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## Information and Notices

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Tuesday 9 February 2010

## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## EUROPEAN PARLIAMENT

**Framework Agreement on relations between the European Parliament and the Commission**

P7\_TA(2010)0009

**European Parliament resolution of 9 February 2010 on a revised Framework Agreement between the European Parliament and the Commission for the next legislative term**

(2010/C 341 E/01)

*The European Parliament,*

- having regard to the 'Political Guidelines for the next Commission' presented by the President-elect of the Commission on 3 September 2009,
- having regard to the statements made by the President-elect of the Commission to Parliament on 15 September 2009 and to the Conference of Presidents on 19 November 2009,
- having regard to its decision of 16 September 2009 <sup>(1)</sup> electing Mr Durão Barroso as President of the Commission,
- having regard to the current Framework Agreement on relations between the European Parliament and the Commission <sup>(2)</sup>,
- having regard to current practice as regards implementation by the Commission and Parliament of the Interinstitutional Agreement on Better Law-Making <sup>(3)</sup>,
- having regard to the experience gained during the last legislative term, to the new provisions of the Lisbon Treaty, which entered into force on 1 December 2009 and which establishes a new institutional balance, and to the common understanding reached on 27 January 2010 between the European Parliament Working Party on the revision of the Framework Agreement and the President-elect of the Commission,
- having regard to Article 17 of the Treaty on European Union and Articles 244 to 248 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Rules 106 and 107 of its Rules of Procedure,

<sup>(1)</sup> Minutes of that date, P7\_PV(2009)09-16, Item 7.1.

<sup>(2)</sup> OJ C 117 E, 18.5.2006, p. 123.

<sup>(3)</sup> OJ C 321, 31.12.2003, p. 1.

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A. whereas the European Parliament and the Commission need to work closely together for a successful and efficient use of the 'Community method', with a particular responsibility to ensure that the Union is more than the sum of its parts,

1. Welcomes the new proposal by the President-elect of the Commission to establish a 'Special Partnership between the European Parliament and the Commission', as suggested in his 'Political Guidelines for the next Commission', with a view to defining and implementing the distinct European interest and setting up the first cornerstone of a renewed European Union in the post-Lisbon era;

2. Calls for the earliest possible revision of the Framework Agreement between the European Parliament and the Commission, which governs bilateral relations between the two institutions, taking the commitments given by the President-elect of the Commission, Mr Barroso, as a starting point;

3. In the light of those commitments, calls in particular for the following points to be included in the revised Framework Agreement:

(a) a guarantee that the Commission will apply the basic principle of equal treatment for Parliament and the Council, especially as regards access to meetings and the provision of contributions or other information, in particular on legislative and budgetary matters;

(b) implementation of the special partnership between Parliament and the Commission through the following arrangements:

— the President of the Commission will have a regular dialogue with the President of the European Parliament on key horizontal issues and major legislative proposals. This dialogue should also include invitations to the President of Parliament to attend meetings of the College of Commissioners;

— the President of the Commission or a Vice-President is to be invited to attend meetings of the Conference of Presidents and the Conference of Committee Chairs when specific issues related to plenary agenda-setting and legislative and budgetary matters are discussed;

— meetings to take place on an annual basis between the Conference of Presidents and the Conference of Committee Chairs and the College of Commissioners to discuss relevant issues, including the preparation and implementation of the Commission Work Programme;

— in the framework of its work on the preparation and implementation of EU legislation, including soft law, the Commission will provide full information and documentation on its meetings with national experts; it may also invite EP experts to attend those meetings;

(c) a commitment by the Commission to report on the concrete follow-up of any legislative initiative requests following the adoption of a legislative initiative report pursuant to Article 225 of the TFEU, within three months following adoption; the Commission shall come forward with a legislative proposal at the latest after one year or shall include the proposal in its next year's Work Programme. If the Commission does not submit a proposal, it shall give Parliament a detailed explanation of the reasons;

(d) a commitment to close and early cooperation between Parliament and the Commission on any legislative initiative requests emanating from citizens' initiatives;

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- (e) a commitment by Parliament and the Commission to agree on key changes in preparation for future negotiations with the Council on an adaptation of the Interinstitutional Agreement on better law-making to the new provisions of the Lisbon Treaty and on, inter alia, changing the practice of implementation of the current agreement, among others:
- impact assessments shall be conducted under the responsibility of the Commission, following a transparent procedure which guarantees an independent assessment; impact assessments shall be published in due time, taking into consideration a number of different scenarios, including a 'doing-nothing' option, and shall in principle be presented to the relevant parliamentary committee during the phase of consultation of national parliaments under the Lisbon Treaty;
  - in areas where Parliament is usually involved in the legislative process, soft law shall be used where appropriate and on a duly justified basis, after consultation of Parliament;
  - in order to promote the simplification of Union law, the use of recasting as a standard procedure shall be guaranteed, where possible and relevant, or replaced by a codification of the legal act within six months of its final adoption;
  - in order to ensure better monitoring of the transposition and application of Union law, the Commission and Parliament shall endeavour to include compulsory correlation tables and a binding time limit for transposition, which in directives should not normally exceed a period of two years;
  - the Commission shall make available to Parliament summary information about all infringement procedures from the letter of formal notice, including, if so requested by Parliament, on a case-by-case basis and respecting the rules on confidentiality, on the issues to which the infringement procedure relate;
- (f) agreement to the following demands improving the accountability of the executive:
- when the Commission comes forward with a revision of the Code of Conduct for Commissioners, it will seek Parliament's opinion;
  - when Parliament comes forward with a revision of its Rules of Procedures concerning relations with the Commission, it will seek the opinion of the Commission;
  - if Parliament asks the President of the Commission to withdraw confidence in an individual Member of the Commission, he/she will seriously consider whether to request that Member to resign, in accordance with Article 17(6) of the EU Treaty; the President shall either require the resignation of that Member or explain his/her refusal to do so before Parliament in the following part-session;
  - if the President of the Commission intends to reshuffle the portfolios in the Commission during its term of office, pursuant to Article 248 TFEU, he/she shall inform Parliament in due time for the relevant parliamentary consultation with regard to those changes. The President's decision to reshuffle the portfolios can take effect immediately;
  - where a Commissioner is to be replaced, the President of the Commission will give serious consideration to the result of the consultation of Parliament before giving his consent to the decision of the Council pursuant to Article 246 TFEU;
  - the Commission will support Parliament in the forthcoming negotiations on the European External Action Service (EEAS) with a view to guaranteeing the full accountability of that service, including a transparent procedure for the nomination of special representatives and ambassadors;
  - the Commission will support Parliament in the forthcoming negotiations on the EEAS with a view to continuing and reinforcing the 'Community approach' in development policy, including the programming of development aid instruments, in particular the European Development Fund, which should remain within the remit of the Commission and in respect of which it should be fully accountable to Parliament;

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- a Question Hour with Commissioners, including the Vice-President for External Relations / High Representative of the Union for Foreign Affairs and Security Policy, and following the model of the existing Question Hour with the President of the Commission, shall be introduced with the aim of reforming the existing Question Time;
  - (g) nominees for the post of Executive Director of regulatory agencies should come to parliamentary committee hearings;
  - (h) a commitment by the Commission for reinforced association with Parliament through the provision of immediate and full information to Parliament at all stages of negotiations on international agreements (including the definition of the negotiation directives), in particular on trade matters and other negotiations involving the consent procedure, in such a way as to give full effect to Article 218 TFEU, while respecting each institution's role and complying in full with new procedures and rules for the safeguarding of the necessary confidentiality;
  - (i) at international conferences, the Commission, in view of Parliament's extended powers under the Lisbon Treaty and in order to guarantee an efficient flow of information, shall, at Parliament's request, facilitate the Chair of Parliament's delegation to be granted an observer status in relevant meetings and shall for this purpose guarantee access to EU facilities for Parliament's delegations;
  - (j) a commitment to improve current arrangements related to programming by means of a number of measures, including:
    - in principle, the presentation of selected key initiatives from the Commission, first in plenary, and only afterwards to the public;
    - a commitment on the part of the Commission to initiate rapidly, in accordance with Article 17 of the EU Treaty, the 'Union's annual and multiannual programming with a view to achieving inter-institutional agreements';
    - meetings on an annual basis between the College of Commissioners and the Conference of Presidents and the Conference of Committee Chairs prior to adoption of the Commission Work Programme, including forthcoming proposals for simplification, major soft law initiatives and withdrawals in order to prepare the debate and seek a common understanding between the Commission and Parliament;
    - the principle that the Commission should explain when it cannot deliver individual proposals in its Work Programme or when it departs from it;
4. Calls for Parliament and the Commission to carry out a review of the functioning of the future Framework Agreement by the end of 2011;
5. Instructs its President to forward this resolution to the new Commission.
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**Recent earthquake in Haiti**

P7\_TA(2010)0015

**European Parliament resolution of 10 February 2010 on the recent earthquake in Haiti**

(2010/C 341 E/02)

*The European Parliament,*

- having regard to the G7 summit in Iqaluit, Canada, on 6 February 2010,
  - having regard to the conclusions of the Ministerial Preparatory Conference in Montreal on 25 January 2010,
  - having regard to its debate of 20 January 2010 on the earthquake in Haiti, with the High Representative of the Union for Foreign Affairs and Security Policy, Baroness Ashton,
  - having regard to the conclusions of the extraordinary Foreign Affairs Council meeting in Brussels on 18 January 2010,
  - having regard to the European Consensus on Humanitarian Aid,
  - having regard to the United Nations Stabilisation Mission in Haiti (MINUSTAH),
  - having regard to the proposal by Michel Barnier, of 9 May 2006, for a European civil protection force: 'europe aid',
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas an earthquake measuring 7.3 on the Richter scale struck Haiti on 12 January 2010, causing catastrophic damage to Port-au-Prince, Jacmel and other settlements in the region, with numerous powerful aftershocks continued to affect the country,
- B. whereas it has been reported that there are up to 200 000 dead, 250 000 people wounded and more than 3 million people directly affected,
- C. whereas the UN Office for the Coordination of Humanitarian Affairs (OCHA) has reported that up to one million people are in need of shelter throughout the country and there are up to 600 000 internally displaced people,
- D. whereas the Haitian Government has estimated that 235 000 people have left Port-au-Prince and up to one million people could leave cities for the rural areas, putting pressure on already vulnerable communities there,
- E. whereas some 1.8 million people were 'food insecure' prior to the earthquake, in a country where close to 60 % of the population live in rural areas and 70 % live on less than USD 2 a day,
- F. whereas decades of political instability had helped to weaken government institutions and the state's ability to provide basic public services prior to the earthquake, and whereas the damage caused by the earthquake has paralysed the state's ability to respond actively to the relief effort, thereby aggravating the situation,

