Whereas a joint appeal issued on 1 December 2010 by non-governmental organizations said that hundreds of illegal refugees from the Horn of Africa have been held for months on the outskirts of a town in Sinai;
- E. Whereas the hostages had already paid USD 2 000 for their passage to Israel, according to the NGOs, who described the refugees as being treated by the smugglers in an extremely degrading and inhumane manner;
- F. Whereas local officials from North Sinai said security authorities have been actively searching for the Eritreans who are said to be held in scattered groups,
- 1. Urges the Egyptian authorities to take all necessary measures to secure the release of Eritreans held hostage; to avoid the use of lethal force against illegal migrants crossing the borders of the country, to protect their dignity and their physical and psychological integrity and to guarantee that detained migrants have the ability to contact UNHCR and allow UNHCR access to all asylum seekers and refugees in state custody;

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2. Appreciates the ongoing efforts exerted by the Egyptian authorities in verifying the information mentioned in the reports issued by the UNHCR regarding a group of some 250 Eritreans being held hostage in Sinai, by traffickers in violation of national laws and human rights principles;
3. Underlines that the Sinai desert border has become a trafficking route for African migrants seeking jobs; thousands of Eritreans each year flee the country, with many heading for Israel;
4. Recalls that in August seven people were killed in clashes with smugglers near the border with Israel after African migrants held by traffickers seized the weapons of their captors in a bid to escape;
5. Takes note that Israel began work in November on a 250 km fence along the border designed to stop the influx of illegal migrants;
6. Welcomes Egypt's efforts in combating Human Trafficking specially the establishment of 'the National Coordinating Committee for combating and preventing trafficking in persons' in the year 2007, and calling on all countries to resume their efforts in facing the challenge of Human trafficking crimes world wide, and to respect relevant national laws;
7. Appreciates Egypt's continuous commitment in fulfilling its obligations under international treaties, in particular under the 1951 Refugees Convention;
8. Acknowledges that any refugee seeker who participates in acts threatening, directly or indirectly, the safety and independence of the host country, should be considered a threat to its national security according to UNHCR terms;
9. Instructs its President to forward this resolution to the High Representative / Vice-President, the Council and the Commission, to the Governments and the Parliaments of the Member States, to the Egyptian Government, to the UN Secretary General and the UN Human Rights Council.

Support for strengthening the European Union ban on shark finning

P7_TA(2010)0497

Declaration of the European Parliament of 16 December 2010 on support for strengthening the European Union ban on shark finning

(2012/C 169 E/18)

The European Parliament,

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

- A. whereas 'finning' is the wasteful practice of slicing off a shark's fins and discarding the carcass at sea, and is driven by high demand for the delicacy shark fin soup,
- B. whereas finning is contributing to extreme declines in slow-growing shark populations,
- C. whereas one-third of European shark species are threatened with extinction,
- D. whereas the EU finning ban is the world's weakest with exemptions to land fins and carcasses separately, and an excessive fin-to-carcass weight ratio,

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- E. whereas the Commission is considering a range of options for amending the finning ban (Regulation (EC) No 1185/2003),
 - F. whereas Parliament asked the Commission to close finning ban loopholes in 2006,
 - G. whereas most scientists and the IUCN recommend that sharks be landed with fins naturally attached,
 - H. whereas Costa Rica has championed at the United Nations the 'fins naturally attached' method, which is being used in many Central and North American fisheries,
1. Calls on the Commission to deliver a proposal to prohibit the removal of shark fins on-board vessels by the second anniversary of the Community Plan of Action for Sharks (February 2011);
 2. Instructs its President to forward this declaration, together with the names of the signatories⁽¹⁾, to the Commission.

⁽¹⁾ The list of signatories is published in Annex 1 to the Minutes of 16 December 2010 (P7_PV(2010)12-16(ANN1)).

Increased European Union support for grassroots sports

P7_TA(2010)0498

Declaration of the European Parliament of 16 December 2010 on increased European Union support for grassroots sports

(2012/C 169 E/19)

The European Parliament,

- having regard to Article 165 TFEU,
 - having regard to Rule 123 of its Rules of Procedure,
- A. whereas sport has become a new competence of the EU,
 - B. whereas sport is an important factor in social cohesion and contributes to many policy objectives, such as health promotion, education, social integration, the fight against discrimination, culture as well as crime reduction and the fight against drug addiction,
 - C. whereas the vast majority of Europeans participating in sport and recreational physical activity are engaged at a grassroots sports level,
 - D. whereas the economic crisis and the pressure on governments' spending could have serious consequences for funding of grassroots sports,
1. Calls on the Commission and Member States to promote sport for all, strengthening its educational and integrating role, with special attention paid to under-represented groups such as women, seniors, and disabled people;
 2. Calls on Member States to ensure that grassroots sport does not suffer from major budget cuts in times of crisis;

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3. Calls on the Commission to pay the necessary attention to grassroots sports in the upcoming Communication on sport and to ensure sufficient funding for the EU Sport Programme from 2012 onwards;
4. Calls on the Commission to take due account of the results of the study on the financing of grassroots sports with regard to a possible EU initiative on gambling issues;
5. Instructs its President to forward this declaration, together with the names of the signatories ⁽¹⁾, to the Commission and the Parliaments of the Member States.

⁽¹⁾ The list of signatories is published in Annex 2 to the Minutes of 16 December 2010 (P7_PV(2010)12-16(ANN2)).

EU homelessness strategy

P7_TA(2010)0499

Declaration of the European Parliament of 16 December 2010 on an EU homelessness strategy

(2012/C 169 E/20)

The European Parliament,

- having regard to its declaration of 22 April 2008 on ending street homelessness ⁽¹⁾,
 - having regard to Rule 123 of its Rules of Procedure,
- A. whereas homelessness continues to affect people in all EU Member States and is an unacceptable violation of fundamental human rights,
 - B. whereas 2010 is the European Year for Combating Poverty and Social Exclusion,
1. Calls again on the Council to commit by the end of 2010 to ending street homelessness by 2015;
 2. Calls on the European Commission to develop an ambitious EU homelessness strategy and to support Member States in developing effective national strategies following the guidelines of the Joint Report on Social Protection and Social Inclusion adopted in March 2010 and as part of the EU 2020;
 3. Calls on Eurostat to collect EU homelessness data;
 4. Supports the following priorities for action: no one sleeping rough; no one living in emergency accommodation for longer than the period of an 'emergency'; no one living in transitional accommodation longer than is required for a successful move-on; no one leaving an institution without housing options; no young people becoming homeless as a result of the transition to independent living;
 5. Instructs its President to forward this declaration, together with the names of the signatories ⁽²⁾, to the Council, the Commission and the Parliaments of the Member States.

⁽¹⁾ OJ C 259 E, 29.10.2009, p. 19.

⁽²⁾ The list of signatories is published in Annex 3 to the Minutes of 16 December 2010 (P7_PV(2010)12-16(ANN3)).

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

EU rapid response capability

P7_TA(2010)0465

European Parliament recommendation to the Council of 14 December 2010 on setting up an EU rapid response capability (2010/2096(INI))

(2012/C 169 E/21)

The European Parliament,

- having regard to Article 196 of the Lisbon Treaty which states that ‘the Union shall encourage cooperation between Member States in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters’ and that ‘Union action shall aim to promote consistency in international civil-protection work’,
- having regard to Article 214 of the Treaty on the Functioning of the European Union which states that the Union’s operations in the field of humanitarian aid are intended to provide ‘assistance and relief and protection for people in third countries who are victims of natural or man-made disasters’ and that its operations shall be ‘conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination’,
- having regard to the European Consensus on Humanitarian Aid jointly signed in December 2007 by the Presidents of the Council of the European Union, the European Parliament and the European Commission, and the Action Plan presented by the Commission in May 2008 for the implementation of the consensus,
- having regard to the Council conclusions of December 2007 inviting the Commission to make the best use of the Community Civil Protection mechanism and to further strengthen cooperation between Member States,
- having regard to the guidelines on the use of military and civil defence assets in the event of disaster (Oslo Guidelines), as revised on 27 November 2006,
- having regard to the Communication from the Commission to the Council and to the European Parliament of 23 February 2009 on an ‘EU strategy for supporting disaster risk reduction in developing countries’,

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- having regard to the Communication from the Commission to the European Parliament and to the Council of March 2008 on 'Reinforcing the Union's Disaster Response Capacity' (COM(2008) 0130) and the European Parliament resolution of 19 June 2008 on stepping up the Union's disaster response capacity ⁽¹⁾,
 - having regard to the report of 9 May 2006 by Michel Barnier entitled 'For a European civil protection force: europe aid',
 - having regard to the European Parliament resolution of 10 February 2010 on the recent earthquake in Haiti ⁽²⁾,
 - having regard to its resolution of 21 September 2010 on the prevention of natural and man-made disasters,
 - having regard to the proposal for a recommendation to the Council of 23 March 2010 on setting up an EU rapid response capability, presented by Anneli Jäätteenmäki, Charles Goerens, Louis Michel, Marielle De Sarnez and Frédérique Ries on behalf of the ALDE Group pursuant to Rule 121(1) of the Rules of Procedure (B7-0228/2010),
 - having regard to Rule 121(3) of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinion of the Committee on Foreign Affairs (A7-0332/2010),
- A. whereas disasters causing significant human, economic and environmental damage are on the increase worldwide; whereas such crises are happening with greater impact, frequency and scope in more parts of the world, mainly due to the effects of climate change; and whereas the European Union is making considerable efforts to respond to these crises,
- B. whereas the multiplication and greater frequency of interventions inside and outside the European Union are compounded by the global financial situation and budgetary constraints which underline the need for more cost effective operations,
- C. whereas sharing of resources among the 31 states that are members of the Community civil protection mechanism (EU-27, Norway, Lichtenstein, Croatia, Iceland), or in the context of enhanced cooperation between Member States, can represent an operational and financial asset,
- D. whereas the Commission's budget for humanitarian disasters, and specifically that of DG ECHO, has not merely been frozen but has fallen slightly in real terms over the last five years,
- E. whereas progress has been made in recent years towards a more coherent EU disaster response, notably through progressive strengthening of the civil protection mechanism, better interaction/coordination between civil protection and humanitarian aid, and the recognition that an integrated approach to disaster management involves not only response but also prevention and preparedness,
- F. whereas the European Union's response to the earthquake in Haiti triggered not only a rapid, significant and large scale humanitarian aid intervention but also the activation of the civil protection mechanism which was able to deploy immediately and for the first time two modules (a water purification unit and an advanced medical post) financed through a 2008 Preparatory Action for an EU rapid response capability,

⁽¹⁾ OJ C 286 E, 27.11.2009, p. 15.

⁽²⁾ Texts Adopted, P7_TA(2010)0015.

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- G. whereas lessons learned from recent crises continue to demonstrate the need to improve the EU's disaster response in terms of efficiency, coordination and visibility, and whereas these disasters have once again highlighted the need for an EU rapid response capability (European civil protection force),
- H. whereas the EU's capacity to protect citizens' lives and property is a decisive factor for its credibility,
1. Addresses the following recommendations to the Council:
- (a) acknowledges that the inclusion of civil protection and humanitarian aid within the portfolio of a single Commissioner responsible for Humanitarian Aid and Crisis Response creates better synergies within the Commission and helps enhance the coherence of the overall EU disaster response;
 - (b) calls for greater integration between civil protection and humanitarian working methodologies within DG ECHO, while preserving their specific features by maintaining a clear distinction and demarcation of roles between them, in order to maximize synergies and complementarities and to enhance efficiency; calls also for military and civilian personnel and humanitarian workers involved in disaster response or humanitarian operations to act in accordance with the principles of neutrality, independence and impartiality;
 - (c) reiterates that the use of civil protection resources, where deployed in any humanitarian crisis, should be needs driven and complementary to, and coherent with, humanitarian aid, in accordance with the European Consensus on Humanitarian Aid and the United Nations guidelines (Oslo guidelines), with a view to ensuring compliance with the humanitarian principles of neutrality, humanity, impartiality and independence;
 - (d) insists that EU assistance in the event of natural or man-made disasters should aim, wherever possible, at helping the local economy, for example by purchasing locally or regionally produced foodstuffs as well as providing the necessary materials for farmers in order to relaunch the rural economy;
 - (e) asks the Council and the Commission to clarify the arrangements for cooperation and coordination between the European External Action Service (EEAS) and the Commission for the management of a large-scale disaster response outside the territory of the European Union;
 - (f) suggests localised coordination efforts, in cooperation with the national government of the affected state, using EU and Member States' representatives on the ground to ensure a targeted and competent response to affected localities;
 - (g) urges the Council to strengthen the EU's disaster response capacity as a high priority, especially in view of the discussions on setting up an EU Civil Protection Force, and to follow up the European Parliament's repeated requests that the proposals put forward in the Barnier report in 2006 should be implemented;
 - (h) calls for the immediate establishment of an EU Civil Protection Force which must be adequately equipped with the necessary technological and technical resources;
 - (i) calls also, in the context of operations following a natural disaster, for better coordination between the humanitarian agencies and the civil protection mechanisms of the Member States and DG ECHO, and any future European civil protection force;
 - (j) urges the Commission to develop programs with national governments, local authorities and civil society organisations in beneficiary countries with regard to community-based disaster prevention and response management capacity;

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- (k) encourages the Council to adopt, under the ordinary legislative procedure, measures (to be proposed by the Commission) for improving the predictability and the forward-planning capacity of the current EU civil protection mechanism, which is currently based on ad-hoc and voluntary contributions from Member States; suggests that these measures may include arrangements tested under the EU Preparatory Action including EU-level assets, voluntary pooling of resources, mapping of existing capacities, identification of scenarios and the development of further training activities;
- (l) calls also for realistic budgets in which appropriations for natural disasters or humanitarian action are allocated on the basis of previous years' spending;
- (m) considers that the EU civil protection force should build on the EU Civil Protection mechanism, should optimise the tools available, which would gain in efficiency and visibility, should involve the voluntary pooling of existing logistical and human resources with regard both to disaster-response training and disaster management by developing initiatives taken during preparatory actions, and it should be capable of providing initial aid within 24 hours of the occurrence of a disaster;
- (n) recommends that the EU civil protection force be based on the principles that it should:
- be based on an assessment of needs, with the participation of all humanitarian actors,
 - be civilian,
 - operate under the banner of the EU,
 - observe international humanitarian law,
 - respect the voluntary nature of the Member States' participation in the intended arrangements,
 - be based on the principle of burden-sharing,
 - be open to contributions from non-EU countries,
 - recognise the UN's overall role in coordinating international relief outside the territory of the European Union,
 - be organised on a preventive basis, according to specific scenarios;
- (o) considers that, with particular reference to humanitarian aid operations, and based on the lessons learned from intervention in Haiti and Pakistan, the EU should, as far as possible, operate under the coordinating umbrella of the UN, concentrating on those fields where its intervention can contribute greater added value;
- (p) considers that the European civil protection force could be based on a commitment by some Member States to voluntarily make available pre-determined civil protection modules that are ready to intervene immediately in EU operations coordinated by the MIC, that most of these modules, which are already available nationally and thus would not entail significant additional costs, would remain under their control, and that the deployment of these modules placed on standby would form the nucleus of the EU's civil protection system for responding to disasters inside and outside the EU;

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- (q) considers that additional civil protection modules could be financed by the EU for certain specific requirements where gaps have been identified and where the European level would add value, and stresses the importance of increasing funding for transport and developing standby transport modules;
 - (r) underlines the need to develop a comprehensive and proactive approach in response to disasters, coordinating the various means of action available to the Union and its Member States, such as crisis management (civil and military), financial assistance and development or social and environmental policies; believes in this context that the transition between disaster response and post-disaster reconstruction should be managed more efficiently; recalls the proposal to set up a European Voluntary Humanitarian Aid Corps in accordance with the provisions of the Lisbon Treaty (Article 214(5)), and with a view to the European Year of Volunteering 2011 encourages the European Commission and the Council to work, together with the European Parliament, on the rules and procedures for the operation of the Corps as soon as possible, especially in the light of similar initiatives taken by some Member States;
 - (s) reminds the Council that the use of military assets and capabilities in disaster response, particularly for logistics, transport and infrastructure support for humanitarian aid operations, should be exceptional, used as a 'last resort' and always in compliance with existing agreements such as the European Consensus on Humanitarian Aid and the Oslo guidelines on the use of military and civil defence assets in international disaster relief;
 - (t) acknowledges that military and civil defence assets in disaster relief should be used as a last resort, in compliance with the European Consensus on Humanitarian Aid and the Oslo guidelines; recalls that military means often constitute an important contribution to disaster response, along with civil protection and humanitarian aid, and notes that military assets can be necessary for filling critical capacity gaps (particularly strategic lift, specialised assets, heavy engineering and transport); therefore stresses the need to develop a comprehensive approach and to improve synergies between civil and military capabilities, and to identify areas in which Member States can pool their efforts and capabilities at EU level to contribute to EU disaster response, which is particularly important in a difficult economic climate;
 - (u) emphasises the need to build up permanently available civilian capabilities in the EU which operate independently from military structures and to identify areas in which Member States can pool their efforts and capabilities at EU level in this respect;
 - (v) urges the Council and the Commission to cooperate on the implementation of a visibility action plan that should include concrete measures to enhance the visibility of the EU's disaster response;
 - (w) encourages the utilisation of the Global Monitoring for Environment and Security (GMES) system to keep potential crisis areas under surveillance, allowing for better preparedness in sending humanitarian support, and stresses the critical importance of establishing a follow-up mechanism on EU efforts and assessment of deployed assistance;
 - (x) encourages the development of research budgets and industrial capacity (for example satellite imagery in the GMES programme) to improve disaster management phases;
 - (y) invites the Council to take the above recommendations into consideration when examining and reaching conclusions on the forthcoming Commission Communication on reinforcing the European Union's Disaster Response Capacity, announced by the European Commission;
2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

Mobilisation of the EU Solidarity Fund: Portugal - floods; France - storm Xynthia

P7_TA(2010)0453

European Parliament resolution of 14 December 2010 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund, in accordance with point 26 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)0578 – C7-0323/2010 – 2010/2237(BUD))

(2012/C 169 E/22)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0578 – C7-0323/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 26 thereof,
 - having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾,
 - having regard to the Joint Declaration of the European Parliament, the Council and the Commission, adopted during the conciliation meeting on 17 July 2008 on the Solidarity Fund,
 - having regard to the letter of the Committee on Regional Development,
 - having regard to the report of the Committee on Budgets (A7-0335/2010),
1. Approves the decision annexed to this resolution;
 2. 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*;
 3. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of xxx****on the mobilisation of the European Union Solidarity Fund, in accordance with point 26 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 Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 26 thereof,

having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the 'Fund') to show solidarity with the population of regions struck by disasters.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (3) Regulation (EC) No 2012/2002 contains the provisions whereby the Fund may be mobilised.
- (4) Portugal submitted an application to mobilise the Fund, concerning a disaster caused by landslides and flooding on Madeira Island.
- (5) France submitted an application to mobilise the Fund, concerning a disaster caused by storm 'Xynthia',

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 66 891 540 in commitment and payment appropriations.