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- G. whereas the Commission has agreed to provide EUR 137 million for short-term needs and at least EUR 200 million for the medium and longer term, with Member States providing an additional EUR 92 million,
- H. whereas Haiti is crippled by foreign debt, estimated at approximately USD 1 billion, which was an obstacle to its development even before the earthquake and may hinder the country's recovery effort,
- I. whereas the immediate rebuilding of the Haitian capacity for a functioning democracy and government is an essential part of moving from providing the first phase of emergency aid towards the considerable task of rebuilding the nation,
1. Expresses its sincere condolences to, and sympathy and solidarity with, the people of Haiti and of other nations, and to the staff of international organisations, including the UN and the Commission, for the massive loss of life and the devastation caused by the earthquake;
  2. Welcomes efforts by the Haitian authorities and civil society, as well as by the UN, NGOs and other bilateral donors, to bring aid to the people of Haiti and pays tribute to the work of relief organisations and individuals from across the Union;
  3. Calls for a comprehensive assessment to identify the population's short-term and long-term needs and establish the EU's involvement in the reconstruction process, covering the three phases of emergency aid, rehabilitation and reconstruction; asks the Commission to proceed as soon as possible to an evaluation of the European response to the humanitarian crisis in Haiti and present proposals with a view to further improving EU actions in respect of similar situations in the future;
  4. Urges that EU priority be given to assisting with the reconstruction efforts and improving the humanitarian situation, focusing on vulnerable groups, such as women and children, and on providing shelter, medical facilities, logistical assistance and food; calls on all Member States to be prepared to meet UN requests for further assistance;
  5. Expresses grave concern about the welfare of the vulnerable, particularly women; calls on the Commission and the UN to pay special attention to women's participation in reconstruction efforts by actively involving them in the rehabilitation, reconstruction and evaluation phases of all relief and rebuilding programmes;
  6. Stresses that unaccompanied and separated children should be provided with services aimed at reuniting them with their parents or customary care-givers as quickly as possible; calls on the EU and the international community urgently to assess the need for a coordinated plan to deal with the thousands of children left orphaned by the earthquake; highlights the grave risk of human trafficking incidents;
  7. Urges the EU to support a temporary moratorium on new adoptions of children from Haiti for up to two years after tracing efforts have begun; calls for EU efforts to provide children with their basic needs, to bring temporary schools into operation and to provide counselling to children as a matter of urgency;
  8. Welcomes the Commission's preliminary commitments to EUR 30 million in humanitarian assistance but expresses concern that the Haiti Flash Appeal launched by the OCHA for USD 575 million is 87 % funded in terms of contributions; emphasises that such funding is crucial for sustaining operations in the long term; calls on the Commission and all Member States to fully honour the commitments they have made;
  9. Welcomes the decision by the G7 countries to cancel their claims on Haiti's international debt; expects all countries and international donors to do the same; also calls on the International Monetary Fund (IMF) to provide full relief of the country's outstanding debt, including a USD 102 million emergency loan approved in January 2010; stresses that any emergency earthquake assistance must be provided in the form of grants, not debt-incurring loans;



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10. Reiterates the call by the UN Under Secretary-General for Humanitarian Affairs for vehicles to transport fuel; calls on Member States to provide additional assistance to transport supplies to makeshift camps, distribution points and outlying towns and villages;
11. Underlines the importance of providing adequate security for aid distribution convoys in order to ensure that supplies are distributed in a fair and calm manner, particularly to the weak and those whose needs are greatest;
12. Welcomes the decision of the Council to send 350 military police to support the aid effort in Haiti under UN command, and the decision to set up a coordination cell (EUCO Haiti) in Brussels to facilitate a proactive European response in the military and security domain as well as coordination of contributions by EU Member States to the relief effort;
13. Calls on the UN to review MINUSTAH's mandate in conjunction with the Haitian authorities in order to respond to the country's post-disaster needs, with a particular focus on security issues;
14. Underlines the importance of providing local authorities with appropriate aid to enable them to stimulate the economy as hundreds of thousands of people leave Port-au-Prince to settle in the countryside; calls on the EU and other international donors wherever possible to purchase locally produced food for the relief effort;
15. Supports EU efforts to boost food production locally, rehabilitating damaged infrastructures and making the necessary material (seed, fertiliser and tools) available to agriculture smallholders – particularly for the spring planting season starting in March, which accounts for 60 % of national food production;
16. Asks the Commission to do all it can to support cash-for-work programmes, which are important for injecting cash into the community, and to assist with getting the banking system up and running;
17. Emphasises the need for long-term investment in the construction of earthquake-resistant buildings and in basic infrastructure, such as water supply, roads and electricity, which was non-existent or largely inadequate prior to the earthquake, thus greatly exacerbating the potential impact of natural disasters;
18. Calls for an international conference and a coordinated post-disaster needs assessment, involving the UN and the World Bank, in order to establish long-term reconstruction once the emergency operation is over;
19. Calls on the international community to ensure that the people of Haiti and their government are the main actors in the reconstruction process, to allow them to take ownership of their collective future;
20. Calls on the Commission to present to Parliament a comprehensive post-disaster needs assessment and a progress report on reconstruction;
21. Urges the EU to work with the Haitian authorities to establish disaster prevention and capacity management for the long term, emphasising that reconstruction efforts must be based on national priorities, while respecting aid-effectiveness principles and supporting Haiti's institutions in order to enable them to govern effectively;
22. Calls on the international community to keep Haiti high on the agenda, to use this as an opportunity to tackle the root causes of the underlying poverty in Haiti once and for all, and to assist Haiti in emerging from this disaster as a fully functioning democracy with an economy that can sustain its people;
23. Recognises the work done by individual Member States of the European Union through the EU Civil Protection Mechanism and the effective coordination of this assistance by the MIC (Monitoring and Information Centre) and ECHO teams which were deployed only hours after the earthquake;

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24. Notes that, for the first time, the Commission successfully deployed two modules made available through a preparatory action on an EU Rapid Response Capability established with Parliament's support;

25. Calls on the Commission to bring proposals before it as soon as possible for establishing an EU Civil Protection Force based on the EU Civil Protection Mechanism and enabling the Union to bring together the resources necessary for providing initial emergency humanitarian aid within 24 hours of a disaster;

26. Emphasises that a European rapid response mechanism should:

- be civilian and/or humanitarian
- exist on a permanent basis
- be capable of being mobilised at any time and as rapidly as possible
- operate under the banner of the EU
- observe international humanitarian law
- be open to cooperation with other bodies involved in humanitarian action
- be prepared to cooperate with the UN system
- be open to contributions from third countries
- respect the voluntary nature of the Member States' participation in the intended arrangements
- endeavour on an ongoing basis to keep up the standard of the human and material resources available for mobilisation at any time
- be based on the principle of burden sharing;

27. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response to play a leading role in coordinating the Union's crisis response, using the responsibilities created under the Lisbon Treaty to coordinate the Union's response to future crises more effectively, while building on what has already been achieved;

28. Instructs its President to forward this resolution to the High Representative of the Union for Foreign Affairs and Security Policy, the President of the Commission, the President and Government of Haiti, the UN Under Secretary-General for Humanitarian Affairs and Emergency Relief and the governments of the Member States.

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Wednesday 10 February 2010

**Situation in Iran**

P7\_TA(2010)0016

**European Parliament resolution of 10 February 2010 on Iran**

(2010/C 341 E/03)

*The European Parliament,*

- having regard to its previous resolutions on Iran,
- having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, of 5 February 2010 on the imminent executions in Iran,
- having regard to the joint statement by the EU and the USA of 8 February 2010 calling on the Iranian Government to fulfil its human rights obligations,
- having regard to the statement by its President of 9 October 2009 reiterating Parliament's commitment to the worldwide abolition of the death penalty and specifically denouncing capital punishment for juvenile crimes,
- having regard to the Council statement on Iran of 10/11 December 2009,
- having regard to the statement by the High Representative of 12 January 2010 on the trial of seven Baha'i leaders in Iran,
- having regard to United Nations Security Council (UNSC) Resolutions 1737(2006), 1747(2007), 1803(2008) and 1835(2008),
- having regard to the Resolution adopted by the Board of Governors of the International Atomic Energy Agency (IAEA) on 27 November 2009 on the implementation of the NPT Safeguards Agreement and the relevant provisions of the abovementioned UNSC Resolutions in the Islamic Republic of Iran,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child, to all of which Iran is a party,
- having regard to the Iranian Ministry of Intelligence statement of 5 January 2010 declaring all contacts between Iranian citizens and 60 non-governmental organisations, plus numerous international media outlets which broadcast in Farsi, to be 'illegal',
- having regard to the 'postponement' by the Iranian authorities of the visit by its Delegation for Relations with Iran to Tehran scheduled for 8-11 January 2010,
- having regard to Rule 110(4) of its Rules of Procedure,

***On democracy and human rights***

- A. whereas the political situation in Iran is continuing to deteriorate, with no indication from the Iranian Government that it intends to address internal and worldwide concerns about the legitimacy of the election held in June 2009; whereas the indications of massive fraud have given rise to a large-scale protest movement (the so-called 'Green movement'), with mass demonstrations continuing over recent months,

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- B. whereas political developments in Iran following the disputed presidential election of June 2009 have shown that there is great potential for popular-led, democratic change in the country spearheaded by its vibrant and active civil society,
- C. whereas Iran's security forces – Revolutionary Guard, Basij militia and police – have responded with a severe crackdown, arbitrarily arresting thousands of peaceful protesters and dissidents, including students and academics, women's rights activists, trade unionists, lawyers, journalists, bloggers, clerics and prominent human rights defenders, in a clear effort to intimidate critics and stifle dissent,
- D. whereas many of those arrested have reported being beaten or tortured, and in some cases sexually assaulted, in prisons and secret detention facilities; whereas an inquiry conducted by the Majlis of the Islamic Republic of Iran in early 2010 determined that Deputy Prosecutor Saeed Mortazavi was directly responsible for the deaths of at least three detainees from torture and neglect in Kahrizak prison, which the judiciary had ordered to be shut down three years previously,
- E. whereas government officials have confirmed that since June 2009 at least 30 protesters have died during demonstrations or in detention and that at least seven more died in clashes on 27 December 2009, the holy day of Ashura; whereas the actual number of deaths caused by government-sponsored violence is believed to be much higher,
- F. whereas, in addition, the security forces have stepped up their systematic harassment of members of religious minorities, such as Baha'is (all seven members of whose former leadership have been arrested and are now standing trial) Sunnis and Christians (including eight priests), and have carried out a campaign of arbitrary arrests and executions against Kurdish, Azeri, Baluch, and Arab civil society and political activists; whereas, in particular, 21 Kurds are on death row at the moment,
- G. whereas on 9 September 2008 the Iranian Parliament approved an 'Apostasy Law' which makes converting from Islam punishable by death,
- H. whereas since August 2009 the judiciary has been staging show trials of hundreds of prominent reformers and activists allegedly connected with 'rioters' attempting to promote a 'velvet revolution'; whereas during these trials many of the dissidents gave televised confessions that appeared coerced,
- I. whereas the Iranian Government continues to accuse European countries of interference in Iranian political developments; whereas such accusations have led to the expulsion of two British diplomats, the arrest of several Iranian staff working at the British Embassy and the brief arrest of one Swedish and two German embassy staff members for their alleged role in the post-election protests,
- J. whereas on 28 January 2010 Mohammad Reza Ali-Zamani and Arash Rahmanipour were executed, the first death sentences to be carried out which have been linked by official sources to the protest movement, despite the fact that at least one if not both of them were already in prison at the time of the elections; whereas at least nine people have reportedly been condemned to death for alleged links to the 'Green movement',
- K. whereas on 27 December 2009, the final day of the Ashura rites, Ali Mousavi, the 35-year-old nephew of Mir Hossein Mousavi, the main opposition candidate in the June 2009 presidential election, was shot dead and deliberately run over by a car in what bears all the hallmarks of a targeted assassination intended to serve as a strong warning to his uncle,
- L. whereas on 8 January 2010 an assassination attempt was made on Mehdi Karroubi, the second most prominent opposition candidate in the presidential election, with two bullets being fired at his car – which was bullet-proofed – while Basij militia and Revolutionary Guard members assembled to protest against Mr Karroubi's presence in Qazvin,

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- M. whereas restrictions on freedom of the press and of expression continue to grow, and whereas the Iranian authorities have engaged in large-scale and frequent jamming of international radio and TV networks, many international websites, including Facebook and Twitter, and local opposition sites and mobile-phone services in Tehran, thereby also causing transmission problems for networks in other Middle Eastern countries and even in Europe,
- N. whereas European and Russian companies have been providing Iran with the necessary filtering and jamming devices, some of which might even pose a health risk to those living in the vicinity of the installations,
- O. whereas the Revolutionary Guard, its secret service and the Basij militia are playing an increasingly active role throughout Iranian society, cracking down on Iranian civilians and arresting human rights defenders, and appear to be taking the law into their own hands,

***On the nuclear issue***

- P. whereas Iran is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has, by ratifying the NPT, foresworn the acquisition of nuclear weapons and is legally bound to declare and all its nuclear activity, including nuclear material, and place it under IAEA safeguards,
- Q. whereas Article IV of the NPT notes the inalienable right of all Parties to that Treaty to develop research, production and use of nuclear energy for peaceful civilian purposes without discrimination and in conformity with Articles I and II of that Treaty,
- R. whereas, in breach of its obligation under the NPT, Iran has clandestinely constructed an enrichment facility at Qom, and only notified the IAEA of its existence long after its construction had commenced; whereas this violation of the rules has given rise to speculation that there may be other secret nuclear sites and further undermines confidence in Iranian assurances about the purely civil character of its nuclear programme,
- S. whereas in the IAEA report of 16 November 2009 the outgoing IAEA Director-General, Dr ElBaradei, noted that unless Iran implements the Additional Protocol and clarifies the outstanding issues to the satisfaction of the IAEA the Agency will not be in a position to provide credible assurances about the absence of undeclared nuclear material and activities in Iran, and that there remain a number of outstanding issues which give rise to concerns about a possible military dimension to Iran's nuclear programme,
- T. whereas, in the interests of finding a diplomatic solution to the issue of Iran's nuclear programme, the EU, the United States, China and Russia had proposed that an agreement be reached, under the auspices of the IAEA, to ship Iran's existing low-enriched uranium to Russia and France for processing into fuel rods to keep the Tehran Medical Research reactor running, and noting that, since Iran rejected this proposal, debates have been ongoing in the Security Council on more stringent sanctions against Iran,
- U. whereas Iran is continuing to develop ballistic-missile technology and is pursuing the capability to deploy intercontinental ballistic missiles which could deliver nuclear weapons payloads,
- V. whereas the Iranian Government has made contradictory statements about its nuclear programme, and ordered further enrichment activities to begin on 7 February 2010,

***On democracy and human rights***

1. Expresses serious doubts concerning the accuracy of the election results which led to the confirmation of President Ahmedinejad in office for a second term, despite strong indications of large-scale electoral fraud, and considers that the legitimacy of the Iranian President has been seriously undermined;

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2. Pays tribute to the courage of all those Iranian citizens who are demanding greater freedoms and more democratic rights and expressing their wish to live in a society free from repression and intimidation; pays special tribute to the Iranian women who played a crucial role in the post-election demonstrations in June 2009;
3. Supports wholeheartedly the democratic aspirations of the Iranian people and deeply deplores the fact that the Iranian Government and Parliament are apparently incapable of responding to the justified demands of Iranian citizens, in particular the young generation, who have seen their hopes for economic and social development stifled for too long;
4. Calls on the Iranian Government fully to respect the right of peaceful assembly and freedom of expression, including in connection with the demonstrations announced for 11 February 2010; strongly condemns the use of violence by the Iranian authorities against demonstrators who are seeking to exercise freedom of expression and the right of peaceful assembly;
5. Calls for the immediate release of all those detained solely for peacefully exercising their right to freedom of expression, association and assembly or on the grounds of their religious belief or sexual orientation, and calls on the authorities to investigate and prosecute government officials and members of the security forces responsible for the killing, abuse and torture of dissidents or their family members, demonstrators and detainees;
6. Strongly condemns the death sentences imposed and executions carried out in Iran, in particular in the case of Mohammed Reza Alizamani and Arash Rahmanipour, and calls for the abolition of the death penalty; calls on the Iranian authorities to stop charging protesters who peacefully demonstrate for more democratic rights with 'Moharabeh' (waging war on God), an offence which carries the death penalty; calls on Iran immediately to implement the UN moratorium on the death penalty, as called for in UN General Assembly Resolutions 62/149 and 63/168;
7. Is appalled at attempts by the government and/or the security forces to assassinate presidential candidates or members of their families, and calls on Supreme Leader Khamenei to guarantee the safety of prominent representatives of the Iranian opposition;
8. Condemns the Iranian authorities' efforts to censor the print media and to jam radio, television and Internet services, such as the BBC, and calls on the EU and its Member States to address the international fallout from these methods in the International Telecommunications Union (ITU);
9. Condemns the decision by the Iranian authorities to ban contacts with foreign non-governmental organisations, in particular those whose aim is the defence of civil liberties and rights, and calls on the Iranian authorities to lift this ban immediately;
10. Calls on the Iranian authorities to put an immediate stop to the practice of televised show trials and on the Iranian Parliament to amend the Iranian law allowing the government to deny due-process rights, such as the right of defendants to adequate legal representation;
11. Strongly criticises international companies, in particular Nokia Siemens, for providing the Iranian authorities with the necessary censorship and surveillance technology, thus being instrumental in the persecution and arrest of Iranian dissidents;
12. Deplores the allegations of interference in internal Iranian affairs made against staff members of European embassies and, in this context, calls on the Iranian authorities to comply with the Vienna Convention and respect diplomatic norms;
13. Is concerned about the nature of demonstrations held in front of Member States' embassies in Tehran on 9 February 2010 as being orchestrated by the Basij militia, and calls on the Iranian authorities to guarantee the safety of diplomatic missions;

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***On the nuclear issue***

14. Notwithstanding Iran's right to develop nuclear energy for peaceful purposes under the rules of the non-proliferation regime, reiterates that the proliferation risks in connection with the Iranian nuclear programme remain a source of serious concern to the European Union and to the international community, as expressed very clearly in UNSC Resolutions 1737, 1747, 1803 and 1835;

15. Deplores the fact that no substantive progress has been made on key issues of serious concern, and repeats its calls to Iran to restore the transparency of its nuclear programme by providing full, clear and credible answers to the IAEA, to resolve all outstanding issues and concerns relating to this programme, including topics which could have a military dimension, to implement fully the provisions of the Comprehensive Safeguards Agreement, including its subsidiary arrangements, and to ratify and implement the Additional Protocol;

16. Supports the European Council's twin-track approach and all efforts to find a negotiated long-term solution to the Iranian nuclear issue; insists that any further sanctions in the context of the nuclear threat should exclude measures that would have negative consequences for the Iranian people as a whole;

17. Deplores the fact that the Iranian Government has again rejected all attempts to achieve a compromise on the nuclear issue and that the Iranian regime is apparently seeking to use this issue both as a means of distracting attention from the crisis in the country and as a tactic to win time and avoid discussion in the UNSC of further sanctions, and regards the latest pronouncements by the Iranian President Mahmoud Ahmadinejad as being part of these tactics;

***On EU-Iran relations***

18. Underlines the importance of the continuation of dialogue with Iran at all levels, in particular with civil society; deplores the fact that the Iranian side cancelled the scheduled visit by the European Parliament delegation and expresses the hope that the Iranian Government and Parliament will review their position on direct contacts;

19. Calls on the Council to remain ready to engage with Iran in order to reach a negotiated solution to the nuclear issue, as well as regional security issues, taking account of what should be Iran's legitimate security interests and concerns, including the long-term prospect of a nuclear weapons-free Middle East;

20. Considers that a serious debate should be launched at EU level on the possibility of introducing further targeted sanctions which do not harm the Iranian people as a whole; calls for the existing list of individuals and organisations subject to the EU travel ban and freezing of assets to be extended to include those that are responsible for the repression and curtailment of freedom in the country and those responsible for the breach of Iran's international commitments on the nuclear issue;

21. Welcomes recent statements by the High Representative/Vice-President of the Commission and other EU leaders to the effect that the next step is to take the discussion to the UNSC, and calls on the French UNSC Presidency to put the Iranian nuclear issue on the UNSC agenda in February 2010; calls on the Chinese authorities to support the international community's efforts to curtail Iran's uranium enrichment programme;

22. Reminds the Iranian authorities that in order to develop fruitful relations with the EU Iran must guarantee fundamental human rights and respect for the principles of democracy, freedom of expression and the rule of law, as this is a prerequisite for all countries which maintain political and economic relations with the EU; emphasises that the possible conclusion of a cooperation and trade agreement between Iran and the EU is contingent on respect for these values, Iran's full compliance with UNSC and IAEA resolutions and the provision of objective guarantees regarding the peaceful nature of its nuclear programme and the cessation of Iran's support for terrorist activities;



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23. Calls on the Member States and the Commission actively to support initiatives aimed at improving media pluralism and welcomes the progress made with the project which has already been launched to broadcast European news in Farsi;

24. Calls on the Commission and Council to take immediate steps to ban the export of surveillance technology by European companies to countries, such as Iran, whose governments could use it to violate freedom of expression;

25. Calls on the Commission to establish a European Union delegation in Tehran;

26. Calls on the Commission and Council to devise additional measures in the context of the European Instrument for Democracy and Human Rights and European immigration policy in order actively to protect Iranian human rights defenders;

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27. Instructs its President to forward this resolution to the High Representative, the governments and parliaments of the Member States, the UN Secretary-General, the UN Human Rights Council and the Government and Parliament of the Islamic Republic of Iran.

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## **Situation in Yemen**

P7\_TA(2010)0017

### **European Parliament resolution of 10 February 2010 on the situation in Yemen**

(2010/C 341 E/04)

*The European Parliament,*

— having regard to the statement made by the chairman at the High-Level Meeting on Yemen of 27 January 2010,

— having regard to the Foreign Affairs Council Conclusions on Yemen of 25 January 2010 and 27 October 2009,

— having regard to the declaration by the Presidency on behalf of the European Union of 27 October 2009 on the deteriorating security situation in Yemen,

— having regard to the European Community Strategy Paper for Yemen for the period 2007-2013,

— having regard to the outcome of the visit by its Delegation for relations with the Gulf States, including Yemen, to Yemen from 22 to 25 February 2009,

— having regard to the final report of the European Union election observation mission of 26 September 2006,

— having regard to Rule 110(4) of its Rules of Procedure,

A. whereas the overall political, security and socio-economic situation in Yemen has been deteriorating for a long time, raising serious concerns in the international community,