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

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Draft amending budget No 9/2010: EU Solidarity Fund (floods in Portugal, storm Xynthia in France) - Economic recovery: European offshore wind grid system

P7_TA(2010)0454

European Parliament resolution of 14 December 2010 on Council's position on Draft amending budget No 9/2010 of the European Union for the financial year 2010, Section III – Commission (17633/2010 – C7-0409/2010 – 2010/2238(BUD))

(2012/C 169 E/23)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union and in particular Article 314 thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,
 - 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 ⁽¹⁾, and particularly 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 ⁽²⁾,
 - 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 ⁽³⁾,
 - having regard to Draft amending budget No 9/2010 of the European Union for the financial year 2010, which the Commission presented on 13 October 2010 (COM(2010)0577),
 - having regard to Council's position on Draft amending budget No 9/2010, which the Council established on 10 December 2010 (17633/2010 – C7-0409/2010),
 - having regard to Rules 75b and 75e of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0341/2010),
- A. whereas Draft amending budget No 9/2010 to the general budget 2010 covers the following items:
- mobilisation of the EU Solidarity Fund for an amount of EUR 66,9 million in commitment and payment appropriations relating to the effects of landslides and severe flooding on Madeira island, Portugal, and the effects of storm 'Xynthia' in France,
 - a corresponding reduction in payment appropriations of EUR 66,9 million from line 06 04 14 03
 - Energy projects to aid economic recovery — European Offshore wind grid system,
- B. whereas the purpose of Draft amending budget No 9/2010 is to formally enter this budgetary adjustment into the 2010 budget,

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 64, 12.3.2010.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

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1. Takes note of Draft amending budget No 9/2010;
2. Approves the Council's position on Draft amending budget No 9/2010 unamended and instructs its President to declare that Amending budget No 8/2010 has been definitively adopted and to arrange for its publication in the *Official Journal of the European Union*;
3. Instructs its President to forward this resolution to the Council and the Commission.

Mobilisation of the European Globalisation Adjustment Fund: SI/Mura, Slovenia

P7_TA(2010)0455

European Parliament resolution of 14 December 2010 on the proposal for a decision of the European Parliament and of the Council on the 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 (application EGF/2010/014 SI/Mura from Slovenia) (COM(2010)0582 – C7-0334/2010 – 2010/2243(BUD))

(2012/C 169 E/24)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0582 – C7-0334/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0336/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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 Slovenia has requested assistance in respect of cases concerning 2 554 redundancies in the enterprise Mura, European Fashion Design, which operates in the wearing apparel sector,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well, including an evaluation of the effects these temporary and personalised services have on the long-term reintegration into the labour market of the workers who have been made redundant;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes, however, that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 Multiannual Financial Framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of xxx

on the 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 (application EGF/2010/014 SI/Mura from Slovenia)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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) Slovenia submitted an application on 28 April 2010 to mobilise the EGF in respect of redundancies in the enterprise Mura and supplemented it with additional information on 24 June 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 2 247 940.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Slovenia,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 2 247 940 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: Heidelberg Druckmaschinen AG/Germany

P7_TA(2010)0456

European Parliament resolution of 14 December 2010 on the proposal for a decision of the European Parliament and of the Council on the 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 (application EGF/2010/018 DE/Heidelberg Druckmaschinen from Germany) (COM(2010)0568 – C7-0332/2010 – 2010/2241(BUD))

(2012/C 169 E/25)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0568 – C7-0332/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0337/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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- 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 Germany has requested assistance in respect of cases concerning 1 181 redundancies distributed over the four production sites of the enterprise Heidelberger Druckmaschinen in Baden-Württemberg, which operates in the manufacturing of printing machinery sector,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well, including an evaluation of the effects these temporary and personalised services have on the long-term reintegration into the labour market of the workers who have been made redundant;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes, however, that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 Multiannual Financial Framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

Tuesday 14 December 2010

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of xxx**

on the 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 (application EGF/2010/018 DE/Heidelberger Druckmaschinen from Germany)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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) Germany submitted an application on 27 May 2010 to mobilise the EGF, in respect of redundancies in the enterprise Heidelberger Druckmaschinen, and supplemented it with additional information up to 1 July 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 8 308 555.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Germany,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 8 308 555 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: Wielkopolskie Automotive from Poland

P7_TA(2010)0457

European Parliament resolution of 14 December 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 (application EGF/2010/004 PL/Wielkopolskie Automotive from Poland) (COM(2010)0616 – C7-0347/2010 – 2010/2253(BUD))

(2012/C 169 E/26)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0616 – C7-0347/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0359/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

- D. whereas Poland has requested assistance in respect of cases concerning 590 redundancies in two enterprises operating in the NACE Revision 2 Division 29 (Manufacture of motor vehicles, trailers and semi-trailers) in the NUTS II region Wielkopolskie,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes however that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe short-comings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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Tuesday 14 December 2010

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of xxx**

on the 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 (application EGF/2010/004 PL/Wielkopolskie Automotive from Poland)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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) Poland submitted an application on 5 February 2010 to mobilise the EGF in respect of redundancies in two enterprises operating in NACE Revision 2 Division 29 (manufacture of motor vehicles, trailers and semi-trailers) in the NUTS II region of Wielkopolskie (PL41) and supplemented it with additional information up to 6 July 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 633 077.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Poland.

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 633 077 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: Aragón - Retail trade from Spain

P7_TA(2010)0458

European Parliament resolution of 14 December 2010 on the proposal for a decision of the European Parliament and of the Council on the 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 (application EGF/2010/016 ES/Aragón Retail trade from Spain) (COM(2010)0615 – C7-0346/2010 – 2010/2252(BUD))

(2012/C 169 E/27)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0615 – C7-0346/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0358/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

- D. whereas Spain has requested assistance in respect of cases concerning 1 154 redundancies in 593 enterprises operating in the NACE Revision 2 Division 47 (Retail trade, except for motor vehicles and motorcycles) in the NUTS II region of Aragón,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes however that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

Tuesday 14 December 2010

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of xxx**

on the 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 (application EGF/2010/016 ES/Aragón Retail trade from Spain)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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 6 May 2010 to mobilise the EGF in respect of redundancies in 593 enterprises operating in the NACE Revision 2 Division 47 ('Retail trade, except for motor vehicles and motorcycles') in the NUTS II region of Aragón (ES24) and supplemented it with additional information up to 1 July 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 1 560 000.
- (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 shall be mobilised to provide the sum of EUR 1 560 000 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: Comunidad Valenciana - Textiles from Spain

P7_TA(2010)0459

European Parliament resolution of 14 December 2010 on the proposal for a decision of the European Parliament and of the Council on the 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 (application EGF/2010/009 ES/Comunidad Valenciana Textiles from Spain) (COM(2010)0613 – C7-0345/2010 – 2010/2251(BUD))

(2012/C 169 E/28)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0613 – C7-0345/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0357/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

- D. whereas Spain has requested assistance in respect of cases concerning 350 redundancies in 143 enterprises operating in the NACE Revision 2 Division 13 (Manufacture of textiles) in the NUTS II region of Comunidad Valenciana,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes, however, that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe short-comings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
-

Tuesday 14 December 2010

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of xxx

on the 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 (application EGF/2010/009 ES/Comunidad Valenciana Textiles from Spain)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

having regard to the proposal from the European Commission,

whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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 22 March 2010 to mobilise the EGF in respect of redundancies in 143 enterprises operating in NACE Revision 2 Division 13 (manufacture of textiles) in a single NUTS II region, Comunidad Valenciana (ES52) and supplemented it with additional information up to 17 June 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 2 059 466.
- (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 shall be mobilised to provide the sum of EUR 2 059 466 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: Comunidad Valenciana - natural stone from Spain

P7_TA(2010)0460

European Parliament resolution of 14 December 2010 on the proposal for a decision of the European Parliament and of the Council on the 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 (application EGF/2010/005 ES/Comunidad Valenciana Natural Stone from Spain) (COM(2010)0617 – C7-0344/2010 – 2010/2250(BUD))

(2012/C 169 E/29)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0617 – C7-0344/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0356/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

- D. whereas Spain has requested assistance in respect of cases concerning 300 redundancies in 66 enterprises operating in the NACE Revision 2 Division 23 (Manufacture of other non-metallic mineral products) in the NUTS II region of Comunidad Valenciana,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes, however, that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

Tuesday 14 December 2010

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of xxx**

on the 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 (application EGF/2010/005 ES/Comunidad Valenciana Natural Stone from Spain)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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 March 2010 to mobilise the EGF, in respect of redundancies in 66 enterprises operating in NACE Revision 2 Division 23 (manufacture of other non-metallic mineral products) in a single NUTS II region, Comunidad Valenciana (ES52), and supplemented it with additional information up to 25 May 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 1 422 850.
- (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 shall be mobilised to provide the sum of EUR 1 422 850 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: Lear from Spain

P7_TA(2010)0461

European Parliament resolution of 14 December 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 (application EGF/2010/023 ES/Lear from Spain) (COM(2010)0625 – C7-0360/2010 – 2010/2265(BUD))

(2012/C 169 E/30)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0625 – C7-0360/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾, (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0351/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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- D. whereas Spain has requested assistance in respect of cases concerning 508 redundancies in the enterprise Lear Automotive (EEDS) Spain, S.L. Sociedad Unipersonal, which operates in the automotive sector,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well, including an evaluation of the effects these temporary and personalised services have on the long-term reintegration into the labour market of the workers who have been made redundant;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes however that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
-

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of xxx

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 (application EGF/2010/023 ES/Lear from Spain)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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 23 July 2010 to mobilise the EGF in respect of redundancies in the enterprise Lear and supplemented it with additional information on 10 August 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 382 200.
- (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 shall be mobilised to provide the sum of EUR 382 200 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Mobilisation of the European Globalisation Adjustment Fund: H. Cegielski-Poznań from Poland

P7_TA(2010)0462

European Parliament resolution of 14 December 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 (application EGF/2010/006 PL/H. Cegielski-Poznań from Poland) (COM(2010)0631 – C7-0361/2010 – 2010/2266(BUD))

(2012/C 169 E/31)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0631 – C7-0361/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0352/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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- D. whereas Poland has requested assistance in respect of cases concerning 189 redundancies in H. Cegielski-Poznań and four of its suppliers, which operate in the manufacture of marine diesel engines sector,
- 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 ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well, including an evaluation of the effects these temporary and personalised services have on the long-term reintegration into the labour market of the workers who have been made redundant;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes however that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of xxx**

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 (application EGF/2010/006 PL/H. Cegielski-Poznań from Poland)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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) Poland submitted an application on 8 March 2010 to mobilise the EGF, in respect of redundancies in the enterprise H. Cegielski-Poznań Poland S.A. and supplemented it with additional information up to 10 August 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 114 250.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Poland.

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 114 250 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 14 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

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

P7_TA(2010)0463

European Parliament legislative resolution of 14 December 2010 on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection (COM(2007)0298 – C6-0196/2007 – 2007/0112(COD))

(2012/C 169 E/32)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0298),
- having regard to Article 63(3) and (4) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0196/2007),
- having regard to its position of 23 April 2008 ⁽¹⁾,
- 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 Articles 294(3), 79(2)(a) and (b) of the Treaty on the Functioning of the European Union,
- having regard to the undertaking given by the Council representative by letter of 18 November 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 Civil Liberties, Justice and Home Affairs (A7-0347/2010),

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;

⁽¹⁾ OJ C 259 E, 29.10.2009, p. 126.

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3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2007)0112

Position of the European Parliament adopted at first reading on 14 December 2010 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2011/51/EU).

Agreement between the European Union and Georgia on the facilitation of the issuance of visas ***

P7_TA(2010)0464

European Parliament legislative resolution of 14 December 2010 on the draft Council decision on the conclusion of the Agreement between the European Union and Georgia on the facilitation of the issuance of visas (11324/2010 – C7-0391/2010 – 2010/0106(NLE))

(2012/C 169 E/33)

(Consent)

The European Parliament,

- having regard to the draft Council decision (11324/2010),
 - having regard to the draft agreement between the European Union and Georgia on the facilitation of the issuance of visas (10304/2010),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0391/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0345/2010),
1. Consents to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Georgia.
-

Tuesday 14 December 2010

Creation of an immigration liaison officers network *I**

P7_TA(2010)0469

European Parliament legislative resolution of 14 December 2010 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network (COM(2009)0322 – C7-0055/2009 – 2009/0098(COD))

(2012/C 169 E/34)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0322),
 - having regard to Article 251(2), Article 63(3)(b) and Article 66 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0055/2009),
 - 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), Article 74 and Article 79(2)(c) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 1 December 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 Civil Liberties, Justice and Home Affairs (A7-0342/2010),
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.

Tuesday 14 December 2010

P7_TC1-COD(2009)0098

Position of the European Parliament adopted at first reading on 14 December 2010 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 493/2011).

European Protection Order *I**

P7_TA(2010)0470

European Parliament legislative resolution of 14 December 2010 on the draft directive of the European Parliament and of the Council on the European Protection Order (00002/2010 – C7-0006/2010 – 2010/0802(COD))

(2012/C 169 E/35)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the initiative emanating from a group of Member States (00002/2010),
 - having regard to Article 76(b) and point (d) of the second subparagraph of Article 82(1) and Article 289(4) of the Treaty on the Functioning of the European Union, pursuant to which the Council submitted the draft act to Parliament (C7-0006/2010),
 - having regard to Article 294(3) and (15) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to the reasoned opinion submitted, in the framework of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by a national parliament asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the contributions submitted by national parliaments on the draft legislative act,
 - having regard to Rules 37, 44 and 55 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Women's Rights and Gender Equality pursuant to Rule 51 of the Rules of Procedure
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Women's Rights and Gender Equality (A7-0354/2010),
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.
-

Tuesday 14 December 2010

P7_TC1-COD(2010)0802

Position of the European Parliament adopted at first reading on 14 December 2010 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council on the European Protection Order

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 82(1) **(a)** and **(d)** thereof,

Having regard to the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Hungary, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Finland and the Kingdom of Sweden,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice.
- (2) Article 82(1) of the Treaty on the Functioning of the European Union (TFEU) provides that judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions.
- (3) According to the Stockholm programme, adopted by the European Council at its meeting on 10 and 11 December 2009, mutual recognition could extend to all types of judgments and decisions of a judicial nature, which may, depending on the legal system, be either criminal or administrative. **It also calls on the Commission and the Member States to examine how to improve legislation on and practical support measures for the protection of victims.** The programme also points out that victims of crime can be offered special protection measures which should be effective within the Union. **This Directive forms part of a coherent and comprehensive set of measures on victims' rights.**
- (4) The resolution of the European Parliament of **26 November 2009 on the elimination of violence against women calls on the Member States to improve their national laws and policies to combat all forms of violence against women and to act in order to tackle the causes of violence against women, not least by employing preventive measures and calls on the Union to guarantee the right to assistance and support for all victims of violence. The resolution of the European Parliament of 10 February 2010 on equality between women and men in the European Union – 2009 endorses the proposal to introduce the European protection order for victims.**
- (5) In a common area of justice without internal borders, it is necessary to ensure that the protection provided to a **natural** person in one Member State is maintained and continued in any other Member State to which the person moves or has moved. It should also be ensured that the legitimate exercise by citizens of the Union of their right to move and reside freely within the territory of Member States, in accordance with Article 3(2) of the Treaty on European Union (TEU) and Article 21 of the TFEU, does not result in a loss of their **protection**.
- (6) In order to attain these objectives, this Directive should set out rules whereby the protection stemming from **certain** protection **measures** adopted according to the law of one Member State ('the issuing State') can be extended to another Member State **in** which the protected person **decides to reside or stay** ('the executing State'). ■

⁽¹⁾ Position of the European Parliament of 14 December 2010.

Tuesday 14 December 2010

- (7) *This Directive takes account of the different legal traditions of the Member States as well as the fact that effective protection can be provided by means of protection orders taken by an authority other than a criminal court. This Directive does not establish obligations to modify national systems for adopting protection measures.*
- (8) *This Directive applies to protection measures which aim at protecting a person against a criminal act of another person which may, in any way, endanger his or her life, physical, psychological and sexual integrity, such as by preventing any form of harassment, as well as his or her dignity or personal liberty, such as by preventing abductions, stalking and other forms of indirect coercion, and aiming at avoiding new acts of crime or at reducing the consequences of previous acts of crime. These personal rights of the protected person amount to fundamental values recognised and upheld in all Member States. It is important to underline that this Directive applies to protection measures which aim at protecting all victims and not only the victims of gender violence, taking into account the specificities of each type of crime concerned.*
- (9) *This Directive applies to protection measures, independently of the nature – criminal, civil or administrative – of the judicial or equivalent authority that adopts the decision concerned, be it in the context of criminal proceedings or in the context of any other proceedings with regard to an act which has been or could have been the object of proceedings by a court having jurisdiction in particular in criminal matters.*
- (10) *This Directive is intended to apply to protection measures issued in favour of victims, or possible victims, of crimes; it should not apply to measures issued with a view to witness protection.*
- (11) *If a protection measure, as defined in this Directive, is issued for the protection of a relative of the main protected person, a European protection order may also be requested by and issued with regard to this relative, subject to the conditions laid down in this Directive.*
- (12) *Any request for the issuing of a European protection order should be treated with adequate speed taking into consideration the specific circumstances of the case, including the urgency of the matter, the date foreseen for the arrival of the protected person on the territory of the executing State and, where possible, the degree of risk for the protected person.*
- (13) *Where information is to be provided under this Directive to the person causing danger or to the protected person, this information should also be provided to the guardian or to the representative of the person concerned where relevant. Due attention should also be paid to the need for the protected person, the person causing danger or their representative in the proceedings, to receive information, as provided for by this Directive, in a language they understand.*
- (14) *In the procedures for the issuing and recognition of a European Protection order, competent authorities should give appropriate consideration to the needs of victims, including particularly vulnerable persons, such as minors or persons with disabilities.*
- (15) *For the application of This Directive, a protection measure may have been imposed following a judgment, as defined by Article 2 of Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions⁽¹⁾, or following a decision on supervision measures as defined in Article 4 of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention⁽²⁾.*

⁽¹⁾ OJ L 337, 16.12.2008, p. 102.

⁽²⁾ OJ L 294, 11.11.2009, p. 20.