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- B. whereas al-Qa'ida's affiliate claimed responsibility for the failed attempt by the Nigerian terrorist Umar Farouk Abdulmuttab, who declared that he had been trained and equipped at a Yemeni al-Qa'ida camp, to blow up an aeroplane over Detroit in December 2009; whereas any further deterioration in the security situation in Yemen may offer terrorist and insurgent groups in the region, particularly al-Qa'ida, a safe haven in which to plan, organise and support subsequent terrorist operations,
- C. whereas the security situation is being worsened further by the civil war against Zaidi Shi'i revivalists in Sa'dah in the north of Yemen and the outbreak of violence by the secessionist movement in the south of the country,
- D. whereas terrorism had been rife in Yemen for many years before 11 September 2001, as demonstrated by the 12 October 2000 attack by al-Qa'ida on the USS Cole, and whereas since 2007 terrorism in Yemen has intensified, with many attacks on pipelines, oil facilities, government buildings, embassies (including those of Italy and the US), ships and tourists in the country,
- E. whereas the local fighting in the Sa'dah region took on a regional dimension when Saudi military forces engaged the rebels following an incursion on the Saudi-Yemen border and launched raids on the rebel positions; whereas the Yemeni Government has alleged that external Shiite elements have been supporting rebel movements in the north of the country,
- F. whereas fighting between the Yemeni army and Shiite rebels in the northern province of Sa'dah, which started in 2004, has left more than 175 000 persons internally displaced and generated a humanitarian crisis in the area,
- G. whereas Yemen is one of the poorest countries in the world; whereas the 2008 food crisis has had a huge impact on the poorer sections of the Yemeni population, whilst the global financial crisis, particularly the fall in oil revenue, has contributed to unsustainable pressure on public finances, a situation further aggravated by the limited implementation of overdue economic and fiscal reforms,
- H. whereas Yemen's oil reserves, the source of over 75 % of its income, are close to depletion, and whereas the country has few viable options for a sustainable post-oil economy,
- I. whereas another significant problem facing Yemen is the severe water shortage, which is caused by several factors, including rising domestic consumption, poor water management, corruption, a lack of resource management and wasteful irrigation techniques; whereas according to the government's estimates 99 % of all water extraction is unlicensed,
- J. whereas the situation created by Yemen's lack of food and water is further complicated by the population's dependence on qat, a quick-cash crop which requires heavy irrigation to thrive and which is grown so extensively that about 40 % of Yemeni water resources are used for its cultivation; whereas the country has now become a net food importer,
- K. whereas the increase in piracy in the Gulf of Aden and continuous migratory pressure from the Horn of Africa are further factors impacting on the stability of the country,
- L. whereas the 18-mile wide strait of Bab el Mandeb between Yemen and Djibouti is of significant strategic importance, with 3.3 million barrels of oil (4 % of global daily production) passing through it every day,
- M. whereas since 2004 the EU has donated aid worth more than €144 million to Yemen, with the largest share going towards development, and has implemented programmes to support the Yemeni police and coastguard,
- N. whereas following the failed Detroit airline bombing the British and American governments have announced that they are to substantially increase their military and development aid to Yemen and have also undertaken jointly to finance a dedicated Yemeni anti-terror police unit and support the Yemeni coastguard,

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- O. whereas the parliamentary elections which were to be held in April 2009 have been postponed to 2011 in order to enable the authorities to implement the essential reforms of the electoral system; whereas no concrete steps towards this goal have been taken so far,
- P. whereas serious concerns remain about developments in Yemen with regard to democracy, human rights and the independence of the judiciary; whereas there have been cases involving the persecution of journalists and human rights defenders; whereas the situation of women is especially difficult, with deteriorating access to education and a lack of active political participation,
- Q. whereas six European citizens - five Germans and one Briton - are still being held hostage following their kidnapping in June 2009, whilst three other people from that group were found dead immediately after their abduction,
1. Expresses its deep concern at the long-standing and worsening security, political and socio-economic problems in Yemen; calls for major efforts by the international community to prevent the escalation of the current crisis and move towards the goal of a unified, stable and democratic Yemen;
2. Welcomes the outcome of the international meeting on Yemen that took place on 27 January 2010 in London, including the announcement by the Secretary-General of the Gulf Cooperation Council that he will host a meeting of Gulf and other partners of Yemen in Riyadh on 22-23 February 2010, and the commitment by the Yemeni Government to continue its reform agenda and to initiate discussion of an IMF programme; welcomes, further, the commitment by the international community to support the Yemeni Government in the fight against al-Qa'ida and other forms of terrorism, whilst reiterating its support for a unified Yemen and its respect for the country's sovereignty and independence;
3. Is convinced that security and stability in Yemen can only be achieved by means of political and socio-economic reforms; calls, therefore, on the Yemeni Government to honour the commitments it made to the international community and to step up the national political and economic reform process with the aim of deepening democracy and improving people's living conditions;
4. Welcomes and supports the active cooperation between the Commission, the Council and the Yemeni Government, especially in the areas of development, police, justice, border control, anti-trafficking, maritime safety, counter-terrorism and institution building; calls on the Council and the Commission further to strengthen bilateral relations with Yemen and to examine the most effective ways in which the EU can contribute to improving the security and political situation in the country;
5. Reiterates its call for an immediate ceasefire in Sa'dah and for a halt to the violence in southern Yemen and expresses its view that only a comprehensive political solution can bring lasting peace; voices grave concern at the deteriorating humanitarian situation in northern Yemen; calls on all parties to meet their obligations and responsibilities under international humanitarian law to protect the civilian population in the area and allow humanitarian aid and assistance to reach the areas concerned;
6. Calls on the Yemeni Government to refrain from discrimination against any ethnic or religious groups in the country and to take account of the common interest of all its citizens in its policies; stresses that anti-terrorist actions and measures must not be misused for political purposes, especially against political opponents, journalists and human rights defenders;
7. Expresses its concern at the long-standing and growing presence of al-Qa'ida in Yemen and emphasises that a lack of concrete action could lead to a further erosion of central government authority and destabilisation of Yemen, and its neighbourhood, to the degree seen in Somalia, which will in turn provide opportunities for extremists directed or inspired by al-Qa'ida to regroup, organise, train, and launch terrorist operations inside or outside Yemeni territory;
8. Calls on the Yemeni authorities to implement the reforms needed in order to improve the human rights situation in the country, in particular by guaranteeing media freedom, the right to a fair trial and equal treatment for men and women;

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9. Stresses the importance of an independent judiciary with the resources and competence to address accountability for human rights violations, including arbitrary arrests and torture; urges the Yemeni Government to ensure that impartial humanitarian agencies have access to all places of detention in Yemen and end the use of private or unauthorised detention sites;
  10. Encourages all political forces in Yemen to overcome the current deadlock in the negotiations on essential political reforms; emphasises the importance of holding elections in 2011 and encourages all political parties to implement their agreements setting out the measures required to improve the electoral system and deepen democracy, in particular taking into account the recommendations made by the EU Election Observation Mission following the democratic 2006 presidential and local elections; calls on the Commission and the Council, in close cooperation with Parliament, to monitor the process of constitutional and electoral law reform which has led to the postponement of the parliamentary elections;
  11. Calls on the Council and the Commission, and, after its establishment, the European External Action Service, quickly to implement a coordinated and comprehensive EU approach towards Yemen, in order to avoid duplication and overlapping among Member States' assistance and development aid; points out that EU coordination is vital in order to achieve global donor coordination in Yemen, which is severely lacking;
  12. Calls on the Council and Commission to provide, in cooperation with other international actors, increased development assistance to Yemen with the aim of stabilising the political situation and improving the economic situation and the living conditions of the people in the country; calls, in particular, for consideration to be given to exceptional assistance measures in the context of the Stability Instrument and a specific programme to enhance education under the Development Cooperation Instrument; welcomes the readiness of the Gulf Cooperation Council to further develop its relations with Yemen; calls on the Yemeni Government to ensure, in close cooperation with the donors, enhanced aid effectiveness through appropriate coordination, distribution and implementation mechanisms;
  13. Calls on the Commission and the Council to ensure that the aid supplied by the international community, and in particular from the European Union's budget, is used to support projects which directly benefit as many people as possible and whose effectiveness can be evaluated on the spot; welcomes, in this regard, the establishment of a fully-fledged EU-delegation in Sana'a;
  14. Calls on the Commission and the Council to implement a special programme of assistance for Yemen, involving training for Yemeni officials based on EUJUST LEX experiences and the placement of trainers in the Yemeni central and local administrations, in a way that strengthens or complements other international efforts;
  15. Calls on the Council and Commission to assist the United States and Yemen in repatriating or resettling Yemenis held without charge at Guantanamo, including the 40 Yemenis that the US Administration has already cleared for release;
  16. Calls on the Yemeni authorities to step up their efforts to ensure the release of the six European hostages being held on its territory;
  17. Asks the Council and the Commission to keep it fully and immediately informed at all stages of the procedure of all developments and negotiations, as provided for by Article 218 of the Treaty on the Functioning of the European Union;
  18. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the Gulf Cooperation Council and the Government and Parliament of the Republic of Yemen.
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## Trafficking in human beings

P7\_TA(2010)0018

### European Parliament resolution of 10 February 2010 on preventing trafficking in human beings

(2010/C 341 E/05)

*The European Parliament,*

- having regard to the Charter of Fundamental Rights of the European Union, particularly Articles 1, 3, 4, 5 and 6 thereof,
- having regard to the 1948 Universal Declaration of Human Rights, especially Articles 4 and 5 thereof, affirming that the slave trade shall be prohibited in all its forms,
- having regard to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to the 1989 UN Convention on the Rights of the Child, particularly Articles 1, 7, 32, 34 and 35 thereof, and to the 2000 Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, in particular Article 3 thereof,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly Articles 5 and 6 thereof,
- having regard to the 2000 UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime,
- having regard to International Labour Organization Conventions No 29 concerning forced or compulsory labour (1930) and No 182, adopted by the ILO General Conference at its 87th session (1999), concerning the prohibition and immediate action for the elimination of the worst forms of child labour,
- having regard to the Fourth World Conference on Women held in Beijing in September 1995, the Declaration and Platform for Action adopted in Beijing and the subsequent outcome documents adopted at the United Nations Beijing +5 and Beijing +10 Special Session on further actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted on 9 June 2000 and 11 March 2005 respectively,
- having regard to the 1997 European Convention on Human Rights and Biomedicine and Article 22 of the 2002 Additional Protocol thereto on Transplantation of Organs and Tissues of Human Origin,
- having regard to the UNICEF Guidelines on Protection of the Rights of Child Victims of Trafficking (2006) and the Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe (2006),
- having regard to the 2005 Council of Europe Convention on Action against Trafficking in Human Beings,
- having regard to the Council of Europe Organised Crime Situation Report 2005,
- having regard to Council of Europe Recommendation 1611 (2003) on trafficking in organs in Europe,

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- having regard to the Brussels Declaration on Preventing and Combating Trafficking in Human Beings, adopted on 20 September 2002,
- having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings,
- having regard to Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities <sup>(1)</sup>,
- having regard to the report from the Commission to the Council and the European Parliament based on Article 10 of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (COM(2006)0187),
- having regard to the Commission communication of 18 October 2005 entitled 'Fighting trafficking in human beings – an integrated approach and proposals for an action plan' (COM(2005)0514),
- having regard to the Commission working document entitled 'Evaluation and monitoring of the implementation of the EU Plan on best practices', standards and procedures for combating and preventing trafficking in human beings (COM(2008)0657 final),
- having regard to the Commission proposal for a Council framework decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2009)0136 final),
- having regard to the Roadmap for equality between women and men: 2006-2010 (COM(2006)0092), particularly the priority action aimed at eradicating gender-based violence and trafficking,
- having regard to the Stockholm Programme on an area of freedom, security and justice serving the citizen,
- having regard to the October 2009 Brussels Declaration on trafficking in human beings,
- having regard to Europol's 2009 reports on trafficking in human beings,
- having regard to the July 2009 report of the European Union Agency for Fundamental Rights on child trafficking in the European Union,
- having regard to the United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons, of February 2009,
- having regard to the report of 6 February 2009 by the UN Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and the recommendations contained therein,
- having regard to the US Department of State Trafficking in Persons Report of June 2009,
- having regard to its resolutions on this subject <sup>(2)</sup>,
- having regard to the oral questions to the Commission on preventing trafficking in human beings and protecting victims (O-0148/2009 – B7-0341/2009, O-0149/2009 – B7-0342/2009),
- having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

<sup>(1)</sup> OJ L 261, 6.8.2004, p. 19.

<sup>(2)</sup> European Parliament resolution of 17 January 2006 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation; European Parliament recommendation to the Council on fighting trafficking in human beings – an integrated approach and proposals for an action plan (2006/2078(INI)).

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- A. whereas trafficking in human beings is a modern form of slavery, a serious crime and a severe violation of fundamental human rights and reduces people to a state of dependency via threats, violence and humiliation,
- B. whereas trafficking in human beings is an extremely profitable business for organised crime, with high profit possibilities and limited risk-taking,
- C. whereas trafficking takes many forms, relating for example to sexual exploitation, forced labour, illegal trade in human organs, begging, illegal adoptions and domestic work,
- D. whereas Europol's assessment for 2009 is that trafficking of women for sexual exploitation has not decreased and trafficking for forced labour is increasing,
- E. whereas the UNODC, in its Global Report on Trafficking in Persons, records sexual exploitation as the most commonly identified form of human trafficking, followed by forced labour, and has also noted that 79 % of the identified victims of trafficking are women and girls,
- F. whereas mail-order brides can be trapped into an environment of slavery, becoming victims of sexual exploitation, forced labour, domestic work and other forms of trafficking in human beings,
- G. whereas children are particularly vulnerable and thus at greater risk of becoming victims of trafficking in human beings,
- H. whereas the financial and economic crisis may lead to increased trafficking in human beings, exploiting the need of potential victims to find a decent job and escape poverty,
- I. whereas the extent and severity of this problem are alarming:
  - Europol's 2009 report on trafficking in human beings in the European Union shows that this is a business worth many millions of euros/dollars a year;
  - based on the available figures, it is reasonable to estimate that several hundred thousand people are trafficked into or within the EU every year;
  - in 2008 Eurojust opened 83 cases of trafficking in human beings, representing an increase of more than 10 % in comparison with 2007 (71 cases),
- J. whereas the EU legal framework on trafficking in human beings is currently based mainly on:
  - Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, which aims to ensure a minimum degree of harmonisation of national legislation;
  - Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities,
- K. whereas experience shows that this legal framework is neither sufficiently effective nor implemented adequately, and that the EU must consequently take stronger action,

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- L. whereas in March 2009 the Commission presented a proposal for a framework decision on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/JHA COM(2009)0136 final, with the aim of strengthening the current framework decision through tougher sanctions, better protection of victims and active preventive measures,
- M. whereas, despite the efforts of the Swedish Presidency, the text was not adopted, and whereas a proposal for a new legal instrument under the Treaty of Lisbon legal framework is likely to be tabled in the near future,
- N. whereas the Treaty of Lisbon will strengthen EU action in the field of judicial and police cooperation in criminal matters, including in combating trafficking in human beings, and Parliament, as co-legislator, will have a full role to play here,
- O. whereas action against trafficking in human beings cannot be limited to legislative instruments but also needs to include non-legislative efforts, in particular evaluation of the implementation of adopted measures, information gathering and sharing, cooperation and partnership-building and the sharing of best practices,
- P. whereas it is crucial to involve civil society organisations active in the field from the outset and at every stage: from identification through to the provision of assistance to victims, including in the legislative process,
- Q. whereas currently there is no precise data on this phenomenon and the available figures appear to underestimate its real scope, as it is a form of crime that takes place underground and is often undetected or wrongly identified; whereas more research must be done on how trafficking takes place, who commits it, how demand drives the supply of services from victims and who falls victim to it and why, and on ways to discourage demand; whereas cooperation and exchanges of information between the Member States and third countries need to be stepped up,
- R. whereas future action must start with an integrated approach, bringing together prevention and repression as well as protection, support and assistance for victims, and including enhanced cooperation among all stakeholders,
- S. whereas if the demand from potential buyers of the services and products supplied by victims of trafficking is reduced, thereby also reducing profits from trafficking in human beings, the supply of such services and goods by victims will in turn decrease,
- T. whereas the social integration of potential victims has an indirect preventive effect, helping to stop them being re-victimised or even becoming potential traffickers,
- U. whereas cooperation and partnership between the EU, the Council of Europe, the UN and third countries – and in particular with countries of origin of trafficked persons and with the United States, as a commonly recognised country of destination – is crucial in order to protect fundamental rights and to combat trafficking effectively,
- V. whereas, in the establishment and subsequent implementation of policies and measures relating to trafficking in human beings, attention must be paid to securing such an outcome without discrimination on any ground such as nationality, race, colour, sex, religion, political or other views, social background or other status,

### **General**

1. Calls on the Council and the Commission:

— to develop action against trafficking in human beings on the basis of a holistic approach centred on human rights and focusing on combating trafficking, prevention, and protection of victims;



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- to adopt a victim-focused approach, meaning that all potential categories of victim must be identified, targeted and protected, with special attention being given to children and other at-risk groups;
- to establish, under the supervision of the Commissioner for Justice, Fundamental Rights and Citizenship, an EU anti-trafficking coordinator to coordinate EU action and policies in this field – including the activities of the network of national rapporteurs – and reporting to both the EP and the Standing Committee on Operational Cooperation on Internal Security (COSI);
- to ensure that the fight against trafficking in human beings stays high on their agenda during times of economic and financial crisis, for instance when preparing recovery plans;
- to ensure that policies on trafficking in human beings cover aspects linked to social affairs and social inclusion, and to insist on appropriate programmes and effective methods of ensuring social rehabilitation of victims, including measures relating to the labour market and the social security system;
- to give due attention to the external relations dimension of trafficking in human beings and the dimensions of immigration, asylum and reintegration policies;
- to run information and awareness campaigns through the education and school system in the countries of origin, transit and destination for trafficking;
- to make the best interests of children a primary consideration in all action against trafficking, in accordance with the 1989 UN Convention on the Rights of the Child;
- to approach all policies, strategies and measures against trafficking from a gender perspective;
- to strengthen coordination and cooperation with the European Union Agency for Fundamental Rights and the European Union Institute for Gender Equality;
- to establish and step up ongoing cooperation with NGOs working in this field;
- to establish a permanent platform at EU level, grouping the efforts of EU institutions, agencies and institutes, of police, customs services, procurement offices and law enforcement bodies at regional and national level in the Member States, and of international organisations and NGOs;

2. Calls on those Member States that have not yet done so to ratify and implement the 2005 Council of Europe Convention on Action against Trafficking in Human Beings;

***Information gathering***

3. Calls on the Council and the Commission, in order to obtain as much information as possible, to take action with a view to:

- the annual publication of a joint report by Eurojust, Europol and Frontex, to be presented to the EP and the national parliaments as well as the Commission and the Council. This joint report, the presentation of which should be followed by a public hearing with NGOs and civil society so that they can add their expertise, should promote work towards a better understanding of:

- root causes;

- factors in countries of origin and destination that facilitate trafficking in human beings;



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- current trends with regard to victims, traffickers, users and criminal networks and their modus operandi;
- travel routes, local circumstances in destination countries that are conducive to use of the services performed by trafficked human beings, and different forms of exploitation (sexual exploitation, labour exploitation, organ trafficking, child trafficking, including for the purpose of exploitation by travelling sex offenders, the production of abusive sexual images of children, and other forms of exploitation that are adjacent to trafficking in human beings but do not fall explicitly within the definition thereof, such as begging and petty crime);
- developing a common EU template for the collection and collation of data relating to all aspects of trafficking in human beings, including age and gender, to be used in both the Member States and third countries, while complying with relevant legislation on data protection and the rights of the data subject;
- establishing, in line with Article 70 of the Treaty on the Functioning of the European Union, an objective and impartial annual evaluation system with specific regard to the implementation of EU policies on trafficking in human beings, the EP and the national parliaments to be kept fully informed;
- the evaluation of information and awareness-raising campaigns to be carried out and developed in both the Member States and third countries;

**Prevention**

4. Welcomes the suggested provision on prevention set out in the Commission's proposal and calls for further action to be taken;
5. Stresses that further legislative and non-legislative measures, including educational, social, cultural and administrative measures as well as awareness campaigns aimed at the general public, should be adopted and strengthened by the Member States in order to reduce the demand for services performed by trafficked persons;
6. Calls for massive information and awareness-raising campaigns to be carried out and developed, both in the Member States and in third countries which have been shown to be departure or stopover points for trafficking, targeting both potential victims of trafficking and potential buyers of services from trafficked persons;
7. Calls on the Member States to develop targeted awareness-raising education programmes designed to draw children's attention to traps that can easily lead to trafficking;

**Prosecution**

8. Calls for an exhaustive and comprehensive legal framework, including policies to counter cybercrime connected to trafficking, to be adopted as soon as possible;
9. Calls for the Commission and the Member States to take into account the following elements in drafting any future proposal for a legislative instrument in this field:
  - a. the level of penalties and sanctions for those – including legal persons – who profit from trafficking in human beings should reflect the seriousness of the crime and have a dissuasive effect, and trafficking in children should be particularly severely punished;
  - b. further action should focus on victims' protection – with due consideration for the situation of children and women – by, inter alia, ensuring that assistance to victims is unconditional, that a victim's consent to exploitation is always irrelevant and that victims are entitled to assistance irrespective of their willingness to cooperate in criminal proceedings;

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- c. further prevention and action could also focus on the users of services supplied by trafficked people;
- d. due attention should be paid to the need for extraterritorial jurisdiction for trafficking-related offences, with regard to both EU nationals and residents;
- e. any provision on jurisdiction should be coordinated with the draft framework decision on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings;

10. Calls on the Member States and the national parliaments – given that legislation has no effect if it is not correctly implemented – to implement in full the EU policies on trafficking in human beings at national level and to ratify and implement other legal instruments in this field as soon as possible;

11. Calls on the Council, the Commission and the Member States to take action to improve coordination at operational level between EU bodies such as Eurojust and Europol;

12. Draws attention to the positive results achieved by joint investigation teams and calls on the Member States to make wider use of this tool;

13. Underlines the importance of providing assistance and support for victims of trafficking, and, furthermore, calls on Frontex and national border-control agencies, in the course of their activities, to define common practices in order to raise their staff's awareness of the issue of trafficking and to identify victims of trafficking and ensure their protection;

14. Calls, given that repression cannot be limited to the confines of the EU, for comprehensive agreements – including provisions on respect for fundamental rights – to be concluded with third countries and for the establishment of cooperation, subject to strict rules, with those countries;

#### ***Protection, support and assistance for victims***

15. Calls for protection and support for victims to be a priority in EU actions in this field, and for victims to receive all possible help from the moment they are identified as such, including:

- access to at least a temporary residence permit, irrespective of their willingness to cooperate in criminal proceedings, and simplified access to the labour market, including the provision of training and other forms of upskilling, as a minimum on the basis of Directive 2004/81/EC;
- access to appropriate secure accommodation and specialist support services, including the provision of a food/subsistence allowance, access to emergency medical treatment, access to counselling services, translation and interpretation where appropriate, help contacting family and friends, and access to education for children;
- a simplified family reunification policy for victims, particularly where this is required for their protection;

16. Draws attention to particularly vulnerable victims, such as children and women, and calls for specific assistance and protection programmes for them;

17. Stresses that victims of trafficking should receive the broadest possible protection, support and assistance, including where they have been trafficked outside the EU rather than to or within it;

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18. Calls for victims to be given professional help, including free legal aid (which is essential to enable them to escape the situation of coercion in which they find themselves), bearing in mind that they lack financial means and would thus be unable to pay for such assistance;