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- (16) *In conformity with Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and with Article 47, paragraph 2, of the Charter on Fundamental Rights of the European Union, the person causing danger should be provided, either in the procedure leading to the adoption of a protection measure or before issuing a European protection order, with the possibility to be heard and to challenge the protection measure.*
- (17) *In order to prevent a crime or new crime being committed against the victim in the executing State, that State should be given a legal basis for recognising the decision previously adopted in the issuing State in favour of the victim, while also avoiding the need for the victim to start new proceedings or to produce evidence in the executing State again as if the issuing State had not adopted the decision. **The recognition of the European protection order by the executing State implies inter alia that the competent authority of that State, subject to the limitations set out in this Directive, accepts the existence and validity of the protection measure adopted in the issuing State, acknowledges the factual situation described in the European protection order, and agrees that protection should be provided and should be continued to be provided in accordance with its national law.***
- (18) *This Directive contains a closed number of obligations or prohibitions which, when imposed in the issuing State and contained in the European protection order, should be recognised and enforced in the executing State, subject to the limitations set out in this Directive. Other types of protection measures may exist at national level, such as, if provided by national law, the obligation on the person causing danger to remain in a specified place. Such measures may be imposed in the issuing State in the framework of the procedure leading to the adoption of one of the protection measures which, according to this Directive, may be the basis for a European Protection Order.*
- (19) *Since in the Member States different kind of authorities (civil, criminal or administrative) are competent to issue and enforce protection measures, it seems appropriate to provide a high degree of flexibility in the cooperation mechanism between the Member States under this Directive. Therefore, the competent authority in the executing State does not in all cases have to take the same protection measure as adopted in the issuing State, but it has a degree of discretion to adopt any measure which it would deem adequate and appropriate under its national law in a similar case in order to provide continued protection to the protected person in the light of the protection measure adopted in the issuing State, and as described in the European protection order.*
- (20) *The obligations or prohibitions to which this Directive applies include, among others, measures aimed at limiting personal or remote contacts between the protected person and the person causing danger, for example by imposing certain conditions on such contacts or imposing restrictions on the contents of communications.*
- (21) *The competent authority of the executing State should inform the person causing danger, the competent authority of the issuing State and the protected person of any measure taken on the basis of the European protection order. In the notification of the person causing danger due regard should be taken of the interest of the protected person in not having his or her address or other contact details disclosed. Such details should be excluded from the notification, provided that the address or other contact details are not comprised in the obligation or prohibition imposed as an enforcement measure on the person causing danger.*
- (22) *When the competent authority in the issuing State has withdrawn the European protection order, the competent authority in the executing State should end the measures which it has adopted in order to enforce the European protection order, it being understood that the competent authority in the executing State may - autonomously, according to its national law - adopt any protection measure under its national law in order to protect the person concerned.*
- (23) *Given that this Directive deals with situations in which the protected person moves to another Member State, executing its provisions does not imply any transfer to the executing State of powers relating to principal, suspended, alternative, conditional or secondary penalties, or relating to security measures imposed on the person causing danger, if the latter continues to reside in the State that issued the protection measure.*

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- (24) *Where appropriate, it should be possible to use electronic means with a view to putting into practice the measures adopted in application of this Directive, in accordance with national laws and procedures.*
- (25) *In the framework of cooperation among the authorities involved in ensuring the safeguard of the protected person, the competent authority of the executing State should communicate to the competent authority of the issuing State any breach of the measures adopted in the executing State with a view to executing the European protection order. This communication should enable the competent authority of the issuing State to promptly decide on any appropriate reaction with respect to the protection measure imposed in its State on the person causing danger. Such reaction may comprise, where appropriate, the imposition of a custodial measure in substitution of the non-custodial measure originally adopted, for example as an alternative to preventive detention or as a consequence of conditional suspension of a penalty. It is understood that such decision, since it does not consist in the imposition ex novo of a criminal sanction in relation to a new criminal offence, does not interfere with the possibility that the executing State may, where applicable, impose criminal or non-criminal sanctions in the event of breach of the measures adopted in order to execute the European protection order.*
- (26) *Considering the different legal traditions of the Member States, where no protection measure would be available in the executing State in a case similar to the factual situation described in the European protection order, the competent authority of the executing State should report any breach of the protection measure described in the European protection order of which it is aware to the competent authority of the issuing State.*
- (27) *In order to achieve the smooth application of this Directive in each particular case, the competent authorities of the issuing and the executing States should exercise their competencies in conformity with the provisions of this Directive, taking into account the principle of ne bis in idem.*
- (28) *The protected person should not be required to sustain costs for the recognition of the European protection order which are disproportionate with respect to a similar national case. When implementing this Directive, Member States should ensure that, after and as a direct consequence of the recognition of the European protection order, the protected person should not be required to initiate further national proceedings to obtain from the executing authority the decision adopting any measure that would be available under its national law in a similar case in order to ensure the safeguard of the protected person.*
- (29) *Bearing in mind the principle of mutual recognition on which this Directive is based, Member States should promote to the widest extent possible direct contact between the competent authorities in the application of this instrument.*
- (30) *Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States should consider requesting those responsible for the training of judges, prosecutors, police and judicial staff involved in the procedures aiming at issuing or recognising a European protection order to provide appropriate training with respect to the objectives of this Directive.*
- (31) *In order to facilitate the evaluation of the application of this Directive, Member States should communicate to the Commission relevant data related to the application of national procedures on the European protection order, at least on the number of European protection orders requested, issued and/or recognised. In this respect, other types of data, such as for example the types of crimes concerned, would also be useful.*
- (32) *Since the objective of this Directive, namely to protect persons who are in danger, cannot be sufficiently achieved by the Member States alone, given the cross-border nature of the situations involved, and can therefore by reason of the scale and effects 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 TEU. In accordance with the principle of proportionality, as set out in that Article this Directive does not go beyond what is necessary to achieve that objective.*

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- (33) *This Directive should contribute to the protection of persons who are in danger, thereby complementing but not affecting the instruments already in place in this field, such as Council Framework Decision 2008/947/JHA and Council Framework Decision 2009/829/JHA.*
- (34) *When a decision relating to a protection measure falls within the scope of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽¹⁾, Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility ⁽²⁾, or the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children ⁽³⁾, the recognition and enforcement of that decision should be carried out in accordance with the provisions of that legal instrument.*
- (35) *Member States and the Commission should include information about the European protection order, where it is appropriate, in existing education and awareness-raising campaigns on the protection of victims of crime.*
- (36) *Personal data processed when implementing this Directive should be protected in accordance with Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ⁽⁴⁾ and in accordance with the principles laid down in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which all Member States have ratified.*
- (37) *This Directive should respect the fundamental rights, as guaranteed by the Charter on Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, in conformity with Article 6 of the TEU.*
- (38) *When implementing this Directive, Member States are encouraged to take into account the rights and principles enshrined in the Convention on the elimination of all forms of discrimination against women,*

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

This Directive sets out rules allowing a judicial or equivalent authority in a Member State, in which a protection measure has been issued with a view to protecting a person against a criminal act of another person which may endanger his or her life, physical or psychological integrity and dignity, personal liberty or sexual integrity, to issue a European protection order enabling a competent authority in another Member State to continue the protection of the person concerned in the territory of this Member State, following the commission in the issuing State of an act which has been or could have been the object of proceedings by a court having jurisdiction in criminal matters in particular.

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

⁽¹⁾ OJ L 12, 16.1.2001, p. 1.

⁽²⁾ OJ L 338, 23.12.2003, p. 1.

⁽³⁾ OJ L 151, 11.6.2008, p. 39.

⁽⁴⁾ OJ L 350, 30.12.2008, p. 60.

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- 1) 'European protection order' means a **■** decision, **taken** by a **judicial or equivalent authority of a Member State in relation to a protection measure, on the basis of which a judicial or equivalent authority of** another Member State **takes any** appropriate **■** measure **or measures** under its own national law with a view to **continuing** to safeguard of the **protected** person.
- 2) 'Protection measure' means a decision adopted **in the issuing State in accordance with its national law and procedures by which one or more of the obligations or prohibitions, referred to in Article 5, are imposed on a person causing danger, to the benefit of a protected person with a view to protecting the latter against a criminal act which may endanger his or her life, physical or psychological integrity, dignity, personal liberty or sexual integrity.**
- 3) 'Protected person' means the **natural person who is** the object of the protection stemming from a protection measure adopted by the issuing State.
- 4) 'Person causing danger' means the **natural** person on whom one or more of the obligations or prohibitions, referred to in **Article 5**, have been imposed.
- 5) 'Issuing State' means the Member State in which a protection measure has been **■** adopted, constituting the basis for issuing a European protection order.
- 6) 'Executing State' means the Member State to which a European protection order has been forwarded with a view to its recognition.
- 7) 'State of supervision' means the Member State to which a judgment, as defined in Article 2 of Council Framework Decision 2008/947/JHA, or a decision on supervision measures, as defined in Article 4 of Framework Decision 2009/829/JHA, has been transferred.

■

Article 3

Designation of competent authorities

1. Each Member State shall inform the **Commission** which **judicial or equivalent** authority or authorities are competent under its national law to issue a European protection order and to recognise such an order, in accordance with this Directive, when that Member State is the issuing State or the executing State respectively.

■

2. The **Commission** shall make the information received available to all Member States. **Member States shall inform** the Commission **of any change related to the information referred to in paragraph 1.**

Article 4

Recourse to a central authority

1. **Each Member State may designate a central authority or, where its legal system so provides, more than one central authority, to assist its competent authorities.**
2. **A Member State may, if it is necessary as a result of the organisation of its internal judicial system, make its central authority or authorities responsible for the administrative transmission and reception of any European protection order, as well as for all other official correspondence relating thereto. As a consequence, all communications, consultations, exchanges of information, enquiries and notifications between competent authorities may be dealt with, where appropriate, with the assistance of the designated central authority or authorities of the Member State concerned.**

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3. *Member States wishing to make use of the possibilities referred to in this Article shall communicate to the Commission information relating to the designated central authority or central authorities. These indications shall be binding upon all the authorities of the issuing Member State.*

Article 5

Condition of existence of a protection measure under national law

A European protection order may only be issued when a protection measure has been previously adopted in the issuing State, imposing on the person causing danger one or more of the following obligations or prohibitions:

- (a) a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;*
- (b) a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or*
- (c) a prohibition or regulation on approaching the protected person within a prescribed distance.*

Article 6

Issue of a European protection order

1. *A European protection order may be issued when the protected person decides to reside or already resides in another Member State, or when the protected person decides to stay or already stays in another Member State. When deciding upon the issuing of a European protection order, the competent authority in the issuing State shall take into account, inter alia, the length of the period or periods time for which the protected person envisages staying in the executing State and the seriousness of the need for protection.*

2. *A competent authority of the issuing State may issue a European protection order only at the request of the protected person and after verifying that the protection measure meets the requirements set out in Article 5.*

3. *The protected person may submit a request for issuing a European protection order either to the competent authority of the issuing State or to the competent authority of the executing State. If such a request is submitted in the executing State, its competent authority shall transfer this request as soon as possible to the competent authority of the issuing State.*

4. *Before issuing a European protection order the person causing danger shall be given the right to be heard and the right to challenge the protection measure, if he or she has not been granted these rights in the procedure leading to the adoption of the protection measure.*

5. *When a competent authority adopts a protection measure containing one or more of the obligations or prohibitions, referred to in Article 5, it shall inform the protected person in any appropriate way in accordance with the procedures under its national law about the possibility of requesting a European protection order in case he or she decides to leave for another Member State, as well as of the basic conditions for such request. The authority shall advise the protected person to submit an application before leaving the territory of the issuing State.*

6. *If the protected person has a guardian or representative, that person may introduce the request referred to in paragraph 2 and 3, on behalf of the protected person.*

7. *When the request to issue a European protection order is rejected, the competent authority of the issuing State shall inform the protected person about legal remedies available, where applicable, under its national law against its decision.*

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Article 7

Form and content of the European protection order

The European protection order shall be **issued** in accordance with the form set out in Annex I to this Directive. It shall in particular contain the following information:

- (a) the identity and nationality of the protected person, as well as the identity and nationality of the person's **guardian or** representative if the protected person is a minor or is legally incapacitated;
- (b) **the date from which the protected person intends to reside or stay in the executing State, and the period or periods of stay, if known;**
- (c) the name, address, telephone and fax numbers, and e-mail address of the competent authority of the issuing State;
- (d) the identification (**for example through a number and date**) of the **legal act containing the** protection measure on the basis of which the European protection order is adopted;
- (e) a summary of the facts and circumstances which have led to the imposition of the protection measure in the issuing State;
- (f) the obligations or prohibitions imposed in the protection measure underlying the European protection order on the person causing danger, their duration and the **■** indication **of the penalty or sanction, if any, in case of the breach of the respective obligation or prohibition;**
- (g) **the use of a technical device, if any, that has been provided to the protected person or to the person causing danger as a means of enforcing the protection measure;**
- (h) the identity and nationality of the person causing **■** danger, **as well as his or her contact details;**
- (i) **where such information is known by the competent authority of the issuing State without requiring further inquiry, the fact as to whether the protected person and/or the person causing danger has been granted free legal aid in the issuing State;**
- (j) where appropriate, other circumstances that could have an influence on the assessment of the danger that confronts the protected person;
- (k) the express indication, where applicable, that a judgement, as defined by Article 2 of Council Framework Decision 2008/947/JHA, or a decision on supervision measures, as defined by Article 4 of Council Framework Decision 2009/829/JHA, has already been transferred to **the State of supervision** and the identification of the competent authority **of that State** for the enforcement of such a judgment or decision.

Article 8

Transmission procedure

1. Where the competent authority of the issuing State transmits the European protection order to the competent authority of the executing State, it shall do so by any means which leaves a written record so as to allow the competent authority of the executing Member State to establish its authenticity. **All official communication shall also be made directly between those competent authorities.**

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2. If the competent authority of either the executing or the issuing State is not known to the competent authority of the other State, the latter authority shall make all the relevant enquiries, including via the contact points of the European Judicial Network **referred to in Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network** ⁽¹⁾, the National Member of Eurojust or the National System for the coordination of Eurojust of its State, in order to obtain the necessary information.

3. When an authority of the executing State which receives a European protection order has no competence to recognise it, that authority shall, ex officio, forward the European protection order to the competent authority **and shall without delay inform the competent authority of the issuing State accordingly by any means which leaves a written record.**

Article 9

Measures in the executing State

1. **Upon receipt of a European protection order transmitted in accordance with Article 8, the competent authority of the executing State shall without undue delay recognise that order and take a decision adopting any measure that would be available under its national law in a similar case in order to ensure the safeguard of the protected person, unless it decides to invoke one of the grounds for non-recognition referred to in Article 10.**

2. **The measure adopted by the competent authority of the executing State in accordance with paragraph 1, as well as any other measure taken on the basis of a subsequent decision referred to in Article 11, shall correspond, to the highest degree possible, to the protection measure ordered in the issuing State.**

3. The competent authority of the executing State shall inform the **person causing danger**, the competent authority of the issuing State and the protected person **of any measures taken in application of paragraph 1, as well as of the possible legal consequence of a breach of such measure, as provided for under national law and in accordance with Article 11(2). The address or other contact details of the protected person shall not be disclosed to the person causing danger unless necessary in view of the enforcement of the measure taken in application of paragraph 1.**

4. **If the competent authority in the executing State considers that the information transmitted with the European protection order according to Article 7 is incomplete, it shall without delay inform the competent authority of the issuing State by any means which leaves a written record, assigning a reasonable term for it to provide the missing information.**

Article 10

Grounds for non-recognition of a European protection order

■

1. The competent authority of the executing State may refuse to recognise a European protection order in the following circumstances:

- (a) the European protection order is not complete or has not been completed within the time-limit set by the competent authority of the executing State;
- (b) the requirements set out in **Article 5** have not been met;
- (c) the protection **measure relates to an act that does not constitute a criminal offence under the law of the executing State;**

⁽¹⁾ OJ L 348, 24.12.2008, p. 130.

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- (d) **the protection** derives from the execution of a penalty or measure that is covered by an amnesty according to the law of the executing State and relates to an act **or behaviour** which falls within its competence according to that law;
- (e) there is immunity conferred under the law of the executing State on the person causing danger, which makes it impossible to adopt **■ measures on the basis of a European protection order**;
- (f) **criminal prosecution against the person causing danger for the act or behaviour in relation to which the protection measure has been adopted is statute-barred under the law of the executing State, when the act or behaviour falls within its competence under its national law**;
- (g) **recognition of the European protection order would contravene the ne bis in idem principle**;
- (h) **under the law of the executing State, the person causing danger cannot, because of his or her age, be held criminally responsible for the act or behaviour in relation to which the protection measure has been adopted**;
- (i) **the protection measure relates to a criminal offence which under the law of the executing State is regarded as having been committed wholly or for a major or essential part within its territory**.
2. **Where the competent authority of the executing State refuses to recognise a European protection order in application of one of the above grounds, it shall:**
- (a) **inform the issuing State and the protected person without undue delay of this refusal and of the grounds relating thereto**;
- (b) **where appropriate, inform the protected person about the possibility of requesting the adoption of a protection measure according to its national law**;
- (c) **where applicable, inform the protected person about legal remedies available under its national law against its decision**.

Article 11

Governing law and competence in the executing State

1. **The executing State has competence to adopt and to enforce measures in that State following the recognition of a European protection order. The law of the executing State applies to the adoption and enforcement of the decision foreseen in Article 9(1), including rules on legal remedies against decisions adopted in the executing State relating to the European protection order.**
2. **In the event of a breach of one or more of the measures taken by the executing State following the recognition of a European protection order, the competent authority of the executing State has, in application of paragraph 1, the competence to:**
- a) **impose criminal sanctions and take any other measure as a consequence of the breach of such measure, if the breach amounts to a criminal offence under the law of the executing State**;
- b) **take any non-criminal decisions related to the breach**;
- c) **take any urgent and provisional measure in order to put an end to the breach, pending, where appropriate, a subsequent decision by the issuing State**.

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3. *If there is no available measure at national level in a similar case to be taken in the executing State, the competent authority of the executing State shall report to the competent authority of the issuing State any breach of the protection measure described in the European protection order of which it is aware.*

Article 12

Notification in case of breach

The competent authority of the executing State shall notify the competent authority of the issuing State or of the State of supervision of any breach of the measure or measures taken on the basis of the European protection order. Notice shall be given using the standard form set out in Annex II.

Article 13

Competence in the issuing State

1. The competent authority of the issuing State shall have *exclusive competence to take decisions relating to:*

- (a) *the renewal, review, **modification, revocation** and withdrawal of the protection measure **and, consequently, of the European protection order;***
- (b) *the imposition of a custodial measure as a consequence of revoking the protection measure, provided that the protection measure has been applied on the basis of a judgement, as defined by Article 2 of Council Framework Decision 2008/947/JHA, or on the basis of a decision on supervision measures, as defined in Article 4 of Council Framework Decision 2009/829/JHA.*

■

2. The law of the issuing State shall apply to decisions taken pursuant to paragraph 1.

3. Where a judgment, as defined in Article 2 of Council Framework Decision 2008/947/JHA, or a decision on supervision measures, as defined in Article 4 of Council Framework Decision 2009/829/JHA, has already been transferred, **or is transferred after the issuing of the European protection order**, to another Member State, subsequent decisions shall be taken in accordance with the relevant provisions of those Framework Decisions.