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

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## Outcome of the Copenhagen summit on climate change

P7\_TA(2010)0019

### European Parliament resolution of 10 February 2010 on the outcome of the Copenhagen Conference on Climate Change (COP 15)

(2010/C 341 E/06)

*The European Parliament,*

- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and to the Kyoto Protocol to the UNFCCC,
  - having regard to the Bali Action Plan (Decision 1/COP 13),
  - having regard to the fifteenth Conference of the Parties (COP 15) to the UNFCCC and the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 5) held in Copenhagen, Denmark, from 7 to 18 December 2009, and to the Copenhagen Accord,
  - having regard to the EU Climate Change Package adopted on 17 December 2008,
  - having regard to its previous resolutions relating to climate change, and in particular that of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15),
  - having regard to the next conference, COP 16, to be held in Mexico,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas negotiations on a comprehensive international post-2012 agreement on climate change, which were due to be concluded in Copenhagen in December 2009, ended with a disappointing Accord, of which note was merely taken by the Conference of the Parties to the UNFCCC,
- B. whereas the Accord is not legally binding and does not include any emission reduction targets or indeed any specific commitment to conclude a legally binding agreement in 2010,
- C. whereas the Accord recognises the need to limit global temperatures rise to no more than 2 °C and includes a reference to exploring pathways to remaining below a 1,5 °C global temperature increase,
- D. whereas the EU failed to play a leading role in the fight against climate change and was not even involved in the final negotiations with the USA, China, India, Brazil and South Africa on the final draft of the Accord,

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- E. whereas the IPCC Fourth Assessment Report, together with an ever-mounting body of scientific evidence, recognises that deep cuts in global emissions are required to keep the world temperature below a 2 °C increase,
- F. whereas several developed and developing countries failed to support the formulation and implementation of a new international climate protection framework,
- G. whereas the EU should not allow its own commitment to climate change action to falter, even if some of our main negotiating partners continue to appear unwilling or unable to curb their emissions trajectories,
- H. Notes that only 28 states outside the EU have communicated greenhouse gas emission targets from 2020 to the UN by the deadline of 31 January 2010 and that some only communicated efficiency targets that will not lead to reductions at all,
1. Regrets the weakness of the Accord achieved at the COP 15 as it brings us no closer to a global comprehensive post-2012 agreement, does not set global mid- or long-term reduction targets, and does not state when global emissions would need to peak; takes note, furthermore, of the disappointment in the public mind as regards the failure to reach a meaningful agreement in Copenhagen;
2. Considers that delay in finding international agreement is not a justification for postponing further EU policies to achieve the already legally binding commitment to reduce our emissions by 20 % by 2020; reiterates our desire to move to a 30 % reduction; notes also that the initiatives taken within the EU to promote and encourage the green economy, energy security and reduced energy dependency will make it increasingly easy to fulfil a 30 % reduction commitment;
3. Recognises that the estimated cost of the EU achieving a 30 % cut in 1990 emissions by 2020 is now less than the estimated cost of achieving a 20 % cut when that was agreed, and calls on the Commission, therefore, to bring forward a proposal for the EU to raise its ambition and unilaterally to set a 2020 reduction target greater than 20 %;
4. Calls on the EU to achieve domestic targets through energy savings and renewable energy sources, and for an ambitious and binding energy savings target to be agreed as soon as possible;
5. Expresses its disappointment at the Member States' lack of unity; urges the EU, therefore, to speak with one voice in international climate negotiations in order to keep its leading role in negotiations towards a binding, comprehensive post-2012 agreement, in line with the latest developments in science and consistent with the 2 °C objective at COP 16;
6. Regrets, furthermore, that the EU was not able, through earlier specific commitments to international public finance for climate efforts in developing countries, to build confidence in the negotiations in order to make further progress in the Ad Hoc Working Groups; calls on the EU, furthermore, to clarify its position regarding a second commitment period of the Kyoto Protocol being conditional on similar commitments being made by the US under another legal instrument and to ensure that surplus AAUs and LULUCF rules do not undermine its environmental integrity;
7. Underlines that there is a need to create a new 'climate diplomacy'; calls, therefore, on the EU's High Representative and the Commissioner responsible for climate action to lead this strategy, especially with the more progressive developing and emerging countries; urges the EU to agree on a 'Roadmap for Mexico' which will include the discussion of climate policies in every strategic partnership and bilateral and multi-lateral cooperation agreement in order to create a more coherent external climate protection strategy; calls on the EU and its Member States to build an 'Alliance of Responsibility', open to all countries that consider climate change as a major threat to humanity and are prepared to act in order to stop global warming;
8. Calls on the EU and its Member States to enforce the principle of 'climate justice' in the long-term perspective 2050 and beyond; advocates, therefore, an equity clause in future international climate negotiations;

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9. Calls on forums such as G20 or the Major Economies Forum, representing the major carbon producers, to take greater responsibility in helping to forge consensus in the formal negotiations;
10. Notes the commitment to a USD 100 billion annual fund from developed countries by 2020 and the sum of USD 30 bn for developing countries over the next three years (2010-2012), to help fight climate change and the establishing of a green climate fund to support projects in developing countries related to deforestation and forest degradation; regrets, however, that the commitment falls short of the Commission's estimation that EUR 100 billion would be raised by 2020;
11. Stresses the historical responsibility of developed countries for irreversible climate change and their responsibility to provide sufficient, sustainable and predictable financial and technical support to the developing countries to allow them to commit themselves to the reduction of their greenhouse gas emissions, to adapt to the consequences of climate change and to reduce emissions from deforestation and forest degradation, as well as to enhance capacity building, in order to comply with obligations under the future international agreement on climate change;
12. Insists that such commitments to provide for the required predictable financial support for climate change mitigation and adaptation in the context of the UNFCCC must be new and additional to ODA and independent of annual budgetary procedures in the Member States; recalls the already-existing commitments aimed at achieving ODA levels of 0.7 % of GDP by 2015;
13. Believes that the EU should immediately enter into negotiations with our US counterparts so that the emerging carbon market in the US is compatible with our own, thereby creating a transatlantic carbon market as a precursor for a global one;
14. Stresses the need for the EUR 7.2 billion 'fast-start' financial support for developing countries, as pledged by the EU Member States, to be, new and additional to ODA budgets, coordinated at EU level and made operational as soon as possible and in any case before the June 2010 meeting in Bonn; considers this to be a key factor in building confidence for a successful meeting in Mexico; calls also on the Commission to report on the use of the pledged fast-start funding and its additionality to existing ODA before the aforementioned Bonn meeting;
15. Recalls that the collective contribution by the EU towards developing countries' mitigation efforts and adaptation needs should not be less than EUR 30 000 million per annum by 2020, a figure that may increase as new knowledge is acquired concerning the severity of climate change and the scale of its costs;
16. Emphasises that the upcoming EU budget review needs to focus on providing sufficient resources for measures to protect against, and adapt to, climate change, both within EU and in developing countries; notes also that the review should consider the introduction of new and innovative financial mechanisms to support international climate action;
17. Welcomes the ambitious commitment that some developing countries made before, during and after the Copenhagen negotiations; notes that the Accord found an agreement regarding the measuring, reporting and verification of developing country mitigation actions through national communications, which will be subject to international consultations and analysis under clearly defined guidelines, still to be defined, that will need to ensure that sovereignty and a proper use of funds are respected;
18. Agrees with the setting up a mechanism for reducing emissions from deforestation and forest degradation and enhancing removals of greenhouse gas emissions by forests and for the establishment of a Technology Mechanism to accelerate technology development and transfer, and welcomes the reference to the role of markets in enhancing the cost-effectiveness of mitigation actions; notes also that effective implementation of such mechanisms requires agreement in the UNFCCC framework;
19. Emphasises that any future REDD scheme must respect the rights of indigenous peoples and local communities, including their right to collective property and to autonomous indigenous territories, and provide for their full and effective participation, including in the development and implementation of national REDD plans, and allocation or distribution of financing;

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20. Calls for the environmental effectiveness of Annex I emissions reduction targets to be the guiding principle as regards the EU approach to international accounting rules for forest management and LULUCF, to flexible mechanisms and to the banking of any overachievement during first commitment period of the Kyoto Protocol towards post-2012 targets;
  21. Regrets the lack of progress in tackling global aviation and maritime emissions; calls on the EU to ensure that the full climate impact of aviation is taken into account and that the reduction targets for the aviation and maritime sectors are the same as other industry sectors in the future agreement;
  22. Regrets that the USA and China were not prepared to accept a more ambitious agreement for internal policy reasons; believes that the European Union, the USA and China are key to ensuring a binding international agreement; urges the United States and China, as well as other international partners, therefore, to come up with further commitments to an international system of climate protection, in order to resume discussions and achieve an ambitious and legally binding international agreement in line with the latest developments in science and consistent with the 2 °C objective;
  23. Regrets that some countries, namely Sudan and the ALBA-Countries, adopted a blocking attitude in the international negotiations in order to avoid strict and binding commitments, in spite of the high level of political momentum in Copenhagen;
  24. Points to the growing public awareness of the impact of climate change in the developing world, but also within rapidly emerging economies; calls for enhanced dialogue, in particular with the least developed countries, the Alliance of Small Island States (AOSIS) and Africa, on the way to a binding international agreement on climate change in order to reduce the impact and foreseeable consequences of climate change on demographics, public health, migration and the economy in those regions;
  25. Stresses the urgent need for the IPCC to review all its conclusions in order to confirm that they have been peer-reviewed in accordance with the best principles of science, suggests that the preparation of an interim report bringing the conclusions up to date should be brought forward, and believes that future reports should make specific reference to the claims of those who challenge the majority view and that these too should be subjected to peer review;
  26. Finds it essential, for the competitiveness of EU industry, that comparable efforts be accepted by other industrialised nations outside the EU, as well as reasonable reduction commitments by developing and emerging economies; recalls that reduction targets must be measurable, reportable and verifiable, and welcomes in this respect the commitments by some developing countries to submit national reports on their emissions reductions efforts;
  27. Considers that the bilateral meetings between the European Parliament and the national parliaments can substantially contribute to the debate and facilitate understanding among the parties; envisages, therefore, holding these meetings before the beginning of the official negotiations in order to contribute in a more meaningful way to the best possible outcome of the negotiations;
  28. Emphasises that the challenges of the climate policy in the future lie not only with CO<sub>2</sub> reduction but also a more efficient and sustainable use of natural resources;
  29. Reaffirms its support for the reform process in the UN, and notes that the outcome of the Copenhagen Climate Conference is another example confirming the urgent need to reconsider working methods within the UN; remains committed, moreover, to the climate negotiations under the UN framework, as the only legitimate body to address an issue of such fundamental importance to the entire global community; considers, however, that serious reflection on how to make the process more efficient is urgently needed;
  30. Calls for greater transparency to allow for a better involvement of civil society and stakeholders at COP 16 in Mexico;
  31. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Secretariat of the United Nations Framework Convention on Climate Change, with the request that it be circulated to all non-EU contracting parties.
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**Promoting Good Governance in Tax Matters**

P7\_TA(2010)0020

**European Parliament resolution of 10 February 2010 on promoting good governance in tax matters (2009/2174(INI))**

(2010/C 341 E/07)

*The European Parliament,*

- having regard to the Commission communication of 28 April 2009 on Promoting Good Governance in Tax Matters (COM(2009)0201),
- having regard to the Commission communication of 31 May 2006 concerning the need to develop a co-ordinated strategy to improve the fight against fiscal fraud (COM(2006)0254),
- having regard to its resolution of 2 September 2008 on a coordinated strategy to improve the fight against fiscal fraud <sup>(1)</sup>,
- having regard to the Commission communication of 25 October 2005 on the Contribution of Taxation and Customs Policies to the Lisbon Strategy (COM(2005)0532),
- having regard to the judgment of the Court of Justice of the European Communities in Case C-255/02 on 21 February 2006 (Halifax and others v. Commissioners of Customs and Excise), in which the Court held that the Sixth VAT Directive (Directive 77/388/EEC) precludes a taxable person from deducting input VAT where the transactions from which that right derives constitute an abusive practice,
- having regard to the judgment of the Court of Justice of the European Communities in Case C-524/04 on 13 March 2007 (Test Claimants in the Thin Cap Group Litigation v. Commissioners of Inland Revenue), in which the Court ruled that Article 43 of the EC Treaty does not preclude the enactment by a Member State of legislation restricting the right of establishment of a wholly artificial corporate arrangement entered into for tax reasons alone,
- having regard to the recommendations contained in the Council conclusions of 14 May 2008 on tax issues related to agreements to be concluded by the Community and its Member States with third countries,
- having regard to the Commission proposal of 13 November 2008 for a Council directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments (COM(2008)0727),
- having regard to the Commission proposal of 2 February 2009 for a Council directive on administrative cooperation in the field of taxation (COM(2009)0029),
- having regard to the Commission proposal of 2 February 2009 for a Council directive concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (COM(2009)0028),
- having regard to the Commission proposal of 30 April 2009 for a directive of the European Parliament and of the Council on Alternative Investment Fund Managers and amending Directives 2004/39/EC and 2009/.../EC (COM(2009)0207),

<sup>(1)</sup> OJ C 295 E, 4.12.2009, p. 13.