4. *The competent authority of the issuing Member State shall inform the competent authority of the executing Member State without delay of any decision taken in accordance with paragraph 1.*

5. *If the competent authority in the issuing State has revoked or withdrawn the European protection order in accordance with point a of paragraph 1, the competent authority in the executing State shall end the measures adopted in accordance with Article 9(1) as soon as it has been duly notified by the competent authority of the issuing State.*

6. *If the competent authority in the issuing State has modified the European protection order in accordance with point a of paragraph 1, the competent authority in the executing State shall, as appropriate*

- (a) *modify the measures taken on the basis of the European protection order, acting in accordance with Article 9; or*
- (b) *refuse to enforce the modified obligation or prohibition when it does not fall within the types of obligations or prohibitions referred to in Article 5 or if the information transmitted with the European protection order according to Article 7 is incomplete and has not been completed within the time-limit set by the competent authority of the executing State according to Article 9(4).*

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Article 14

Grounds for *discontinuation of measures taken on the basis* of a European protection order

1. The competent authority of the executing State may *discontinue the measures taken in execution of a European protection order*:
 - (a) *where there is clear indication that the protected person does not reside or stay in the territory of the executing State, or has definitively left that territory;*
 - (b) *when, according to its national law, the maximum term of duration of the measures adopted in execution of the European protection order has expired;*
 - (c) *in the case referred to in Article 13(6)(b);*
 - (d) *where a judgment, as defined in Article 2 of Council Framework Decision 2008/947/JHA, or a decision on supervision measures, as defined in Article 4 of Council Framework Decision 2009/829/JHA, is transferred to the executing State after the recognition of the European protection order.*
2. *The competent authority of the executing State shall immediately inform the competent authority of the issuing State and where possible, the protected person of such a decision.*
3. *Before discontinuing measures in accordance with point b of paragraph 1, the competent authority of the executing State may request that the competent authority of the issuing State provide information as to whether the protection provided for by the European protection order is still needed in the circumstances of the particular case at hand. The competent authority of the issuing State shall, without delay, reply to such a request.*

Article 15

Priority in recognition of a European protection order

The European protection order shall be recognised with the same priority which would be applicable in a similar national case, taking into consideration the specific circumstances of the case, including the urgency of the matter, the date foreseen for the arrival of the protected person on the territory of the executing State and, where possible, the degree of risk for the protected person.

I

Article 16

Consultations between competent authorities

Where appropriate, the competent authorities of the issuing State and of the executing State may consult each other in order to facilitate the smooth and efficient application of this Directive.

Article 17

Languages

1. The European protection order shall be translated *by the competent authority of the issuing State* into the official language or one of the official languages of the executing State.
2. *The form referred to in Article 12 shall be translated by the competent authority of the executing State into the official language or one of the official languages of the issuing State.*

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3. Any Member State may, either when this Directive is adopted or at a later date, state in a declaration deposited with the **Commission** that it will accept a translation in one or more other official languages of the Union.

Article 18

Costs

Costs resulting from the application of this Directive shall be borne by the executing State, **in accordance with its national law**, except for costs arising exclusively within the territory of the issuing State.

Article 19

Relationship with other agreements and arrangements

1. Member States may continue to apply bilateral or multilateral agreements or arrangements which are in force upon the entry into force of this Directive, insofar as they allow the objectives of this Directive to be extended or enlarged and help to simplify or facilitate further the procedures for taking protection measures.

2. Member States may conclude bilateral or multilateral agreements or arrangements after the entry into force of this Directive, insofar as they allow the objectives of this Directive to be extended or enlarged and help to simplify or facilitate the procedures for taking protection measures.

3. By ... (*) Member States shall notify the **Commission** of the existing agreements and arrangements referred to in paragraph 1 which they wish to continue applying. Member States shall also notify the **Commission** of any new agreements and arrangements as referred to in paragraph 2, within three months of signing such an agreement.

Article 20

Relationship with other instruments

1. **This Directive shall not affect the application of Regulation (EC) No 44/2001, nor of Regulation (EC) No 2201/2003, nor of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, nor of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.**

2. **This Directive shall not affect the application of Council Framework Decision 2008/947/JHA and Council Framework Decision 2009/829/JHA.**

Article 21

Implementation

1. Member States shall **bring into force the laws, regulations and administrative provisions** to comply with **this Directive** by ... (**). **They shall forthwith inform the Commission thereof. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.**

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

(*) Three months after the entry into force of this Directive.

(**) **Three years** after the entry into force of this Directive.

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Article 22**Data collection**

Member States shall, in order to facilitate the evaluation of the application of this Directive, communicate to the Commission relevant data related to the application of national procedures on the European protection order, at least on the number of European protection orders requested, issued and/or recognised.

Article 23

Review

By ... (*), the Commission shall **submit** a report **to the European Parliament and to the Council** on the application of this Directive. The report shall be accompanied, if necessary, by legislative proposals.

Article 24

Entry into force

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

Done at

For the European Parliament
The President

For the Council
The President

(*) Four years after the entry into force of this Directive.

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ANNEX I

EUROPEAN PROTECTION ORDER

referred to in Article 7 of

DIRECTIVE 2011/.../EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF ... ON THE EUROPEAN PROTECTION ORDER (*)*The information contained in this form is to be treated with appropriate confidentiality*

<p>Issuing State:</p> <p>Executing State:</p>
<p>(a) Information regarding the protected person:</p> <p>Surname:</p> <p>Forename(s):</p> <p>Maiden <i>or previous</i> name, where applicable:</p> <p>Sex:</p> <p>Nationality:</p> <p>Identity number or social security number (if any):</p> <p>Date of birth:</p> <p>Place of birth:</p> <p>Addresses/residences:</p> <p>— in the issuing State:</p> <p>— in the executing State:</p> <p>— elsewhere:</p> <p>Language(s) understood (if known):</p> <p><i>Has the protected person been granted free legal aid in the issuing State (if such information is available without further enquiry)?</i></p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p> <p><input type="checkbox"/> <i>Unknown.</i></p> <p>Where the protected person is a minor or is legally incapacitated, information regarding the natural person's <i>guardian or</i> representative:</p> <p>Surname:</p> <p>Forename(s):</p> <p>Maiden <i>or previous</i> name, where applicable:</p> <p>Sex:</p> <p>Nationality:</p> <p>Office address:</p>

(*) Number and date of this Directive.

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(b) *The protected person has decided to reside or already resides in the executing Member State, or has decided to stay or already stays in the executing Member State.*

Date from which the protected person intends to reside or stay in the executing State (if known):

Period(s) of stay (if known):

(c) Have any *technical devices* been provided to the protected person *or to the person causing danger to enforce* the protection measure:

Yes; please give a short summary of the devices used:

No.

(d) Competent authority which issued the European protection order:

Official name:

Full address:

Tel. no.: (country code) (area/city code) (number)

Fax no.: (country code) (area/city code) (number)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. no.: (country code) (area/city code) (number)

Fax no.: (country code) (area/city code) (number)

E-mail (if any):

Languages that may be used for communication:

(e) Identification of the protection measure on the basis of which the European protection order has been issued:

The protection measure was issued on (date: DD-MM-YYYY):

The protection measure became enforceable on (date: DD-MM-YYYY):

File reference of the protection measure (if available):

Authority that adopted the protection measure:

(f) Summary of the facts and description of the circumstances, **including, where applicable, the classification of the offence**, which have led to the imposition of the protection measure mentioned under (e) above:

Tuesday 14 December 2010

(g) Indications regarding the obligation(s) or prohibition(s) that have been imposed by the protection measure on the person causing danger:

Nature of the obligation(s): (you can tick more than one box):

a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;

— if you ticked this box, please indicate precisely which localities, places or defined areas the person causing danger is prohibited from entering:

a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means;

— if you ticked this box, please provide any relevant details:

a prohibition or regulation on approaching the protected person within a prescribed distance;

— if you ticked this box, please indicate precisely the distance which the person causing danger has to comply with in respect of the protected person:

Please indicate the length of time during which the abovementioned obligation(s) are imposed on the person causing danger:

Indication of the penalty or **sanction (if any) in the event of the breach of the prohibition:**

(h) Information regarding the person causing danger on whom the obligation(s) mentioned under (g) have been imposed:

Surname:

Forename(s):

Maiden **or previous** name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identity number or social security number (if any):

Date of birth:

Place of birth:

Addresses/residences:

— in the issuing State:

— in the executing State:

— elsewhere:

Language(s) understood (if known):

If available, please provide the following information:

— Type and number of the identity document(s) of the person (ID card, passport):

Has the person causing danger been granted free legal aid in the issuing State (if such information is available without further enquiry)?

Yes.

No.

Unknown.

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(i) Other circumstances that could have an influence on the assessment of the danger that could affect the protected person (optional information):

(j) Other useful information (such as, where available and necessary, information on other States where protection measures have been previously taken with respect to the same protected person):

(k) Please tick the box where appropriate and complete:

a judgment, as defined by Article 2 of Council Framework Decision 2008/947/JHA, has already been transmitted to another Member State

— If you ticked this box, please provide the contact details of the competent authority to whom the judgment has been forwarded:

a decision on supervision measures, as defined by Article 4 of Council Framework Decision 2009/829/JHA has already been transmitted to another Member State

— If you ticked this box, please provide the contact details of the competent authority to whom the decision on supervision measures has been forwarded:

Signature of the authority issuing the European protection order and/or of its representative to confirm the accuracy of the content of the order:

Name:

Position (title/grade):

Date:

File reference (if any):

(Where appropriate) Official stamp:

Tuesday 14 December 2010

ANNEX II

FORM

referred to in Article 12 of

DIRECTIVE 2011/.../EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF ... ON THE EUROPEAN PROTECTION ORDER (*)

NOTIFICATION OF A BREACH OF THE PROTECTION MEASURE TAKEN ON THE BASIS OF THE EUROPEAN PROTECTION ORDER

The information contained in this form is to be treated with appropriate confidentiality

<p>(a) Details of the identity of the person causing danger</p> <p>Surname:</p> <p>Forename(s):</p> <p>Maiden or previous name, where applicable:</p> <p>Aliases, where applicable:</p> <p>Sex:</p> <p>Nationality:</p> <p>Identity number or social security number (if any):</p> <p>Date of birth:</p> <p>Place of birth:</p> <p>Address:</p>
<p>(b) Details of the identity of the protected person:</p> <p>Surname:</p> <p>Forename(s):</p> <p>Maiden or previous name, where applicable:</p> <p>Sex:</p> <p>Nationality:</p> <p>Date of birth:</p> <p>Place of birth:</p> <p>Address:</p> <p>Language(s) understood (if known):</p>
<p>(c) Details of the European protection order:</p> <p>Order issued on:</p> <p>File reference (if any):</p> <p>Authority which issued the order:</p> <p>Official name:</p> <p>Address:</p>

(*) Number and date of this Directive.

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(d) Details of the authority responsible for the execution of the protection measure, if any, which was taken in the executing State in line with the European protection order:

Official name of the authority:

Name of the person to be contacted:

Position (title/grade):

Address:

Tel.: (country code) (area code) (number)

Fax: (country code) (area code) (number)

E-mail:

Languages that may be used for communication:

(e) Breach of the obligation(s) **imposed by the competent authorities of the executing State following recognition of** the European protection order and/or other findings which could result in taking any subsequent decision:

The breach concerns the following obligation(s) (you can tick more than one box):

- a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;**
- a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means;**
- a prohibition or regulation on approaching** the protected person within a prescribed distance;
- any other measure, corresponding to the protection measure as the basis of the European protection order, taken by the competent authorities of the executing State following recognition of the European protection order**

Description of the breach(es) (place, date and specific circumstances):

In accordance with Article 11(2):

— **measures taken in the executing State as a consequence of the breach;**

— **possible legal consequence of the breach in the executing State.**

Other findings which could result in taking any subsequent decision

Description of the findings:

(f) Details of the person to be contacted if additional information is to be obtained concerning the breach:

Surname:

Forename(s):

Address:

Tel. no.: (country code) (area/city code) (number)

Fax no.: (country code) (area/city code) (number)

E-mail:

Languages that may be used for communication:

Signature of the authority issuing the form and/or its representative, to confirm that the contents of the form are correct:

Name:

Position (title/grade):

Date:

Official stamp (where applicable):

Tuesday 14 December 2010

Trafficking in human beings ***I

P7_TA(2010)0471

European Parliament legislative resolution of 14 December 2010 on the proposal for a directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2010)0095 – C7-0087/2010 – 2010/0065(COD))

(2012/C 169 E/36)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0095),
 - having regard to Article 294(2) and Articles 82(2) and 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0087/2010),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the contributions submitted by national parliaments on the draft legislative act,
 - having regard to the opinion of the European Economic and Social Committee of 21 October 2010,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 25 November 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 Rules 55 and 37 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality pursuant to Rule 51 of the Rules of procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Women's Rights and Gender Equality (A7-0348/2010),
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.

Tuesday 14 December 2010

P7_TC1-COD(2010)0065

Position of the European Parliament adopted at first reading on 14 December 2010 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2011/36/EU).

Agreement between the EU and Georgia on the readmission of persons residing without authorisation ***

P7_TA(2010)0472

European Parliament legislative resolution of 14 December 2010 on the draft Council decision on the conclusion of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation (15507/2010 – C7-0392/2010 – 2010/0108(NLE))

(2012/C 169 E/37)

(Consent)

The European Parliament,

- having regard to the draft Council decision (15507/2010),
 - having regard to the draft agreement between the European Union and Georgia on the readmission of persons residing without authorisation (14654/2010),
 - having regard to the request for consent submitted by the Council in accordance with Article 79(3) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0392/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0346/2010),
1. Consents to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Georgia.
-

Wednesday 15 December 2010

Mobilisation of the Flexibility Instrument for the Lifelong Learning Programme, for the Competitiveness and Innovation Programme and for Palestine

P7_TA(2010)0474

European Parliament resolution of 15 December 2010 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument (COM(2010)0760 – C7-0398/2010 – 2010/2293(BUD))

(2012/C 169 E/38)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0760 – C7-0398/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 27 thereof,
 - having regard to its first reading of 20 October 2010 on the 2011 draft general budget ⁽²⁾,
 - having regard to the results of the conciliation of 15 November 2010,
 - having regard to the report of the Committee on Budgets (A7-0367/2010),
- A. whereas the ceilings of the Multiannual Financial Framework, especially for subheading 1a and heading 4, do not allow the financing of EU priorities without jeopardising the existing instruments and policies,
- B. whereas the two arms of the budgetary authority agreed in conciliation, provided that an overall agreement could be reached on all outstanding issues, to mobilise the Flexibility Instrument to offset the reinforcements for identified priorities under these two headings,
1. Notes that, despite contained reinforcements in commitments on a limited number of budget items, the ceilings of subheading 1a and heading 4 do not allow for an adequate financing of selected priorities carried by Parliament and the Council;
 2. Welcomes, therefore, the agreement reached during conciliation concerning the use of the Flexibility Instrument for the financing of the Lifelong Learning Programme and Competitiveness and Innovation Programme under subheading 1a, and the financing of financial assistance to Palestine, the peace process and UNRWA under heading 4 for a total amount of EUR 105 million;
 3. Recalls that these programmes are crucial for the future of the Union as they provide a clear impetus for economic activity, and for the Union's role as a global player;
 4. Reiterates that the mobilisation of this instrument, as foreseen in point 27 of the IIA of 17 May 2006, highlights, once more, the crucial need for the EU budget to be increasingly flexible;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ Texts adopted, P7_TA(2010)0372.

Wednesday 15 December 2010

5. Approves the decision annexed to this resolution;
6. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
7. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the mobilisation of the Flexibility Instrument

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular the fifth paragraph of point 27 thereof,

Having regard to the proposal from the European Commission,

Whereas, after having examined all possibilities for re-allocating appropriations under subheading 1a and heading 4, at the conciliation meeting on 11 November 2010, the two arms of the budgetary authority agreed to mobilise the Flexibility Instrument to complement the financing in the 2011 budget, beyond the ceilings of subheading 1a and heading 4, of:

- EUR 18 million for the Lifelong Learning programme under subheading 1a;
- EUR 16 million for the Competitiveness and Innovation Programme under subheading 1a;
- EUR 71 million for Palestine under heading 4,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2011, the Flexibility Instrument shall be mobilised to provide the sum of EUR 34 million in commitment appropriations in subheading 1a and of EUR 71 million in commitment appropriations in heading 4.

That amount shall be used to complement the financing of:

- EUR 18 million for the Lifelong Learning programme under subheading 1a;
- EUR 16 million for the Competitiveness and Innovation Programme under subheading 1a;
- EUR 71 million for Palestine under heading 4.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

Wednesday 15 December 2010

Article 2

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

Done at ,

For the European Parliament
The President

For the Council
The President

Parliament's position on the new 2011 Draft Budget as modified by the Council

P7_TA(2010)0475

European Parliament resolution of 15 December 2010 on the draft general budget of the European Union for the financial year 2011, all sections, as modified by the Council (17635/2010 – C7-0411/2010 – 2010/2290(BUD))

(2012/C 169 E/39)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union (TFEU) and to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources ⁽¹⁾,
- 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 ⁽²⁾,
- having regard to the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management ⁽³⁾,
- having regard to its resolution of 25 March 2010 on priorities for the 2011 budget ⁽⁴⁾,
- having regard to its resolution of 15 June 2010 on the mandate for the trilogue on the 2011 draft budget ⁽⁵⁾,
- having regard to its resolution of 20 October 2010 on Council's position on draft general budget of the European Union for the financial year 2011 – all sections ⁽⁶⁾,
- having regard to its resolution of 25 November 2010 on the ongoing negotiations on the 2011 budget ⁽⁷⁾,
- having regard to the new draft general budget of the European Union for the financial year 2011 which the Commission presented on 26 November 2010 (COM(2010)0750) in accordance with Article 314(8) TFEU,

⁽¹⁾ OJ L 163, 23.6.2007, p. 17.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁴⁾ Texts adopted, P7_TA(2010)0086.

⁽⁵⁾ Texts adopted, P7_TA(2010)0205.

⁽⁶⁾ Texts adopted, P7_TA(2010)0372.

⁽⁷⁾ Texts adopted, P7_TA(2010)0433.

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- having regard to the conclusions of the budgetary trilogue on 6 December 2010,
 - having regard to the position on the draft budget of the European Union for the financial year 2011 adopted by the Council on 10 December 2010 (17635/2010 – C7-0411/2010),
 - having regard to Rules 75b and 75e of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0369/2010),
1. Is of the opinion that, although the draft budget as modified by Council does not entirely meet the real need for a sustainable, coherent and efficient Union budget, Parliament's objective is to provide the Union with a budget that can be fully and predictably implemented from the beginning of the financial year;
 2. Considers the way the EU system of own resources has evolved, gradually being replaced by national contributions and consequently being perceived as an excessive burden on national public finances, renders its reform more necessary than ever; takes note of the Commission's Declaration; reiterates nevertheless the importance of the Commission presenting by 1 July 2011 substantive proposals for new own resources for the EU, based on Article 311 TFEU, and calls for a commitment by the Council to discuss these proposals with Parliament within the negotiating process for the next multiannual financial framework (MFF), in line with Declaration No. 3 of the Interinstitutional Agreement of 17 May 2006;
 3. In line with Article 314(4) TFEU, considers some reserves on appropriations to be necessary to help the Commission to improve transparency of information and implementation of appropriations under Section III of the budget; approves the draft budget for 2011 as modified by Council's position;
 4. Approves the Joint Statement on payment appropriations annexed to this resolution;
 5. Instructs its President to declare that the budget has been definitively adopted and to arrange for its publication in the *Official Journal of the European Union*;
 6. Instructs its President to forward this resolution to the Council and the Commission and to the other institutions and bodies concerned.

ANNEX

JOINT STATEMENT ON PAYMENT APPROPRIATIONS

Taking into account the ongoing fiscal consolidation efforts in Member States, the European Parliament and the Council agree on the level of payment appropriations for 2011 as proposed in the Commission's draft budget of 26 November 2010. They ask the Commission to submit an amending budget if the appropriations entered in the 2011 budget are insufficient to cover expenditure under sub-heading 1a (Competitiveness for growth and employment), sub-heading 1b (Cohesion for growth and employment), heading 2 (Preservation and management of natural resources), heading 3 (Citizenship, freedom, security and justice) and heading 4 (EU as a global player).

In particular, the European Parliament and the Council urge the Commission to present by the end of September 2011 at the latest updated figures concerning the state of play and estimates regarding payment appropriations under sub-heading 1b (Cohesion for growth and employment) and rural development under heading 2 (Preservation and management of natural resources), and, if necessary, to present a draft amending budget for this sole purpose.

The European Parliament and the Council will take position on any draft amending budget as quickly as possible in order to avoid any shortfall in payment appropriations. In addition, the European Parliament and the Council undertake to process swiftly any possible transfer of payment appropriations, including across financial framework headings, in order to make the best possible use of payment appropriations entered in the budget and align them to actual execution and needs.

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Mobilisation of the European Globalisation Adjustment Fund: Noord Holland ICT/Netherlands

P7_TA(2010)0476

European Parliament resolution of 15 December 2010 on the proposal for a decision of the European Parliament and of the Council on the 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 (application EGF/2010/012 NL/Noord Holland ICT from the Netherlands) (COM(2010)0685 – C7-0389/2010 – 2010/2279(BUD))

(2012/C 169 E/40)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0685 – C7-0389/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular Point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0353/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering 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 the Netherlands has requested assistance in respect of cases concerning 613 redundancies in two enterprises operating in the NACE Revision 2 Division 46 (Wholesale trade, except of motor vehicles and motorcycles) in the NUTS II region of Noord Holland in the Netherlands,
- E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
 2. Recalls the institutions' commitment to ensuring 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 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 individual redundant workers into employment; reiterates that assistance from the EGF must 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 coordinated package of personalised services to be funded from the EGF includes detailed information on the complementarity with actions funded by the Structural Funds; reiterates its call to present a comparative evaluation of these data in its annual reports as well;
 5. Welcomes the fact that, in the context of mobilising the EGF, an alternative source of payment appropriations to unused European Social Fund has been proposed by the Commission, following the frequent reminders by the European Parliament that the EGF was created as a separate specific instrument with its own objectives and deadlines and that appropriate budget lines for transfers must therefore be identified;
 6. Notes, however, that, in order to mobilise the EGF for this case, payment appropriations will be transferred from a budget line dedicated to the support of SMEs and innovation; regrets the severe shortcomings of the Commission when implementing the programmes on competitiveness and innovation, particularly during an economic crisis which should significantly increase the need for such support;
 7. 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 various other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Welcomes the new format of the Commission's proposal, which presents in its explanatory memorandum clear and detailed information on the application, analyses the eligibility criteria and explains the reasons which led to its approval, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
-

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the 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 (application EGF/2010/012 NL/Noord Holland ICT from the Netherlands)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support 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) The Netherlands submitted an application on 8 April 2010 to mobilise the EGF, in respect of redundancies in two enterprises operating in the NACE Revision 2 Division 46 ('Wholesale trade, except of motor vehicles and motorcycles') in the NUTS II region of Noord Holland (NL32) and supplemented it with additional information up to 5 August 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 2 557 135.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by the Netherlands,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 2 557 135 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Wednesday 15 December 2010

Article 2

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

Done at,

For the European Parliament
The President

For the Council
The President

Law applicable to divorce and legal separation *

P7_TA(2010)0477

European Parliament legislative resolution of 15 December 2010 on the proposal for a Council regulation implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (COM(2010)0105 – C7-0315/2010 – 2010/0067(CNS))

(2012/C 169 E/41)

(Special legislative procedure – consultation – enhanced cooperation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0105),
 - having regard to Article 81(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0315/2010),
 - having regard to its position of 16 June 2010 ⁽¹⁾, giving its consent to the draft Council decision authorising enhanced cooperation in the area of the law applicable to divorce and legal separation,
 - having regard to Council Decision 2010/405/EU of 12 July 2010 authorising enhanced cooperation in the area of the law applicable to divorce and legal separation ⁽²⁾,
 - having regard to the opinion of the European Economic and Social Committee of 14 July 2010,
 - having regard to Rules 55 and 74g(3) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality (A7-0360/2010),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Commission to submit a proposal for amendment of Regulation (EC) No 2201/2003, limited to the addition of a clause on *forum necessitatis*, as a matter of great urgency before the promised general review of that Regulation;

⁽¹⁾ Texts adopted, P7_TA(2010)0216.

⁽²⁾ OJ L 189, 22.7.2010, p. 12.

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4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1
Proposal for a regulation
Citation 2

Having regard to Council Decision [...] of [...] authorising enhanced cooperation in the area of the law applicable to divorce and legal separation ⁽⁷⁾,

⁽⁷⁾ OJ L [...], [...], p. [...].

Having regard to Council Decision **2010/405/EU** of **12 July 2010** authorising enhanced cooperation in the area of the law applicable to divorce and legal separation ⁽¹⁾,

⁽¹⁾ OJ L 189, 22.7.2010, p. 12.

Amendment 2
Proposal for a regulation
Recital 1

(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. For the gradual establishment of such an area, the Union **must** adopt measures relating to judicial cooperation in civil matters having cross-border implications.

(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. For the gradual establishment of such an area, the Union **is to** adopt measures relating to judicial cooperation in civil matters having cross-border implications, **particularly when necessary for the proper functioning of the internal market.**

Amendment 3
Proposal for a regulation
Recital 2

(2) Pursuant to Article 81(3) of the Treaty on the Functioning of the European Union, the **Council is to adopt** measures **concerning family law with cross-border implications.**

(2) Pursuant to Article 81 of the Treaty on the Functioning of the European Union, the measures **in question are to include those aimed at ensuring the compatibility of the rules applicable in the Member States concerning conflict of laws.**

Amendment 4
Proposal for a regulation
Recital 6

(6) Bulgaria, Greece, Spain, France, Italy, Luxembourg, Hungary, Austria, Romania and Slovenia subsequently addressed a request to the Commission indicating that they intended to establish enhanced cooperation between themselves in the area of applicable law in matrimonial matters **and asking the Commission to submit a proposal to the Council for that purpose.**

(6) **Belgium**, Bulgaria, **Germany**, Greece, Spain, France, Italy, **Latvia**, Luxembourg, Hungary, **Malta**, Austria, **Portugal**, Romania and Slovenia subsequently addressed a request to the Commission indicating that they intended to establish enhanced cooperation between themselves in the area of applicable law in matrimonial matters. **On 3 March 2010 Greece withdrew its request.**

Wednesday 15 December 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 5**Proposal for a regulation****Recital 7**

(7) On [...] the Council adopted Decision [...] authorising enhanced cooperation in the area of the law applicable to divorce and legal separation.

(7) On **12 July 2010** the Council adopted Decision **2010/405/EU** authorising enhanced cooperation in the area of the law applicable to divorce and legal separation.

Amendment 6**Proposal for a regulation****Recital 8**

(8) According to Article 328(1) of the Treaty on the Functioning of the European Union, when enhanced cooperation is being established, it is to be open to all Member States, subject to compliance with any conditions of participation laid down by the authorising decision. It is also to be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to those conditions.

(8) According to Article 328(1) of the Treaty on the Functioning of the European Union, when enhanced cooperation is being established, it is to be open to all Member States, subject to compliance with any conditions of participation laid down by the authorising decision. It is also to be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to those conditions. ***The Commission and the Member States participating in enhanced cooperation should ensure that they promote participation by as many Member States as possible. This Regulation should be binding in its entirety and directly applicable only in the participating Member States in accordance with the Treaties.***

Amendment 7**Proposal for a regulation****Recital 9 a (new)**

(9a) The substantive scope and enacting terms of this Regulation should be consistent with Regulation (EC) No 2201/2003. However, it should not apply to marriage annulment. This Regulation should apply only to the dissolution or loosening of marriage ties. The law determined by the conflict-of-law rules of this Regulation should apply to the grounds for divorce and legal separation. Preliminary questions on issues such as legal capacity and the validity of a marriage, and on matters such as the effects of divorce or legal separation on property, name, parental responsibility, maintenance obligations or any other ancillary measures, should be determined by the conflict-of-law rules applicable in the participating Member State concerned.

Amendment 8**Proposal for a regulation****Recital 10**

(10) In order to clearly delimit the territorial scope of this Regulation, the Member States participating in the enhanced cooperation must be specified.

(10) In order clearly to delimit the territorial scope of this Regulation, the Member States participating in the enhanced cooperation must be specified ***in accordance with Article 1(2).***

Wednesday 15 December 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 9
Proposal for a regulation
Recital 10 a (new)

(10a) This Regulation should be universal, in the sense that its uniform conflict-of-law rules may designate the law of a participating Member State, the law of a non-participating Member State or the law of a State which is not a member of the European Union.

Amendment 10
Proposal for a regulation
Recital 11

(11) This Regulation should apply irrespective of the nature of the court or tribunal seised.

(11) This Regulation should apply irrespective of the nature of the court or tribunal seised. **Where applicable, a court should be deemed to be seised in accordance with Regulation (EC) No 2201/2003.**

Amendment 11
Proposal for a regulation
Recital 12

(12) In order to allow the spouses to choose an applicable law with which they have a close connection or, in the absence of such choice, in order that that law *might* apply to their divorce or legal separation, the law in question should apply even if it is not that of a participating Member State. Where the law of another Member State is designated, the network created by Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters ⁽¹⁾ **can** play a part in assisting the courts with regard to the content of foreign law.

(12) In order to allow the spouses to choose an applicable law with which they have a close connection or, in the absence of such choice, in order that that law *may* apply to their divorce or legal separation, the law in question should apply even if it is not that of a participating Member State. Where the law of another Member State is designated, the network created by Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters ⁽¹⁾, **as amended by Decision No 568/2009/EC of 18 June 2009 ⁽²⁾, could** play a part in assisting the courts with regard to the content of foreign law.

⁽¹⁾ OJ L 174, 27.6.2001, p. 25.

⁽¹⁾ OJ L 174, 27.6.2001, p. 25.

⁽²⁾ OJ L 168, 30.6.2009, p. 35.

Amendment 12
Proposal for a regulation
Recital 13

(13) Increasing the mobility of citizens calls for more flexibility and greater legal certainty. In order to achieve that objective, this Regulation should enhance the parties' autonomy in the areas of divorce and legal separation by giving them a limited possibility to choose the law applicable to their divorce or legal separation. **Such possibility should not extend to marriage annulment, which is closely linked to the conditions for the validity of marriage, and for which autonomy on the part of the parties is inappropriate.**

(13) Increasing the mobility of citizens calls for more flexibility and greater legal certainty. In order to achieve that objective, this Regulation should enhance the parties' autonomy in the areas of divorce and legal separation by giving them a limited possibility to choose the law applicable to their divorce or legal separation.

Wednesday 15 December 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 13
Proposal for a regulation
Recital 14

(14) Spouses should be able to choose the law of a country with which they have a special connection or the *lex fori* as the law applicable to divorce and legal separation. The law chosen by the spouses must be consonant with the fundamental rights *enshrined* in the Treaties and the Charter of Fundamental Rights of the European Union. *The possibility of choosing the law applicable to divorce and legal separation should not harm the superior interests of the child.*

(14) Spouses should be able to choose the law of a country with which they have a special connection or the *law of the forum* as the law applicable to divorce and legal separation. The law chosen by the spouses must be consonant with the fundamental rights *recognised* in the Treaties and the Charter of Fundamental Rights of the European Union.

Amendment 14
Proposal for a regulation
Recital 15

(15) Before designating the applicable law, it is important for spouses to have access to up-to-date information concerning the essential aspects of national and Union law and of the procedures governing divorce and legal separation. To guarantee such access to appropriate, good-quality information, the Commission regularly updates it in the Internet-based public information system set up by *Council* Decision 2001/470/EC.

(15) Before designating the applicable law, it is important for spouses to have access to up-to-date information concerning the essential aspects of national and Union law and of the procedures governing divorce and legal separation. To guarantee such access to appropriate, good-quality information, the Commission regularly updates it in the Internet-based public information system set up by Decision 2001/470/EC, *as amended by Decision No 568/2009/EC.*

Amendment 15
Proposal for a regulation
Recital 15 a (new)

(15a) If the spouses are unable to agree on the applicable law, they should complete a mediation procedure including at least one consultation with an authorised mediator.

Amendment 16
Proposal for a regulation
Recital 16

(16) The informed choice of the *two* spouses is a basic principle of this Regulation. Each spouse should know exactly what are the legal and social implications of the choice of applicable law. The possibility of choosing the applicable law by common agreement should be without prejudice to the rights of, and equal opportunities for, the *two* spouses. Hence judges in the Member States should be aware of the importance of an informed choice on the part of the *two* spouses concerning the legal implications of the choice-of-law agreement concluded.

(16) The informed choice of the spouses is a basic principle of this Regulation. Each spouse should know exactly what are the legal and social implications of the choice of applicable law. The possibility of choosing the applicable law by common agreement should be without prejudice to the rights of, and equal opportunities for, the spouses. Hence judges in the *participating* Member States should be aware of the importance of an informed choice on the part of the spouses concerning the legal implications of the choice-of-law agreement concluded.

Wednesday 15 December 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 17
Proposal for a regulation
Recital 17

(17) Certain safeguards should be introduced to ensure that spouses are aware of the implications of their choice. The agreement on the choice of applicable law should at least be expressed in writing, dated and signed by both parties. However, if the law of the participating Member State in which the two spouses have their habitual residence lays down additional formal rules, those rules **must** be complied with. For example, such additional formal rules may exist in a participating Member State where the agreement is inserted in a marriage contract.

(17) **Rules on material and formal validity should be defined so that the informed choice of the spouses is facilitated and that their consent is respected with a view to ensuring legal certainty as well as better access to justice. As far as formal validity is concerned,** certain safeguards should be introduced to ensure that spouses are aware of the implications of their choice. The agreement on the choice of applicable law should at least be expressed in writing, dated and signed by both parties. However, if the law of the participating Member State in which the two spouses have their habitual residence **at the time the agreement is concluded** lays down additional formal rules, those rules **should** be complied with. For example, such additional formal rules may exist in a participating Member State where the agreement is inserted in a marriage contract. **If, at the time the agreement is concluded, the spouses are habitually resident in different participating Member States which lay down different formal rules, compliance with the formal rules of one of those States would suffice. If, at the time the agreement is concluded, only one of the spouses is habitually resident in a participating Member State which lays down additional formal rules, those rules should be complied with.**

Amendment 19
Proposal for a regulation
Recital 19

(19) Where no applicable law is chosen, and with a view to guaranteeing legal certainty and predictability and preventing a situation from arising in which one of the spouses applies for divorce before the other one does in order to ensure that the proceeding is governed by a given law which he or she considers more favourable to his or her own interests, this Regulation should introduce harmonised conflict-of-laws rules on the basis of a scale of successive connecting factors based on the existence of a close connection between the spouses and the law concerned. **These** connecting factors **have been** chosen **so that the** divorce or legal separation **proceeding is** governed by a law with which the spouses have a close connection, **and they are based first and foremost on the law of the spouses' habitual residence.**

(19) Where no applicable law is chosen, and with a view to guaranteeing legal certainty and predictability and preventing a situation from arising in which one of the spouses applies for divorce before the other one does in order to ensure that the proceeding is governed by a given law which he or she considers more favourable to his or her own interests, this Regulation should introduce harmonised conflict-of-law rules on the basis of a scale of successive connecting factors based on the existence of a close connection between the spouses and the law concerned. **Such** connecting factors **should be** chosen **in such a way as to ensure that proceedings relating to** divorce or legal separation **are** governed by a law with which the spouses have a close connection.

Amendment 20
Proposal for a regulation
Recital 19 a (new)

(19a) **Where this Regulation refers to nationality as a connecting factor for the application of the law of a State, the question of how to deal with cases of multiple nationality should be determined in accordance with national law, in full observance of the general principles of the European Union.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 21**Proposal for a regulation
Recital 19 b (new)**

(19b) Where the court is seised of an application to convert a legal separation into divorce and the parties have not made any choice as to the law applicable, the law which applied to the legal separation should also apply to the divorce. Such continuity would promote predictability for the parties and increase legal certainty. If the law applied to the legal separation does not provide for the conversion of legal separation into divorce, the divorce should be governed by the conflict-of-law rules which apply in the absence of a choice by the parties. This should not prevent the spouses from seeking divorce on the basis of other rules laid down in this Regulation.

Amendment 22**Proposal for a regulation
Recital 20**

(20) In certain situations, such as where the applicable law makes no provision for divorce or where it does not grant one of the spouses equal access to divorce or legal separation on grounds of their sex, the law of the court seised should nevertheless apply.

(20) In certain situations, such as where the applicable law makes no provision for divorce or where it does not grant one of the spouses equal access to divorce or legal separation on grounds of their sex, the law of the court seised should nevertheless apply. ***This should, however, be without prejudice to the public policy clause (ordre public).***

Amendment 23**Proposal for a regulation
Recital 21**

(21) Considerations of public interest should allow courts in the Member States the opportunity in exceptional circumstances to disregard the application of foreign law in a given case where it would be manifestly contrary to the public policy of the forum. However, the courts should not be able to apply the public-policy exception in order to disregard the law of another **Member** State when to do so would be contrary to the Charter of Fundamental Rights of the European Union, and in particular Article 21 thereof, which prohibits all forms of discrimination.

(21) Considerations of public interest should allow courts in the Member States the opportunity in exceptional circumstances to disregard the application of **a provision of** foreign law in a given case where it would be manifestly contrary to the public policy of the forum. However, the courts should not be able to apply the public-policy exception in order to disregard **a provision of** the law of another State when to do so would be contrary to the Charter of Fundamental Rights of the European Union, and in particular Article 21 thereof, which prohibits all forms of discrimination.

Amendment 24**Proposal for a regulation
Recital 21 a (new)**

(21a) Where this Regulation refers to the circumstance that the law of the participating Member State whose court is seised does not provide for divorce, this should be interpreted as meaning that the law of that Member State does not encompass the institution of divorce. In such a case, the court should not be obliged to pronounce a decree of divorce by virtue of this Regulation. Where this Regulation refers to the circumstance that the law of the participating Member State whose court is seised does not deem the marriage in question valid for the purposes of divorce proceedings, this should be interpreted as meaning inter alia that such a marriage does not exist under the law of that Member State. In such a case, the court should not be obliged to pronounce a decree of divorce or order a legal separation by virtue of this Regulation.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 25**Proposal for a regulation
Recital 22**

(22) Since there are States and participating Member States in which two or more systems of law or sets of rules concerning matters governed by this Regulation coexist, there should be a provision governing the extent to which this Regulation applies in the different territorial units of those States and participating Member States.