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- having regard to the Recommendation from the Commission to the Council to authorise the Commission to open negotiations for Agreements between the European Community and its Member States, of the one part, and the Principality of Andorra, the Principality of Monaco and the Republic of San Marino, of the other part, to combat fraud and other illegal activity to the detriment of their financial interests and to ensure administrative cooperation through exchange of information on tax matters and in order to authorise the Commission to open negotiations for an Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat direct tax fraud and direct tax evasion and to ensure administrative cooperation through exchange of information on tax matters (SEC(2009)0899),
  - having regard to the G-20 declaration issued following its Summit on Financial Markets and the World Economy, held in Washington on 15 November 2008,
  - having regard to the Presidency conclusions issued following the European Council meeting on 19 and 20 March 2009,
  - having regard to the G-20 declaration issued following its Summit on the Global Plan for Recovery and Reform, held in London on 2 April 2009,
  - having regard to the Council conclusions issued following its meetings on 9 June 2009 and 20 October 2009,
  - having regard to the Presidency conclusions issued following the European Council meeting on 18 and 19 June 2009,
  - having regard to the statement issued by the G-8 Finance Ministers in Lecce, Italy, on 13 July 2009,
  - having regard to the G-20 Leaders' Statement issued at the meeting held in Pittsburgh on 24 and 25 September 2009,
  - having regard to Article 8 of the Charter of Fundamental Rights of the European Union,
  - having regard to the report by the US Government Accountability Office (2007), the report by the British National Audit Office (2008) and the report by the *Conseil des Prélèvements Obligatoires* (2009), which point out, inter alia, that about a third of the 700 biggest UK corporations did not pay any tax in 2005 and 2006, that 25 % of those US companies with assets worth more than USD 250 million, or income of more than USD 50 million a year, also failed to pay any tax between 1998 and 2005, and that France's biggest corporations currently pay 8 % tax on real average benefits, whereas the official tax rate is 33 %,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0007/2010),
- A. whereas there is a global consensus at EU and international level that good governance in the field of taxation means transparency, exchange of information and fair tax competition,
- B. whereas a lack of good governance in tax matters encourages tax fraud and tax evasion and has serious consequences for national budgets and the European Union's resource systems, with the cost in the EU estimated to amount to 2,5 % of GDP per annum; whereas honest businesses are at a competitive disadvantage because of tax fraud; whereas good governance in tax matters should result in more resources being made available to the EU Member States and to developing countries in order to achieve the Millennium Development Goals,



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- C. whereas globalisation has made it increasingly difficult to combat fiscal fraud at international level, and the 27 EU Member States with their major differences are particularly affected; whereas these factors militate strongly in favour of improving international cooperation within the EU and at international level in order to ensure that it is effective,
- D. whereas tax avoidance and tax evasion at international level constitute a serious obstacle to the achievement of the Millennium Development Goals,
- E. whereas a significant number of multinational companies have been structured so as to take advantage of tax avoidance in the different jurisdictions in which they operate; whereas differential tax treatment in different jurisdictions favours undertakings that are large, international or well-established over those that are small, domestic or new (start-ups),
- F. whereas multinational companies' ability to make extensive use of tax havens and offshore centres as part of their tax avoidance strategies conflicts with the principle of fair competition and corporate responsibility,
- G. whereas tax havens conflict with the principles of solidarity, justice and redistribution; whereas, in a globalised economy, a significant number of multinational companies use their power to put pressure on governments, particularly those of developing countries, to lower tax rates and provide tax incentives to attract investment; whereas in practice this has shifted the tax burden onto workers and low-income households and forced damaging cutbacks in public services,
- H. whereas the Council is currently dealing with a number of important legislative proposals on the taxation of savings, administrative cooperation and mutual assistance for the recovery of taxes; whereas strengthening good tax governance within the EU will provide a political and moral basis from which to demand good tax governance of third countries,
- I. whereas the adoption of the General Anti-Avoidance Principles (GAAP) gives tax authorities the power to consider whether the main purpose of a particular transaction is the avoidance or reduction of tax liability and, if so, to levy additional tax in order to counteract such avoidance or reduction,
- J. whereas developing countries frequently do not have the legitimacy or authority to tax their own citizens, precisely because of poor tax governance; whereas in formulating its tax governance policy, the EU must take into account the specific problems faced by developing countries and provide support to overcome them,
- K. whereas the combined efforts of the G-20 and the UN, together with the efforts made as part of OECD-led initiatives, have produced some promising results in the area of tax governance; whereas those results remain insufficient to cope with the challenges presented by tax havens and offshore centres and must be followed by decisive, effective and consistent action,
- L. whereas the OECD currently values private capital accumulated in tax havens at almost USD 1 000 000 000 000 (one billion), a figure five times higher than two decades ago; whereas more than one million companies, particularly in the United States and the EU Member States, have their registered offices in countries in which such tax havens are located,
- M. whereas there is evidence that the financial crisis was driven partly by new types of complex financial instrument and derivative placed, to a large extent, in funds domiciled in secrecy jurisdictions; whereas tax havens host, for example, complex financial products that cause financial instability, and many financial institutions had off-balance-sheet liabilities located in tax havens; whereas overall the financial crisis has shed new light on the consequences of a lack of good governance, highlighting the risks associated with opaque jurisdictions,

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N. whereas only 5 % of cross-border tax claims are recovered in the European Union,

***An opportunity that must be seized***

1. Strongly condemns the role played by tax havens in encouraging and profiteering from tax avoidance, tax evasion and capital flight; urges the Member States, therefore, to make the fight against tax havens, tax evasion and illicit capital flight a priority; calls on the EU to step up its action and to take immediate concrete measures – such as sanctions – against tax havens, tax evasion and illicit capital flight;

2. Considers good tax governance – understood to mean transparency, exchange of information at all levels, effective cross-border cooperation and fair tax competition – to be a key element in rebuilding the global economy after the 2008 financial collapse;

3. Recalls in this context that it is of primary importance to put an end to the use of artificial legal persons as a way to avoid taxation; stresses also that instead of bank secrecy, automatic information exchange should take place in all circumstances, including in all the Member States and dependent territories; welcomes in this respect the Commission's proposal on administrative cooperation in the field of taxation because, inter alia, it extends cooperation between the Member States to cover taxes of any kind, abolishes bank secrecy and establishes the automatic exchange of information as a general rule;

*At EU level*

4. Recalls that Parliament has delivered its position to the Council on amendments to Directive 2003/48/EC, asking, inter alia, that it end the temporary derogation that allows Austria, Belgium and Luxembourg to avoid exchanging information by applying a withholding tax; urges the Council to adopt the directive amending Directive 2003/48/EC in accordance with Parliament's position;

5. Welcomes as a first step, in relation to EU savings taxation, the withdrawal by Austria, Belgium, Luxembourg and Switzerland of their reservations to Article 26 of the OECD Model Tax Convention, and the endorsement of the OECD standards by Andorra, Monaco, Liechtenstein and San Marino; welcomes Belgium's decision to switch from a system of withholding tax to one of automatic exchange of information from 1 January 2010;

6. Stresses Parliament's request, in its position of 24 April 2009, to extend substantially the scope of Directive 2003/48/EC, in particular to cover legal entities (especially private companies and trusts) and various forms of investment income; recalls that the provisions of Directive 2003/48/EC should be extended to Singapore, Hong Kong, Macao and other jurisdictions such as Dubai, New Zealand, Ghana and certain states of the United States, which are not bound by the Directive 2003/48/EC and are therefore a favoured location for tax evaders;

7. Considers that the marketing in the EU of alternative funds domiciled in a third country must be conditional on that third country complying with good tax governance standards, including the effective implementation, on the basis of legally binding rules, of the principle of automatic exchange of information; stresses in particular that progress made on tax governance standards within international forums such as the OECD and the G-20 should not prevent the European Union from applying higher standards;

8. Emphasises that more efficient implementation of existing EU and national tax legislation would facilitate better recovery of taxes; also highlights, however, the urgent need for further efforts and measures aimed at improving good governance in tax matters;

9. Recalls that VAT-related tax fraud is a matter of particular concern for the functioning of the internal market insofar as it has a direct cross-border impact, involves substantial amounts of lost revenue and directly affects the EU budget; urges the Council to adopt the new directive on administrative cooperation in the field of taxation and to fight fraud in the area of VAT, taking due account of Parliament's position;

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*At international level*

10. Urges all parties concerned to accelerate the conclusion of the anti-fraud agreement with Liechtenstein; urges the Council to agree on a mandate for the Commission to negotiate similar agreements with Andorra, Monaco, San Marino and Switzerland; calls, in this respect, on the Member States to review their bilateral tax agreements with third countries;

11. Calls for increased cooperation, such as the automatic exchange of information between countries, with a view to facilitating the recovery of capital moved abroad via illegal activity to the detriment of the internal market;

12. Asks the Commission to report quickly on the Council's recommendation of 14 May 2008 that a good tax governance clause be included in relevant agreements to be concluded with third countries by the European Union and its Member States; in particular, stresses the need for provisions on good governance to be negotiated in the context of general or specific agreements with third countries and the need to ensure an effective process for monitoring their implementation;

13. Recalls, as regards the work on harmful tax competition under the Code of Conduct for Business Taxation, the need to ensure that the Member States implement the Code in their relations with third countries in a manner consistent with their efforts to promote transparency and exchange of information in tax matters;

14. Welcomes, as a first step, the advances made in the area of good tax governance as a result of the initiatives in other international fora such as the G-20, the G-8, the UN and, notably, the OECD; considers, nevertheless, that the commitments made by the G-20 to date are not sufficient to address the challenges posed by tax evasion, tax havens and off-shore centres;