(22) Since there are States and participating Member States in which two or more systems of law or sets of rules concerning matters governed by this Regulation coexist, there should be a provision governing the extent to which this Regulation applies in the different territorial units of those States and participating Member States, **or the extent to which this Regulation applies to different categories of persons of those States and participating Member States.**

Amendment 26**Proposal for a regulation
Recital 22 a (new)**

(22a) In the absence of rules designating the applicable law, spouses choosing the law of the State of the nationality of one of them should at the same time indicate, where the State whose law is chosen comprises several territorial units each of which has its own system of law or a set of rules in respect of divorce, which territorial unit's law they have agreed upon.

Amendment 29**Proposal for a regulation
Article 1 – paragraph 1a (new)**

1a. This Regulation shall not apply to the following matters, even if they arise merely as a preliminary question within the context of divorce or legal separation proceedings:

- (a) the legal capacity of natural persons;*
- (b) the existence, validity or recognition of a marriage;*
- (c) the annulment of a marriage;*
- (d) the name of the spouses;*
- (e) the property consequences of the marriage;*
- (f) parental responsibility;*
- (g) maintenance obligations;*
- (h) trusts or successions.*

Amendment 30**Proposal for a regulation
Article 1 – paragraph 2**

2. For the purposes of this Regulation, 'participating Member State' means a Member State which participates in enhanced cooperation on the law applicable to divorce and legal separation by virtue of Council Decision [...] of [...] authorising enhanced cooperation in the area of the law applicable to divorce and legal separation.

2. For the purposes of this Regulation, 'participating Member State' means a Member State which participates in enhanced cooperation on the law applicable to divorce and legal separation by virtue of Council Decision **2010/405/EU of 12 July 2010** authorising enhanced cooperation in the area of the law applicable to divorce and legal separation, **or by virtue of a decision adopted in accordance with the second or third subparagraph of Article 331(1) of the Treaty on the Functioning of the European Union.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 31
Proposal for a regulation
Article 1 a (new)

Article 1a
Relationship with Regulation (EC) No 2201/2003
This Regulation shall not affect the application of Regulation (EC) No 2201/2003.

Amendment 32
Proposal for a regulation
Article 1 b (new)

Article 1b
Definition
For the purposes of this Regulation, the term ‘court’ shall cover all authorities in the participating Member States having jurisdiction in the matters falling within the scope of this Regulation.

Amendment 34
Proposal for a regulation
Article 3 – paragraph 1 – introductory wording

1. The spouses may **choose by mutual agreement** the law applicable to divorce and legal separation, provided that **such law is in conformity with the fundamental rights defined in the Treaties and in the Charter of Fundamental Rights of the European Union and with the principle of public policy, from among** the following laws:

1. The spouses may **agree to designate** the law applicable to divorce and legal separation, provided that **it is one of** the following laws:

Amendment 39
Proposal for a regulation
Article 3 – paragraph 3

3. *The agreement referred to in paragraph 2 shall be expressed in writing, dated and signed by both spouses. Any communication by electronic means which provides a durable record of the agreement shall be deemed equivalent to writing.*

3. *If the law of the forum so provides, the spouses may also designate the law applicable before the court during the course of the proceeding. In that event, such designation shall be recorded in court in accordance with the law of the forum.*

However, if the law of the participating Member State in which the two spouses have their habitual residence at the time of conclusion of the agreement lays down additional formal requirements for this type of agreement, those requirements shall apply. If the spouses are habitually resident in different participating Member States and the laws of those Member States provide for different formal requirements, the agreement shall be formally valid if it satisfies the requirements of either of those laws.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 40**Proposal for a regulation****Article 3 – paragraph 4**

4. *If the lex fori so provides, the spouses may also designate the law applicable before the court during the course of the proceeding. In that event, such designation shall be recorded in court in accordance with the lex fori.* **deleted**

Amendment 41**Proposal for a regulation****Article 3 a (new)****Article 3a****Consent and material validity**

1. *The existence and validity of an agreement on choice of law or of any term thereof shall be determined by the law which would govern it under this Regulation if the agreement or term were valid.*
2. *Nevertheless, a spouse, in order to establish that he or she did not consent, may rely on the law of the country in which he or she has his or her habitual residence at the time the court is seised if it appears from the circumstances that it would not be reasonable to determine the effect of his or her conduct in accordance with the law specified in paragraph 1.*

Amendment 42**Proposal for a regulation****Article 3 b (new)****Article 3b****Formal validity**

1. *The agreement referred to in Article 3(1) and (2) shall be expressed in writing, dated and signed by both spouses. Any communication by electronic means which provides a durable record of the agreement shall be deemed equivalent to writing.*
2. *However, if the law of the participating Member State in which the spouses have their habitual residence at the time the agreement is concluded lays down additional formal requirements for agreements of that type, those requirements shall apply.*
3. *If the spouses are habitually resident in different participating Member States at the time the agreement is concluded and the laws of those States lay down different formal requirements, the agreement shall be formally valid if it satisfies the requirements of either of those laws.*
4. *If only one of the spouses is habitually resident in a participating Member State at the time the agreement is concluded and that State lays down additional formal requirements for agreements of that type, those requirements shall apply.*

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 43
Proposal for a regulation
Article 4 a (new)

Article 4a

Conversion of legal separation into divorce

1. *Where a legal separation is converted into a divorce, the law applicable to the divorce shall be the law applied to the legal separation, unless the parties have agreed otherwise in accordance with Article 3.*
2. *However, if the law applied to the legal separation does not provide for the conversion of legal separation into divorce, Article 4 shall apply, unless the parties have agreed otherwise in accordance with Article 3.*

Amendment 45
Proposal for a regulation
Article 7 a (new)

Article 7a

Differences in national law

Nothing in this Regulation shall oblige the courts of a participating Member State whose law does not provide for divorce, or does not deem the marriage in question valid for the purposes of divorce proceedings, to pronounce a decree of divorce by virtue of the application of this Regulation.

Amendment 46
Proposal for a regulation
Article 8

States with *more than one legal system*

1. Where a State comprises several territorial units each of which has its own rules of law in respect of divorce and legal separation, each territorial unit shall be considered a State for the purpose of determining the law applicable under this Regulation.

States with *two or more legal systems – territorial*

1. Where a State comprises several territorial units each of which has its own rules of law in respect of divorce and legal separation, each territorial unit shall be considered a State for the purpose of determining the law applicable under this Regulation.

1a. In relation to such a State:

- (a) *any reference to habitual residence in that State shall be construed as a reference to habitual residence in a territorial unit of that State,*
- (b) *any reference to nationality shall be construed as a reference to the territorial unit designated by the law of that State, or, in the absence of relevant rules, to the territorial unit chosen by the spouses or, in the absence of such a choice, to the territorial unit with which the spouse or spouses has or have the closest connection.*

Wednesday 15 December 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 47
Proposal for a regulation
Article 8 a (new)

Article 8a

States with two or more legal systems – inter-personal conflicts

In relation to a State which has two or more systems of law or sets of rules applicable to different categories of persons concerning matters governed by this Regulation, any reference to the law of such a State shall be construed as a reference to the legal system determined by the rules in force in that State. In the absence of such rules, the system of law or the set of rules with which the spouse or spouses has or have the closest connection applies.

Amendment 48
Proposal for a regulation
Article 8 b (new)

Article 8b

Non-application of this Regulation to internal conflicts

A participating Member State in which different systems of law or sets of rules apply to matters governed by this Regulation shall not be required to apply this Regulation to conflicts of law arising solely between such different systems of law or sets of rules.

Amendment 49
Proposal for a regulation
Article 9 – paragraph 1 – point a

(a) the formal **rules** applicable to agreements on the choice of applicable law; and

(a) the formal **requirements** applicable to agreements on the choice of applicable law **pursuant to Article 3b (2) to (4)**; and

Amendment 51
Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

However, effect shall also be given to an agreement on the choice of the applicable law concluded **in accordance with the law of a participating Member State** before the date of application of this Regulation, provided that it **fulfils the conditions set out in the first paragraph of Article 3(3)**.

However, effect shall also be given to an agreement on the choice of the applicable law concluded before the date of application of this Regulation, provided that it **complies with Articles 3a and 3b**.

Wednesday 15 December 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 52**Proposal for a regulation****Article 11 – paragraph 1**

1. **Without prejudice to the obligations of the participating Member States pursuant to Article 351 of the Treaty on the Functioning of the European Union, this Regulation shall not affect the application of *bilateral or multilateral* conventions to which one or more participating Member States are party at the time *of adoption of this* Regulation and which *relate to the subjects covered by it*.**

1. **This Regulation shall not affect the application of *international* conventions to which one or more participating Member States are party at the time *when this Regulation is adopted or when the decision referred to in Article 1(2) is adopted* and which *lay down conflict-of-law rules relating to divorce or separation*.**

Amendment 53**Proposal for a regulation****Article 11 – paragraph 2**

2. **Notwithstanding paragraph 1, this Regulation shall *take precedence* as between participating Member States over conventions *which relate to subjects* governed by this Regulation *and to which the participating Member States are party*.**

2. **However, this Regulation shall, as between participating Member States, *take precedence* over conventions *concluded exclusively between two or more of them in so far as such conventions concern matters* governed by this Regulation.**

Amendment 54**Proposal for a regulation****Article 12 – paragraph 1**

By [five years after the entry into force of this Regulation] at the latest, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation. The report shall be accompanied, where appropriate, by **proposed amendments**.

1. By five years after the entry into force of this Regulation at the latest, **and every five years thereafter**, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation. The report shall be accompanied, where appropriate, by **proposals to adapt this Regulation**.

Amendment 55**Proposal for a regulation****Article 12 – paragraph 1 a (new)**

1a. To that end, the participating Member States shall communicate to the Commission relevant information on the application of this Regulation by their courts.

Amendment 56**Proposal for a regulation****Article 13 – paragraph 2 a (new)**

For those Member States participating pursuant to a decision adopted in accordance with the second or third subparagraph of Article 331(1) of the Treaty on the Functioning of the European Union, this Regulation shall apply as from the date indicated in the decision concerned.

Wednesday 15 December 2010

Credit rating agencies ***I

P7_TA(2010)0478

European Parliament legislative resolution of 15 December 2010 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1060/2009 on credit rating agencies (COM(2010)0289 – C7-0143/2010 – 2010/0160(COD))

(2012/C 169 E/42)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0289),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0143/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank of 19 November 2010 ⁽¹⁾,
 - having regard to the opinion of the European Economic and Social Committee of 8 December 2010 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 8 December 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 Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs (A7-0340/2010),
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.

⁽¹⁾ OJ C 337, 14.12.2010, p. 1.

⁽²⁾ Not yet published in the Official Journal.

Wednesday 15 December 2010

P7_TC1-COD(2010)0160

Position of the European Parliament adopted at first reading on 15 December 2010 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council amending Regulation (EC) No 1060/2009 on credit rating agencies

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 513/2011).

Repeal of directives regarding metrology *I**

P7_TA(2010)0479

European Parliament legislative resolution of 15 December 2010 on the proposal for a directive of the European Parliament and of the Council repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC regarding metrology (COM(2008)0801 – C6-0467/2008 – 2008/0227(COD))

(2012/C 169 E/43)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2008)0801),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0467/2008),
- having regard to the Commission Communication to Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
- having regard to Article 294(3) and Article 114 of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 14 May 2009 ⁽¹⁾,
- having regard to the undertaking given by the Council representative by letter of 10 November 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 the Internal Market and Consumer Protection (A7-0050/2010),

1. Adopts its position at first reading hereinafter set out;
2. Approves the joint statement of the Parliament, the Council and the Commission annexed to this resolution;

⁽¹⁾ OJ C 277, 17.11.2009, p. 49.

Wednesday 15 December 2010

3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2008)0227

Position of the European Parliament adopted at first reading on 15 December 2010 with a view to the adoption of Directive 2011/ .../EU of the European Parliament and of the Council repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC regarding metrology

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2011/17/EU).

ANNEX

Statement by the Parliament, the Council and the Commission

In accordance with Article 25 of Directive 2004/22/EC on measuring instruments, the Commission is invited, by the European Parliament and by the Council, to report, before 30 April 2011, on the implementation of that Directive and to submit, where appropriate, a legislative proposal.

In that context, and in accordance with principles of better law-making (including, where appropriate, impact assessment and open consultation), an assessment will be carried out to determine whether and, if so, to what extent, the scope of Directive 2004/22/EC should be extended so as to include any of the measuring instruments currently regulated by Directives 71/317/EEC, 71/347/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC.

The date set for the repeal of those Directives will also be re-examined, in accordance with the outcome of that assessment, with a view to ensuring consistency in the legislative action of the Union in the field of measuring instruments.

Citizens' initiative *I**

P7_TA(2010)0480

European Parliament legislative resolution of 15 December 2010 on the proposal for a regulation of the European Parliament and of the Council on the citizens' initiative (COM(2010)0119 – C7-0089/2010 – 2010/0074(COD))

(2012/C 169 E/44)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0119),

— having regard to Article 11(4) of the Treaty on European Union,

Wednesday 15 December 2010

- having regard to Article 294(2) and the first paragraph of Article 24 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0089/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 July 2010 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 10 June 2010 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 8 December 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 Constitutional Affairs and the opinions of the Committee on Petitions, the Committee on Culture and Education and the Committee on Civil Liberties, Justice and Home Affairs (A7-0350/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the statement by the Presidency of the Council and the Commission statements annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ C 267, 1.10.2010, p. 57.

P7_TC1-COD(2010)0074

Position of the European Parliament adopted at first reading on 15 December 2010 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council on the citizens' initiative

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 211/2011).

ANNEX

Statements

Commission Statements

– I –

The Commission will provide accurate information on the citizens' initiative. In particular, it will draft and keep up-to-date a comprehensive and user-friendly guide on the citizens' initiative, in every official language of the Union, which will be accessible on the Commission's website dedicated to the citizens' initiative. Moreover, during the process of registering and processing proposals for citizens' initiatives, the Commission will provide support and guidance to the organisers, where needed. In addition, the Commission will, upon request, inform the organisers of current or intended legislative proposals on matters raised by the initiative.

Wednesday 15 December 2010

– II –

After the registration of a proposed initiative in one official language, the organisers can request the Commission, at any time during the collection of statements of support, to include in the register translations of the proposed initiative in any other official languages. The translations will be the responsibility of the organisers; before accepting the inclusion of new language versions in the register, the Commission will check that there are no manifest and significant inconsistencies between the original text and the new linguistic versions of the title, the subject-matter and the objectives.

Statement by the Belgian Presidency of the Council

The Presidency will endeavour to ensure that the measures needed for the application of the present regulation are in place as soon as possible and at the latest one year after its entry into force as foreseen in the regulation.

Thursday 16 December 2010

European Heritage Label *I**

P7_TA(2010)0486

European Parliament legislative resolution of 16 December 2010 on the proposal for a decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label (COM(2010)0076 – C7-0071/2010 – 2010/0044(COD))

(2012/C 169 E/45)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0076),
 - having regard to Article 294(2) and Article 167 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0071/2010),
 - having regard to Article 294(3) of the Treaty on Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of the protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the Committee of the Regions of 9 June 2010 ⁽¹⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A7-0311/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 267, 1.10.2010, p. 52.

P7_TC1-COD(2010)0044**Position of the European Parliament adopted at first reading on 16 December 2010 with a view to the adoption of Decision No .../2011/EU of the European Parliament and of the Council establishing a European Union action for the European Heritage Label**

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 167 thereof,

Thursday 16 December 2010

Having regard to the proposal from the European Commission,

Having regard to the opinion of the Committee of the Regions ⁽¹⁾,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The Treaty **on the Functioning of the European Union (TFEU)** aims at an ever closer union among the peoples of Europe and Article 167 **TFEU** in particular gives the European Union the task of contributing to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore. **Furthermore, Article 167(2) TFEU specifies that, in accordance with the principle of proportionality, the Union is to contribute to improvement of the knowledge and dissemination of the culture and history of the European peoples.**
- (2) A better understanding and appreciation, especially among young people, of their shared yet diverse heritage would help to strengthen the sense of belonging to the European Union and reinforce intercultural dialogue. It is therefore important to promote greater access to cultural heritage and to enhance its European dimension.
- (3) The TFEU also establishes citizenship of the Union, which complements national citizenship of the respective Member States, and which is an important element in safeguarding and strengthening the process of European integration. For citizens to give their full support to European integration, greater emphasis should be placed on their common values, history and culture as key elements of their membership of a society founded on the principles of freedom, democracy, respect for human rights, cultural **and linguistic** diversity, tolerance and solidarity.
- (4) An intergovernmental European Heritage Label scheme was launched in Granada in April 2006 by several Member States and Switzerland.
- (5) The Council of the European Union adopted conclusions on 20 November 2008 ⁽³⁾ aimed at transforming the intergovernmental European Heritage Label into a European Union action by inviting the Commission to submit to it an appropriate proposal for the creation of a European Heritage Label by the European Union and to specify the practical procedures for the implementation of the project.
- (6) The public consultation and the impact assessment carried out by the Commission confirmed that the intergovernmental European Heritage Label was a valuable initiative but that the action needed to be further developed to reach its full potential, and confirmed that the involvement of the European Union could provide a clear added value to the European Heritage Label and help the initiative to take a qualitative step forward.
- (7) **The European Heritage Label should benefit from the experience hitherto gathered from the intergovernmental initiative.**

⁽¹⁾ OJ C 267, 1.10.2010, p. 52.

⁽²⁾ Position of the European Parliament of 16 December 2010.

⁽³⁾ OJ C 319, 13.12.2008, p. 11.

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- (8) The European Heritage Label should seek **to supplement but not duplicate** initiatives such as the UNESCO World Heritage List, **the UNESCO Representative List of the Intangible Cultural Heritage of Humanity** and the Council of Europe's 'European Cultural Routes'. The added value of the new European Heritage Label should be based on the contribution made by the selected sites to European history and culture, **including the creation of the Union**, on a clear educational dimension reaching out to citizens, **especially** young people, and on networking between the sites to share experiences and best practices. The main focus of the initiative should be on the promotion of, and access to, the sites, **thereby contributing to a shared historical and cultural heritage within the Union**, and on the quality of the explanations given and of the activities proposed, rather than on the conservation of the sites, which should be guaranteed by existing protection regimes.
- (9) In addition to strengthening EU citizens' sense of belonging to the Union and stimulating intercultural dialogue, a Union action for the European Heritage Label could also contribute to enhancing the value and profile of cultural heritage, to increasing the role of heritage in the economic and sustainable development of regions, in particular through cultural tourism, to fostering synergies between cultural heritage and contemporary creation and creativity, to facilitating the sharing of experiences and best practices across Europe, and more generally, to promoting the democratic values and human rights that underpin European integration.
- (10) Those objectives are fully in line with the objectives of the European agenda for culture, which include fostering cultural diversity and intercultural dialogue and the promotion of culture as a catalyst for creativity ⁽¹⁾.
- (11) It is crucial that the new European Heritage Label should be awarded on the basis of common, clear and transparent criteria and procedures.
- (12) **Member States should be able to pre-select sites which have already been awarded the European Heritage Label under the intergovernmental European Heritage Label scheme. Those sites should be assessed on the basis of the new criteria and procedures.**
- (13) **Future evaluations of the European Heritage Label could examine the possibility of extending the initiative to include third countries participating in the Culture Programme.**
- (14) The administrative arrangements for the European Heritage Label should **be** light and flexible in compliance with the principle of subsidiarity.
- (15) Since the objectives of this Decision cannot be sufficiently achieved by the Member States and can therefore, by reason of the need, in particular, for new common, clear and transparent criteria and procedures for the European Heritage Label, as well as a stronger coordination between the Member States, 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 Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DECISION:

Article 1

Subject-matter

This Decision establishes a European Union action entitled 'the European Heritage Label'.

⁽¹⁾ COM(2007)0242.

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Article 2

Definition

For the purposes of this Decision, 'sites' shall mean monuments, natural, **underwater, archaeological, industrial** or urban sites, cultural landscapes, places of remembrance, cultural goods and objects, and intangible heritage associated with a place, including contemporary heritage.

Article 3

Objectives

1. The general objectives of the action shall be to contribute to:
 - **strengthening** EU citizens' sense of belonging to the Union, **in particular that of young people**, based on shared **values and** elements of **European** history and cultural heritage **;**
 - **strengthening** intercultural **and inter-territorial** dialogue, **as well as an appreciation of diversity**.
2. **To that end**, the action shall, **as its intermediate objectives, seek** to:
 - **stress** the **symbolic** value and **raise the** profile of sites which have played a **significant** role in the history **and culture of Europe and/or** the building of the Union;
 - increase EU citizens' understanding of the **history** of Europe **and the building of the Union**, and of their common yet diverse **tangible and intangible** cultural heritage, especially in relation to the democratic values and human rights that underpin the process of European integration.
3. The **sites themselves shall, as** specific objectives, **seek** to:
 - develop sites' European significance;
 - raise **the awareness of young people in particular and EU citizens in general** of their common cultural heritage **and enhance their sense of European identity**;
 - facilitate sharing of experiences and exchanges of best practices across Europe;
 - increase **and/or improve** access to heritage sites for all **;** especially young people;
 - increase intercultural dialogue, especially among young people, through artistic, cultural, historical **and interactive online** education;
 - foster synergies between cultural heritage and contemporary creation and **support** creativity;
 - **whilst fully respecting the integrity of the cultural heritage, foster interaction between that heritage and the economic activities which are growing up around it and which contribute to its sustainability and that of its surroundings**;
 - contribute to the **promotion**, attractiveness, **cultural influence, tourist development** and **;** sustainable development of the regions;
 - **encourage the creation of European networks to enhance the common European heritage**.

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Article 4

Participation in the action

The action shall be open to the participation of the Member States of the Union. This participation shall be on a voluntary basis.

Article 5

Complementarity with other initiatives

The Commission and the Member States shall ensure **that** the European Heritage Label **supplements but does not duplicate** other initiatives in the field of cultural heritage, such as the UNESCO World Heritage List, **the UNESCO Representative List of the Intangible Cultural Heritage of Humanity** and the Council of Europe's 'European Cultural Routes'.

Article 6

Access to the action

Sites, as defined in Article 2, shall be eligible for the attribution of the European Heritage Label.

Article 7

Criteria

The attribution of the European Heritage Label shall be based on the following criteria:

- (1) Candidates for the **European Heritage Label** shall have a symbolic European value and shall have played a **significant** role in the history and **culture of Europe and/or** the building of the Union. **They** shall therefore show proof of:
 - their cross-border or pan-European nature: the past and present influence and attraction of a candidate site must go beyond the national borders of a Member State; and/or
 - the place and role of a site in European history and European integration, and its links with key European events or personalities, as well as with cultural, artistic, **religious**, political, social, scientific, technological, **environmental** or industrial movements; and/or
 - the place and role of a site in the development and promotion of the common values that underpin European integration, such as freedom, democracy, respect for human rights, cultural diversity, tolerance and solidarity.
- (2) Candidates for the **European Heritage Label** shall submit a project, **the implementation of which is to begin by the end of the designation year at the latest, which includes** all the following elements:
 - raising awareness of the European significance of the site, in particular through appropriate information activities, signage and staff training;
 - organising educational activities, especially for young people, which increase the understanding of the common history of Europe and of its shared yet diverse heritage and which strengthen the sense of belonging to a common space;
 - promoting multilingualism **and regional diversity** by using several languages of the Union **as a key to intercultural dialogue**;
 - **cooperating with** sites **already** awarded the European Heritage Label ■;

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- raising the profile and attractiveness of the site on a European scale, *inter alia through new information and communication* technology;
- *ensuring that the site is made accessible to EU citizens while fully respecting its integrity.*

The organisation of artistic and cultural activities (for example events, festivals, residencies, etc.) which foster the mobility of European **cultural agents**, artists and collections, stimulate intercultural dialogue and encourage linkage between heritage and contemporary creation and creativity **shall be** welcomed whenever the specificity of the site allows it.

(3) Candidates for the label shall submit a management plan which commits them to all the following elements:

- ensuring the sound management of the site;
- ensuring the protection of the site and its transmission to future generations in accordance with the relevant protection regimes;
- ensuring the quality of the reception facilities such as the historical presentation, visitors' information, signage, etc.;
- ensuring access for the widest possible public, for example through site adaptations or staff training, *and through the use of the internet, including for elderly persons and people with disabilities;*
- according special attention to young people, in particular by allowing them privileged access to the site;
- **promoting** sites as tourist destinations *whilst limiting potential negative impacts affecting the sites or their environment;*
- developing a coherent and comprehensive communication strategy highlighting the European significance of the site;
- ensuring that the management plan is as environmentally friendly as possible ▯.

Article 8

European panel of independent experts

1. A European panel of independent experts (hereinafter referred to as the 'European panel') shall be established to carry out the selection and monitoring procedures at the European level. It shall ensure that the criteria are uniformly applied in the participating Member States.
2. The European panel shall consist of **13 members**. Four of the members shall be nominated by the European Parliament, four by the Council, four by the Commission *and one by the Committee of the Regions, in accordance with their respective procedures*. The European panel shall designate its chairperson.
3. The European panel members shall be independent experts. They shall have substantial experience and expertise in the ▯ fields relevant to the objectives of the European Heritage Label. *The institutions nominating the experts shall seek to ensure as far as possible the complementarity of their respective fields of expertise and a geographically balanced representation.*

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4. The European panel members shall be nominated for three years. By way of derogation, in the first year during which this Decision is in force, four experts shall be nominated by the Commission for one year, four by the European Parliament **and one by the Committee of the Regions** for two years and four by the Council for three years.

5. **Members of the European panel shall declare any conflict of interest or potential conflict of interest in respect of a specific site. In the event of such a declaration, or if such a conflict of interest comes to light, the member shall not participate in the evaluation of the said site or of any other sites from the same Member State.**

6. All reports, recommendations and notifications of the European panel shall be made public.

Article 9

Application form

A common application form based on the selection criteria **laid down in Article 7** shall be prepared by the Commission and used by all the candidates. Only applications submitted on the official application form will be considered for selection.

Article 10

Pre-selection at national level

1. The pre-selection of the sites for the attribution of the European Heritage Label shall be under the responsibility of the Member States, **in close cooperation with local and regional authorities.**

2. Each Member State may pre-select up to two sites **every two years** in accordance with the calendar set out in the Annex. ■

3. Each Member State shall establish its own procedures and its own calendar for the pre-selection of the sites in accordance with the principle of subsidiarity, ensuring that administrative arrangements remain as light and flexible as possible. It shall however notify the Commission of the results of the pre-selection at the latest on **1 March** of the year of the **pre-selection** procedure.

4. The pre-selection procedure shall be **carried out in accordance with** the criteria laid down in Article 7 and shall use the application form referred to in Article 9.

5. **The Commission shall publish the full list of pre-selected sites and shall inform the European Parliament, the Council and the Committee of the Regions thereof.**

Article 11

Final selection at Union level

1. The final selection of the sites for the attribution of the European Heritage Label shall be under the responsibility of the Commission and shall be carried out by the European panel.

2. The European panel shall evaluate the applications in respect of the pre-selected sites and shall select a maximum of one site per Member State. If necessary, further information may be requested and visits to the sites may be organised.

3. The final selection shall be **carried out in accordance with** the criteria laid down in Article 7 and shall use the application form referred to in Article 9.

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4. The European panel shall issue a report on the pre-selected sites at the latest on **15 December** of the year of the **pre-selection** procedure. That report shall include a recommendation for the attribution of the European Heritage Label and a statement of reasons for the non-inclusion of any sites in the final list.

5. Candidates not included in the final list may submit a fresh application for pre-selection at national level in the following years.

Article 12

Transnational sites

1. For the purpose of this Decision, the following shall be regarded as 'transnational sites':
 - several sites located in different Member States which gather around one specific theme to put forward a single application;
 - one specific site which is geographically situated on the territory of at least two different Member States.
2. Applications for transnational sites shall follow the same procedure as applications for other sites. They shall be pre-selected by **all** of the Member States concerned within **their** limit of a maximum of two sites as laid down in Article 10. **Transnational sites shall designate one of the sites involved as their coordinator, which will constitute the single contact point for the Commission. The coordinator shall provide information on the transnational candidacy in due time in all the Member States so as to ensure the participation of relevant sites throughout the Union. All the sites participating in a transnational site shall meet the criteria laid down in Article 7 and shall complete the application form referred to in Article 9.**

Particular consideration shall be given to transnational sites which foster the essence of cross-border European heritage, through their representation of tangible and intangible symbolism.

3. If a transnational site meets all the criteria laid down in Article 7, priority shall be given to that site during the final selection.

4. If one of the sites comprised in a transnational site ceases to fulfil the criteria laid down in Article 7 or the commitments made in the application, the procedure laid down in Article 15 shall apply.

Article 13

Designation

1. The Commission shall officially designate the sites to be awarded the European Heritage Label during the year following the selection procedure, **having due regard to** the recommendation of the European panel. The Commission shall inform the European Parliament, the Council **and the Committee of the Regions of the decisions taken.**
2. The European Heritage Label shall be awarded to the sites **■** on a permanent basis under the conditions laid down in Articles 14 and 15 and subject to the continuation of the action.
3. **The attribution of the European Heritage Label shall not entail any obligation of an urban planning, legal, landscaping, mobility or architectural nature. The sole law applicable shall be the local law.**

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Article 14

Monitoring

1. Each site awarded the European Heritage Label shall be monitored on a regular basis in order to ensure that it continues to fulfil the criteria laid down in Article 7 and that it respects all the commitments made in the application relating to it.
2. The monitoring of all the sites located on the territory of a Member State shall be the responsibility of the Member State in question. The Member State shall collect all the necessary information and prepare a detailed report every four years, in accordance with the calendar set out in the Annex.
3. The report shall be sent to the Commission and submitted to the European panel for examination at the latest on **1 March** of the year of the monitoring procedure.
4. The European panel shall issue a report on the state of the labelled sites in the Member State concerned at the latest on **15 December** of the year of the monitoring procedure, including if necessary recommendations to be taken into account for the next monitoring period.
5. The Commission, *after consulting the European panel*, shall establish common indicators for the Member States to ensure a coherent approach for the monitoring procedure.

Article 15

Withdrawal of the label

1. If the European panel notes that a specific site no longer fulfils the criteria laid down in Article 7 or that it no longer complies with all the commitments made in its application, it shall initiate a dialogue with the Member State concerned via the Commission, with a view to helping to make the necessary adjustments to the site.
2. If after a period of 18 months after the beginning of the dialogue the necessary adjustments have not been made to the site, the European panel shall notify the Commission. The notification must be accompanied by a justification, as well as recommendations on how to improve the situation.
3. If after a new period of 18 months the recommendations have not been implemented, the European panel shall issue a recommendation for withdrawal of the European Heritage Label from the relevant site.
4. The Commission shall take the final decision to withdraw the European Heritage Label *having due regard to the recommendation from the European panel*. The Commission shall inform the European Parliament, the Council *and the Committee of the Regions thereof*.
5. The European panel's notifications and recommendations shall be made public.
6. *Sites may at any time choose to renounce the European Heritage Label. In that event, they shall notify the Member State concerned, which shall, in turn, inform the Commission. The Commission shall take a decision to withdraw the European Heritage Label and shall inform the European Parliament, the Council and the Committee of the Regions thereof.*

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Article 16

Practical arrangements

1. The Commission shall implement the Union action for the European Heritage Label. It shall in particular:
 - ensure the overall coherence and quality of the action;
 - ensure coordination between the Member States and the European panel;
 - **in the light of the objectives set out in Article 3 and in accordance with the criteria laid down in Article 7**, establish guidelines **to assist with** the selection and monitoring procedures, as well as the application form;
 - provide support to the European panel.
2. The Commission shall be responsible for the communication and the visibility of the European Heritage Label at Union level, in particular through the creation and maintenance of a specific website **and a new logo, raising the profile and attractiveness of the site on a European scale, for example by using the possibilities offered by new technologies and digital and interactive means and by seeking synergies with other European initiatives. All the notifications and recommendations of the European panel referred to in Article 8(6), Article 10(5) and Article 15(5) shall be published on that website.**
3. The Commission shall foster networking activities between labelled sites.
4. The actions under paragraphs 2 and 3, as well as the costs of the European panel, shall be financed through the financial envelope provided for in Article 18.

Article 17

Evaluation

1. The Commission shall ensure the external and independent evaluation of the European Heritage Label action. Such evaluation shall take place every six years in accordance with the calendar set out in the Annex and shall include an examination of all elements, including the efficiency of the processes involved in running the action, the number of sites, the **geographical scope and** impact of the action, ways in which it could be improved and whether it should be continued.
2. The Commission shall present a report on these evaluations to the European Parliament and the Council within six months of their finalisation **accompanied, if appropriate, by relevant proposals.**

■

Article 18

Financial provisions

1. The financial envelope for the implementation of the action during the period from 1 January 2011 to 31 December 2013 is set at EUR 1 350 000.

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2. The annual appropriations shall be authorised by the budgetary authority within the limits of the multiannual financial framework.

Article 19

Entry into force

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

Done at

For the European Parliament
The President

For the Council
The President

ANNEX

CALENDAR

Calendar for the European Heritage Label

[Year n]	Adoption of the Decision Preparatory work
[Year n + 1]	Preparatory work
[Year n + 2]	Pre-selection by the Member States ■
[Year n + 3]	Final designation of the sites
[Year n + 4]	Pre-selection by the Member States
[Year n + 5]	Final designation of the sites and monitoring
[Year n + 6]	Pre-selection by the Member States
[Year n + 7]	Final designation of the sites Evaluation of the European Heritage Label
[Year n + 8]	Pre-selection by the Member States
[Year n + 9]	Final designation of the sites and monitoring
[Year n + 10]	Pre-selection by the Member States
[Year n + 11]	Final designation of the sites
[Year n + 12]	Pre-selection by the Member States
[Year n + 13]	Final designation of the sites Evaluation of the European Heritage Label

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Participation of Switzerland in the ‘Youth in Action’ programme and in the action programme in the field of lifelong learning ***

P7_TA(2010)0487

European Parliament legislative resolution of 16 December 2010 on the draft Council decision on the conclusion of the Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the ‘Youth in Action’ programme and in the action programme in the field of lifelong learning (2007-2013)(12818/2010 – C7-0277/2010 – 2010/0231(NLE))

(2012/C 169 E/46)

(Consent)

The European Parliament,

- having regard to the draft Council decision (12818/2010),
 - having regard to the draft Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the ‘Youth in Action’ programme and in the action programme in the field of lifelong learning (2007-2013) (13104/2009),
 - having regard to the request for consent submitted by the Council in accordance with Articles 165(4) and 166(4) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0277/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Culture and Education (A7-0334/2010),
1. Consents to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Swiss Confederation.

Control by Member States of the Commission’s exercise of implementing powers *I**

P7_TA(2010)0488

European Parliament legislative resolution of 16 December 2010 on the proposal for a regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (COM(2010)0083 – C7-0073/2010 – 2010/0051(COD))

(2012/C 169 E/47)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0083),

Thursday 16 December 2010

- having regard to Article 294(2) and Article 291(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0073/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 1 December 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 Legal Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Agriculture and Rural Development, the Committee on Fisheries, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs (A7-0355/2010),
1. Adopts the position at first reading hereinafter set out;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Commission statements annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2010)0051

Position of the European Parliament adopted at first reading on 16 December 2010 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 182/2011.)

ANNEX

STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

Article 5(2) of this Regulation requires the Commission to adopt a draft implementing act where the committee delivers a positive opinion. This provision does not preclude that Commission may, as is the current practice, in very exceptional cases, take into consideration new circumstances that have arisen after the vote and decide not to adopt a draft implementing act, after having duly informed the committee and the legislator.

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STATEMENT BY THE COMMISSION

The Commission will proceed to an examination of all legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess if those instruments need to be adapted to the regime of delegated acts introduced by Article 290 of the Treaty on the Functioning of the European Union. The Commission will make the appropriate proposals as soon as possible and no later than at the dates mentioned in the indicative calendar annexed to this declaration.

While this alignment exercise is underway, the Commission will keep the European Parliament regularly informed on draft implementing measures related to these instruments which should become, in the future, delegated acts.

As regards legislative acts in force which currently contain references to the regulatory procedure with scrutiny, the Commission will review the provisions attached to this procedure in each instrument it intends to modify, in order to adapt them in due course according to the criteria laid down in the Treaty. In addition, the European Parliament and the Council will be entitled to signal basic acts they consider important to adapt as a matter of priority.

The Commission will assess the results of this process by the end of 2012 in order to estimate how many legislative acts containing references to the regulatory procedure with scrutiny remain in force. The Commission will then prepare the appropriate legislative initiatives to complete the adaptation. The overall objective of the Commission is that, by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments.

The Commission notes that it has recently launched a study which will provide a complete and objective review of all aspects of the EU's trade defence policy and practice, including an evaluation of the performance, methods, utilisation and effectiveness of the present TDI scheme in achieving its trade policy objectives, an evaluation of the effectiveness of the existing and potential policy decisions of the European Union (e.g., the Union interest test, the lesser duty rule, the duty collection system) in comparison with the policy decisions made by certain trading partners and an examination of the basic anti-dumping and anti-subsidy regulations in light of the administrative practice of the EU institutions, the judgments of the Court of Justice of the European Union and the recommendations and rulings of the WTO Dispute Settlement Body.

The Commission intends, in the light of the results of the study and of developments in the Doha Development Agenda negotiations to explore whether and how to further update and modernize the EU's trade defence instruments.

The Commission also recalls the recent initiatives it has taken to improve the transparency of the operation of trade defence instruments (such as the appointment of a Hearing Officer) and its work with Member States to clarify key elements of trade defence practice. The Commission attaches substantial importance to this work, and will seek to identify, in consultation with the Member States, other initiatives which could be taken in this respect.

Under the comitology rules based on Council Decision 1999/468/EC, where a Common Agricultural Policy (CAP) management committee has delivered an unfavourable opinion, the Commission must submit the draft measure in question to the Council which may take a different decision within a month. However, the Commission is not barred from acting but has the choice to either put the measure in place or defer its application. Hence, the Commission may take the measure where it considers on balance that suspending its application would for instance provoke irreversible negative market effects. When afterwards the Council decides otherwise the measure put in effect by the Commission becomes of course redundant. Thus the current rules equip the Commission with an instrument that allows protecting the common interest of the whole Union by adopting a measure at least on an interim basis.

Article 7 of this Regulation pursues the objective of maintaining this approach within the new comitology arrangements but limited to exceptional situations and on the basis of clearly defined and restrictive criteria. It would allow the Commission to adopt a draft measure despite the unfavourable opinion of the examination committee provided that its 'non adoption within an imperative deadline would create a significant disruption of the markets (...) or for the financial interests of the Union.' The provision refers to situations where it is not possible to wait until the committee votes again on the same or another draft measure because in the meantime the market would be significantly disrupted e.g. due to the speculative behaviour of operators. To ensure the Union's ability to act it would give Member States and the Commission the opportunity to have another informed discussion on the draft measure without leaving things undecided and open to speculation with the negative consequences for the markets and the budget.

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Such situations may namely arise in the context of the day-to-day management of the CAP (e.g. fixing of export refunds, management of licences, special safeguard clause) where decisions need often to be taken quickly and can have significant economic consequences for the markets and thus farmers and operators but also for the budget of the Union.

In cases where the European Parliament or the Council indicate to the Commission that they consider a draft implementing act to exceed the implementing powers provided for in the basic act, the Commission will immediately review the draft implementing act taking into account the positions expressed by the European Parliament or the Council.

The Commission will act in a manner which takes duly into account the urgency of the matter.

Before deciding whether the draft implementing act shall be adopted, amended or withdrawn, the Commission will inform the European Parliament or the Council of the action it intends to take and of its reasons for doing so.

Appendix

ANNEX to statement I by the Commission

Indicative table of basic acts not subject to the codecision procedure prior to the Lisbon Treaty which need to be adapted to take into account Article 290 TFEU

Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
ESTAT	1.	Regulation (EC) No 1365/2006 of the European Parliament and of the Council on statistics of goods transport by inland waterways and repealing Council Directive 80/1119/EEC ⁽¹⁾	2011, 4th quarter		X
SANCO	2.	Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine ⁽²⁾	March 2012		X
	3.	Council Directive 90/426/EEC on animal health conditions governing the movement and import from third countries of equidae ⁽²⁾	March 2012		X
	4.	Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals ⁽²⁾	March 2012		X
	5.	Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC ⁽²⁾	March 2012		X
	6.	Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs ⁽²⁾	March 2012		X
	7.	Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽²⁾	March 2012		X

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	8.	Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species ⁽²⁾	March 2012		X
	9.	Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽²⁾	March 2012		X
	10.	Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of porcine species ⁽²⁾	March 2012		X
	11.	Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (imports only) ⁽²⁾	March 2012		X
	12.	Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽²⁾	March 2012		X
	13.	Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽²⁾	March 2012		X
	14.	Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness ⁽²⁾	March 2012		X
	15.	Council Directive 77/391/EEC introducing community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle ⁽²⁾	March 2012		X
	16.	Council Directive 82/400/EEC amending Directive 77/391/EEC and introducing a supplementary Community measure for the eradication of brucellosis, tuberculosis and leucosis in cattle ⁽²⁾	March 2012		X
	17.	Council Decision 90/242/EEC introducing a community financial measure for the eradication of brucellosis in sheep and goats ⁽²⁾	March 2012		X

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Policy Domain	Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	18. Council Directive 90/423/EEC amending Directive 85/511/EEC introducing Community measures for the control of foot-and-mouth disease, Directive 64/432/EEC on animal health problems Affecting intra-Community trade in bovine animals and swine and Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries ⁽²⁾	March 2012		X
	19. Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽²⁾	March 2012		X
	20. Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽²⁾	March 2012		X
	21. Council Directive 92/66/EEC introducing Community measures for the control of Newcastle disease ⁽²⁾	March 2012		X
	22. Council Directive 80/1095/EEC laying down conditions designed to render and keep the territory of the Community free from classical swine fever ⁽²⁾	March 2012		X
	23. Council Decision 80/1096/EEC introducing Community financial measures for the eradication of classical swine fever ⁽²⁾	March 2012		X
	24. Council Directive 92/119/EEC introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease ⁽²⁾	March 2012		X
	25. Council Directive 2001/89/EC on Community measures for the control of classical swine fever ⁽²⁾	March 2012		X
	26. Council Decision 79/511/EEC on a financial contribution from the Community to the campaign against foot-and-mouth disease in south-east Europe ⁽²⁾	2011/2012		X
	27. Council Decision 89/455/EEC introducing Community measures to set up pilot projects for the control of rabies with a view to its eradication or prevention ⁽²⁾	March 2012		X
	28. Council Decision 2009/470/EC on expenditure in the veterinary field	2012 second semester		X
	29. Council Directive 82/894/EEC on the notification of animal diseases in the Community ⁽²⁾	March 2012		X

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Policy Domain	Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	30. Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽²⁾	March 2012		X
	31. Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾	March 2012		X
	32. Council Decision 92/438/EEC on computerization of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC ⁽²⁾	March 2012		X
	33. Council Directive 96/93/EC on the certification of animals and animal products ⁽²⁾	March 2012		X
	34. Council Directive 2008/71/EC on the identification and registration of pigs ⁽²⁾	March 2012		X
	35. Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ⁽³⁾	2011 first trimester		X
	36. Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals ⁽²⁾	March 2012		X
	37. Council Directive 2009/157/EC on pure-bred breeding animals of the bovine species	2011 first trimester		X
	38. Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species	2011 first trimester		X
	39. Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats	2011 first trimester		X
	40. Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae	2011 first trimester		X
	41. Council Directive 90/428/EEC on trade in equidae intended for competitions and laying down the conditions for participation therein	2011 first trimester		X
	42. Council Directive 91/174/EEC laying down zootechnical and pedigree requirements for the marketing of pure-bred animals	2011 first trimester		X

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Policy Domain	Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	43. Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species	2011 first trimester		X
	44. Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾	March 2012		X
	45. Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾	March 2012		X
	46. Council Directive 98/58/EC concerning the protection of animals kept for farming purposes ⁽⁴⁾	2013-2014		X
	47. Council Directive 2008/119/EC laying down minimum standards for the protection of calves (codified version) ⁽⁴⁾	2013-2014		X
	48. Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (Codified version) ⁽⁴⁾	2013-2014		X
	49. Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens ⁽⁴⁾	2013-2014		X
	50. Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production ⁽⁴⁾	2013-2014		X
	51. Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing ⁽⁴⁾	2013-2014		X
	52. Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 ⁽⁴⁾	2013-2014		X
	53. Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽⁵⁾	2012 second semester		X
	54. Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC ⁽⁶⁾	2012 second semester	X	

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	55.	Council Directive 93/85/EEC on the control of potato ring rot ⁽⁵⁾	2012 second semester	X	
	56.	Council Directive 98/57/EC on the control of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al ⁽⁵⁾	2012 second semester	X	
	57.	Council Directive 66/401/EEC on the marketing of fodder plant seed	2011 second semester		X
	58.	Council Directive 69/464/EEC on control of Potato Wart Disease	2013 second semester	X	
	59.	Council Directive 66/402/EEC on the marketing of cereal seed	2011 second semester		X
	60.	Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine	2011 second semester		X
	61.	Council Directive 98/56/EC on the marketing of propagating material of ornamental plants	2011 second semester		X
	62.	Council Directive 1999/105/EC on the marketing of forest reproductive material	2011 second semester		X
	63.	Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species	2011 second semester		X
	64.	Council Directive 2002/54/EC on the marketing of beet seed	2011 second semester		X
	65.	Council Directive 2002/55/EC on the marketing of vegetable seed	2011 second semester		X
	66.	Council Directive 2002/56/EC on the marketing of seed potatoes	2011 second semester		X
	67.	Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants	2011 second semester		X
	68.	Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material other than seed	2011 second semester		X
	69.	Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production	2011 second semester		X
	70.	Council Regulation (EC) No 2100/94 on Community plant variety rights ⁽⁶⁾	2012-2013	see comment (footnote on previous page)	
	71.	Council Directive 87/357/EEC on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers	2011 second semester		X

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
MARKT	72.	COUNCIL REGULATION (EC) No 207/2009 on the Community trade mark	2011 (?)	X	
TRADE	73.	Council Regulation (EEC) no. 3030/93 on common rules for imports of certain textile products from third countries	End of 2010 / early 2011	X	
	74.	Council Regulation (EC) no 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules	End of 2010 / early 2011	X	
	75.	Council Regulation (EC) No 2248/2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia, as amended	End of 2010 / early 2011	X	
	76.	Council Regulation (EC) No. 953/2003 to avoid trade diversion into the European Union of certain key medicines	End of 2010 / early 2011	X	
		[Council Regulation (EC) no. 868/2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community deleted] (*)			
	77.	Council Regulation (EC) No. 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America	End of 2010 / early 2011	X	
	78.	Council Regulation (EC) No 1616/2006 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Albania	End of 2010 / early 2011	X	
	79.	Council Regulation (EC) no 1528/2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements	End of 2010 / early 2011	X	
	80.	Council Regulation (EC) No 55/2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC	End of 2010 / early 2011	X	

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	81.	Council Regulation (EC) No 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part	End of 2010 / early 2011	X	
	82.	Council Regulation (EC) No 594/2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part	End of 2010 / early 2011	X	
	83.	Council Regulation (EC) no 732/2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011.	End of 2010 / early 2011	X	
	84.	Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process	End of 2010 / early 2011	X	
	85.	Council Regulation (EC) No. 1342/2007 on administering certain restrictions on imports of certain steel products from the Russian Federation	Early 2011	X	
	86.	Council Regulation (EC) No. 1340/2008 on trade in certain steel products between the European Community and the Republic of Kazakhstan	Early 2011	X	
MARE	87.	Council Regulation (EC) No 1198/2006 on European Fisheries Fund	Nov 2011		X
	88.	Council Regulation (EC) No 104/2000 of 17 December 1999 on Common market organisation	May 2011		X
	89.	Council Regulation (EC) No 850/98 on Technical measures	Nov 2011	X	
	90.	Council Regulation (EC) No 2187/2005 on Baltic technical measures	Nov 2011	X	
	91.	Council Regulation (EC) No 1100/2007 on Recovery plan for eels	Nov 2011	X	

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	92.	Council Regulation (EC) No 1224/2009 on Control system	Nov 2011	X	
	93.	Council Regulation (EC) No 1005/2008 on Illegal, Unregulated and Unreported fishing	Nov 2011	X	
	94.	Council Regulation (EC) No 1006/2008 on Fishing authorisations	Nov 2011	X	
	95.	Council Regulation (EC) No 812/2004 Incidental catches of cetaceans	Nov 2011	X	
	96.	Council Regulation (EC) No 1966/2006 on Electronic reporting and recording ⁽⁹⁾	see comment		
	97.	Council Regulation (EC) No 1967/2006 on the Mediterranean	Nov 2011	X	
ENV	98.	Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos	1st half of 2011	X	
	99.	Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community	2nd half of 2011		X
ENER	100.	Council Regulation (EC) No 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (Codified version) Council Regulation (EC) No 1048/2009 amending Regulation (EC) No 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station ⁽¹⁰⁾	no date foreseen before 2013 ⁽¹¹⁾		X
CLIMA	101.	Council Decision 2002/358/EC concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder	— ⁽¹²⁾		X
	102.	Draft Commission Decision amending Commission Decision 2006/944/EC ('Assigned Amount (AA) Decision')	End of 2010		X
ENTR	103.	Council Regulation (EC) No 1216/2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (codified version of the 3448/93 Regulation)	4th quarter 2010		X

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
AGRI	104.	Council Regulation (EC) No 247/2006 laying down specific measures for agriculture in the outermost regions of the Union	23/09/2010		X
	105.	Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)	30/09/2010		X
	106.	Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations [...]	30/09/2010		X
	107.	Council Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails	1st quarter 2011		X
	108.	Council Regulation (EC) No 1290/2005 on the financing of the common agricultural policy	4th quarter 2010	X	
	109.	Council Regulation (EC) No 378/2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and amending Regulation (EC) No 1290/2005	4th quarter of 2010	X	
	110.	Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91	4th quarter 2010	X	
	111.	Council Regulation (EC) No 165/94 concerning the co-financing by the Community of remote sensing checks and amending Regulation (EEC) No 3508/92 establishing an integrated administration and control system for certain Community aid schemes	Will be repealed by 'Alignment of Reg. 1290/2005'	X	
	112.	Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed	4th quarter 2010		X
	113.	Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs	4th quarter 2010		X
	114.	Council Regulation (EC) No 1405/2006 laying down specific measures for agriculture in favour of the smaller Aegean islands and amending Regulation (EC) No 1782/2003	4th quarter 2010		X

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Policy Domain	Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	115. Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)	4th quarter 2010		X
	116. Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89	4th quarter 2011 (ex-PRAC)	X	
	117. Council Regulation (EC) No 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund (Codified version)	4th quarter of 2010	X	
	118. Regulation (EEC) No 922/72 of the Council laying down general rules for granting aid in respect of silkworms for the 1972/1973 rearing year	Will be repealed by 'New single CMO'	X	
	119. Council Regulation (EEC) No 352/78 on the crediting of securities, deposits and guarantees furnished under the common agricultural policy and subsequently forfeited	mid-2011 - PAC post 2013		X
	120. Council Regulation (EC) No 814/2000 on information measures relating to the common agricultural policy	mid-2011	X	
	121. Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy	mid-2011 - PAC post 2013		X
	122. Council Regulation (EC) No 1667/2006 on glucose and lactose (Codified version)	mid-2011	X	
	123. Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries	mid-2011		X
	124. Council Regulation (EC) No 637/2008 amending Regulation (EC) No 1782/2003 and establishing national restructuring programmes for the cotton sector	mid-2011 - PAC post 2013		X
	125. Council Regulation (EC) No 614/2009 on the common system of trade for ovalbumin and lactalbumin (Codified version)	mid-2011	X	

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Policy Domain	Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	126. Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption	September 2010		X
	127. <i>Council Regulation (EC) No 78/2008 on the measures to be undertaken by the Commission in 2008-2013 making use of the remote-sensing applications developed within the framework of the common agricultural policy</i>	Will be repealed by 'Alignment of Reg. 1290/2005'	X	
	128. Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community	4th quarter 2011	X	
	129. Regulation (EEC) No 706/73 of the Council concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products	4th quarter 2011	X	
	130. Council Regulation (EC) No 2799/98 establishing agrimonetary arrangements for the euro	4th quarter 2011 - PAC post 2013		X
	131. Directive 1999/4/EC of the European Parliament and of the Council relating to coffee extracts and chicory extracts	4th quarter 2011 (ex-PRAC)	X	
	132. Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption	4th quarter 2011 (ex-PRAC)	X	
	133. Council Directive 2001/110/EC relating to honey	4th quarter 2011	X	
	134. Council Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption	4th quarter 2011	X	
	135. Council Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption	4th quarter 2011	X	
	136. Council Directive 2001/111/EC relating to certain sugars intended for human consumption	4th quarter 2011	X	
	137. Council Regulation (EEC) No 451/89 concerning the procedure to be applied to certain agricultural products originating in various Mediterranean third countries	4th quarter 2011	X	
	138. Council Regulation (EEC) No 3491/90 on imports of rice originating in Bangladesh	4th quarter 2011	X	

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Policy Domain	Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	139. Council Regulation (EEC) No 478/92 opening an annual Community tariff quota for dog or cat food, put up for retail sale and falling within CN code 2309 10 11 and an annual Community tariff quota for fish food falling within CN code ex 2309 90 41, originating in, and coming from, the Faroe Islands	4th quarter 2011 – may be obsolete - to be confirmed	X	
	140. Council Regulation (EEC) No 3125/92 on the arrangements applicable to the importation into the Community of sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia	4th quarter 2011 – may be obsolete - to be confirmed	X	
	141. Council Regulation (EEC) No 1108/93 laying down certain provisions for the application of the Bilateral Agreements on agriculture between the Community, of the one part, and Austria, Finland, Iceland, Norway and Sweden, of the other part	4th quarter 2011	X	
	142. Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues	4th quarter 2011	X	
	143. Council Regulation (EC) No 2184/96 concerning imports into the Community of rice originating in and coming from Egypt	4th quarter 2011 – may be obsolete - to be confirmed	X	
	144. Council Regulation (EC) No 2398/96 opening a tariff quota for turkey meat originating in and coming from Israel as provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel	4th quarter 2011 – may be obsolete - to be confirmed	X	
	145. Council Regulation (EC) No 2005/97 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Algeria	4th quarter 2011	X	
	146. Council Regulation (EC) No 2007/97 laying down certain rules for the application of the special arrangements for imports of olive oil originating in Lebanon	4th quarter 2011	X	
	147. Council Regulation (EC) No 779/98 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95	4th quarter 2011	X	
	148. Council Regulation (EC) No 1506/98 establishing a concession in the form of a Community tariff quota for Turkey in 1998 in respect of hazelnuts and suspending certain concessions	4th quarter 2011 – may be obsolete - to be confirmed	X	

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Policy Domain		Acts to be reviewed	Indicative timing	Limited to alignment	Included in broader proposal
	149.	Council Regulation (EC) No 1722/1999 on the import of bran, sharps and other residues of the sifting, milling or other working of certain cereals originating in Algeria, Morocco and Egypt and the import of durum wheat originating in Morocco	4th quarter 2011 – may be obsolete - to be confirmed	X	
	150.	Council Regulation (EC) No 1149/2002 opening an autonomous tariff quota for imports of high-quality beef	4th quarter 2011	X	
	151.	Council Regulation (EC) No 1532/2006 on the conditions for certain import quotas of high-quality beef	4th quarter 2011	X	
	152.	Council Regulation (EC) No 617/2009 opening an autonomous tariff quota for imports of high-quality beef	4th quarter 2011		X
HOME	153.	Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air	2012, 2nd half		X

(¹) The level of amendments depends on the outcome of the meeting with the MS planned for December 2010. Note that this regulation was adopted under co-decision procedure.

(²) As part of a package containing *inter alia* a proposal for an EU Animal Health Law and a proposal to review Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls.

(³) This act falls within the shared competence of DG SANCO/DG AGRI.

(⁴) Review of EU Animal Welfare Law (precise timetable is not yet established) – Related to EP's Resolution of 5 May 2010 on evaluation and assessment of the Animal Welfare Action Plan 2006-2010 (2009/2202(INI)) which invited the Commission to restructure all these acts into a general horizontal instrument.

(⁵) Part of the ongoing review of the EU Plant Health Law.

(⁶) Related to the ongoing review of the EU Plant Health Law - not decided if revision would be limited to alignment only.

(⁷) Due to the political complexity of the issue, the date cannot be further specified.

(⁸) This regulation was erroneously in the original list as it had already been under co-decision before the Lisbon Treaty and was included in the PRAC alignment.

(⁹) Will be repealed by Regulation (EC) No 1224/2009, no specific modification is needed.

(¹⁰) The legal assessment whether these regulations concern Art. 290 or Art. 291 TFEU is in progress.

(¹¹) The assessment whether the conditions of Art. 290 TFEU are fulfilled is in progress.

(¹²) Council Decision concluding the Kyoto Protocol on behalf of the Community and it will not be revised or otherwise amended. It called for only one implementing measure to be adopted, Decision 2006/944/EC as mentioned in the next row.

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European Parliament

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III *Preparatory acts*

EUROPEAN PARLIAMENT

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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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