15. Recalls that efforts to combat tax havens and tax evasion will be successful only if the same rules apply to all, so as to avoid the creation of further legal loopholes open to abuse; in this context, takes the view that Directive 2003/48/EC, which established the principle of automatic multilateral information exchange between countries, is a welcome step towards the establishment of a global framework for automatic information exchange; welcomes, accordingly, the Commission's proposal to promote cooperation with third countries in the framework of Directive 2003/48/EC;

16. Calls on the OECD and its Member States to involve the Commission fully in the Global Forum peer review exercise, in particular as regards the identification of non-cooperative jurisdictions, the development of a process for evaluating compliance and the implementation of dissuasive counter-measures to promote adherence to the standards in question; considers, furthermore, that the OECD framework for combating tax havens is unsatisfactory; highlights the need to improve the indicator for achieving the status of a cooperating jurisdiction by, for example, giving it a qualitative value; is critical of the fact that this indicator requires the conclusion of a mere 12 tax information exchange agreements; regrets, in this context, that the exchange of information takes place only on request rather than being a compulsory and binding requirement, and, furthermore, that the OECD allows governments to escape its blacklist merely by promising to comply with the information exchange principles, without ensuring that those principles are actually put into practice;

***Towards a genuine EU policy of good tax governance***

17. Considers that there is a need for consistency and for a genuine EU policy of good tax governance; believes that the European Union's credibility depends, inter alia, on its willingness to clamp down on tax havens on its own territory first as an example of good governance; asks the Commission to monitor closely, in this context, the swift and thorough implementation of the actions set out in its communication on promoting good governance in tax matters;

18. Considers, without prejudice to the competence of the Member States, that the Commission should be asked to design and formulate such an EU approach and be given the necessary resources;

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19. Recommends setting up an appropriate incentive system for the recovery of cross-border tax claims in order to increase the current low recovery rate of 5 % by distributing a fair proportion of the unpaid tax income collected to both the administration recovering the tax claims on behalf of the requesting Member State, on the one hand, and the administration of the requesting Member State, on the other;

20. In regard to mutual assistance for the recovery of tax claims, duties and other measures, invites the Commission to estimate the number of cross-border tax claims by the Member States to be recovered within the territory of the European Union and to introduce quantifiable indicators for measuring progress in cross-border recovery over time;

21. Considers that the EU should actively promote the improvement of the OECD standards, with the aim of making the automatic, multilateral exchange of information the global standard; urges the EU, furthermore, to adopt measures that prevent abuse of the 'residence principle' through artificial domicile and ownership schemes allowing holding companies with no activity or shell companies to shield beneficial owners from paying taxes in their country of domicile; urges the EU also to adopt a common approach to the application of anti-abuse measures, which should be effective, fair and aligned with the concept of wholly artificial arrangements as established by the Court of Justice;

22. Urges the EU to implement a consistent approach to good tax governance in the context of the European Neighbourhood Policy, the enlargement policy and the development cooperation policy; stresses that the tax governance policy should actively contribute to building sustainable and transparent tax systems in developing countries, in particular with a view to eradicating tax fraud, which leads to an annual loss of tax revenue corresponding to 10 times the amount of development aid injected by developed countries; considers that an appropriate level of resources must be allocated to achieving that objective; recalls that tax governance will ultimately attract investment insofar as it contributes to legal tax certainty, transparency and stability;

23. Stresses the need to revise current international accounting standards with the aim of increasing transparency; calls in this regard for a requirement for the disclosure in companies' annual accounts, on a country-by-country basis, of accounting information relating to tax havens, and suggests an EU public register listing the names of individuals and undertakings having set up companies and accounts in tax havens, with a view to unveiling the true beneficiaries shielded by offshore companies;

24. Emphasises the need for the Member States to coordinate their policies in order to enhance the implementation of anti-avoidance rules;

25. Recalls that the introduction of a common corporate consolidated tax base would help to tackle – within the EU – double taxation and transfer price issues within consolidated groups; looks forward in this regard to receiving the Commission's impact assessment by the end of this year at the latest;

26. Suggests that, in order better to identify inaccurate transaction pricing and the most frequently applied tax evasion techniques, the Commission prioritise the wider application of the comparable profits method, thus shifting the scope of the transfer-pricing inspection from transaction to company level; points out that the comparable profits method focuses on comparing earnings between companies in each industrial sector and that a fall in the profits of a multinational company's subsidiary which is significantly lower than the sector-wide average over time may be evidence of massive transfer pricing;

27. Urges the EU to examine a range of options for sanctions and incentives to promote good tax governance, such as a special levy on movements to or from non-cooperative jurisdictions, non-recognition within the EU of the legal status of companies set up in non-cooperative jurisdictions and a prohibition on EU financial institutions establishing or maintaining subsidiaries and branches in non-cooperative jurisdictions;

28. Considers that the EU should also ensure consistency in the implementation at EU and international level of standards in the areas of prudential supervision, taxation and money laundering and counter-terrorism;

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29. Asks the Commission to report to Parliament annually on the implementation of the EU tax governance policy, starting in October 2010;

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

## Equality between women and men in the European Union — 2009

P7\_TA(2010)0021

### European Parliament resolution of 10 February 2010 on equality between women and men in the European Union – 2009 (2009/2101(INI))

(2010/C 341 E/08)

*The European Parliament,*

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the Commission report of 27 February 2009 on equality between women and men – 2009 (COM(2009)0077),
- having regard to the Commission communication of 7 June 2000 entitled ‘Towards a Community Framework Strategy on Gender Equality (2001-2005)’ (COM(2000)0335) and the Commission’s annual reports on equality between women and men in the European Union for 2000, 2001, 2002, 2004, 2005, 2006, 2007 and 2008 (COM(2001)0179, COM(2002)0258, COM(2003)0098, COM(2004)0115, COM(2005)0044, COM(2006)0071, COM(2007)0049 and COM(2008)0010) respectively,
- having regard to Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) <sup>(1)</sup>,
- having regard to its resolution of 19 February 2009 on Social Economy <sup>(2)</sup>,
- having regard to the Commission communication of 3 October 2008 entitled ‘A better work-life balance: stronger support for reconciling professional, private and family life’ (COM(2008)0635),
- having regard to the proposal for a directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC (COM(2008)0636), presented by the Commission on 3 October 2008,

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

<sup>(2)</sup> Texts Adopted, P6\_TA(2009)0062.

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- having regard to the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (COM(2008)0637), presented by the Commission on 3 October 2008,
- having regard to the Commission report of 3 October 2008 entitled 'Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children' (COM(2008)0638),
- having regard to the state of progress with ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197),
- having regard to the framework of actions on gender equality, adopted by the European social partners on 22 March 2005,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the European Gender Equality Pact adopted by the European Council of 23 and 24 March 2006,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women <sup>(1)</sup>,
- having regard to its resolution of 24 October 2006 on women's immigration: the role and place of immigrant women in the European Union <sup>(2)</sup>,
- having regard to its resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme <sup>(3)</sup>,
- having regard to its resolution of 13 March 2007 on a Roadmap for equality between women and men (2006-2010) <sup>(4)</sup>,
- having regard to the Advisory Committee on Equal Opportunities for Women and Men and its opinion on the gender pay gap adopted on 22 March 2007,
- having regard to its resolution of 3 September 2008 on Equality between women and men – 2008 <sup>(5)</sup>,
- having regard to its resolution of 18 November 2008 with recommendations to the Commission on the application of the principle of equal pay for men and women <sup>(6)</sup>,

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

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

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

<sup>(4)</sup> OJ C 301 E, 13.12.2007, p. 56.

<sup>(5)</sup> OJ C 295 E, 4.12.2009, p. 35.

<sup>(6)</sup> OJ C 16 E, 22.1.2010, p. 21.



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- having regard to Rule 48 and Rule 119(2) of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Gender Equality (A7-0004/2010),
- A. whereas equality between women and men is a fundamental principle of the EU, recognised by the Treaty on European Union and by the Charter of Fundamental Rights of the European Union; whereas in spite of the significant progress made in this field, many inequalities between women and men remain,
- B. whereas the European Union is currently experiencing a major economic, financial and social crisis that has specific consequences for women in the labour market,
- C. whereas motherhood and fatherhood must be viewed as fundamental rights central to social stability; whereas the EU has a directive on maternity leave<sup>(1)</sup> and a directive on parental leave<sup>(2)</sup>, but no legislation of any kind has been produced to date on paternity leave,
- D. whereas, because of gender segregation by occupation and sector, and according to the data available, in general the crisis initially hit men harder than women, but the situation is different in some countries and in some sectors, especially in traditional industries employing large numbers of women, in which, in many cases, firms are shutting down and multinationals are relocating; whereas the proportion of the female workforce in part-time employment is 31,1 % as against a corresponding figure of 7,9 % in the male workforce; whereas women occupy the majority of jobs in some sectors of the public service and, according to the Member States, account for up to two-thirds of the workforce in the education, health and social welfare sectors; whereas, therefore, they are particularly likely to lose out in the event of budget cuts in these sectors,
- E. whereas women are traditionally at greater risk of poverty – especially single mothers and women aged over 65, who are often in receipt of pensions barely above the minimum subsistence level for various reasons such as having taken a break from or stopped work to take on family responsibilities, or having worked in their husband's undertaking, particularly in the business and agriculture sectors, without remuneration and without social security affiliation, and whereas most policies aim to support families with children, despite the fact that up to 35 % of households consist of a single person, which in the majority of cases is a woman,
- F. whereas the female employment rate is 59,1 % on average, with considerable variation (ranging from 37,4 % to 74,3 %), the steady increase in that rate since 2000 has not improved women's conditions of employment, and women still suffer the effects of gender segregation by occupation and sector,
- G. whereas social economy enterprises are a success story where female employability is concerned, to the extent that they enhance women's social status, promote their financial independence, and help them to achieve work-life balance, not least by offering them care services for children, older people, and people with disabilities,
- H. whereas, since 2000, the average gender pay gap has remained stubbornly wide (between 14 % and 17,4 %) despite numerous measures taken by the Commission and commitments entered into by the Member States,
- I. whereas Article 157 of the TFEU provides that 'Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied' and that principle has been consistently reaffirmed in the case law of the Court of Justice of the European Union,

<sup>(1)</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (OJ L 348, 28.11.1992, p. 1).

<sup>(2)</sup> Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (OJ L 145, 19.6.1996, p. 4).

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- J. whereas, in the above-mentioned resolution of 18 November 2008, it asked the Commission to submit to it, by 31 December 2009, a legislative proposal for revision of the existing legislation relating to the application of the principle of equal pay for men and women,
- K. whereas men, too, are losing out, though not as significantly, as a result of gender segregation by occupation and sector and sexist stereotyping,
- L. whereas the sharing between women and men of domestic and family responsibilities, notably through greater recourse to parental and paternity leave, is a *sine qua non* for the advancement and achievement of equality between women and men, regrets however, that the Social Partners' Framework Agreement on Parental Leave (July 2009) fails to address the issue of paid leave which would have a decisive impact on the take-up rate of men and the equal sharing of professional and family responsibilities between women and men,
- M. whereas access to services for the care of children, the elderly and other dependants is essential for equal participation of women and men in the labour market, education and training,
- N. whereas, at the Barcelona European Council of 15 and 16 March 2002, the Member States were asked to provide childcare by 2010 for at least 90 % of children between three years old and the mandatory school age and at least 33 % of children under three years old, but more than half of them are still a long way from meeting those targets,
- O. whereas 58,9 % of the university qualifications awarded in the Union in 2008 went to women and women outnumber men in business, management and law faculties, yet they are in the minority in corporate and political positions of responsibility; whereas few women have IT, engineering or physics degrees and women are consequently under-represented in the private sector, with its crucial role in economic recovery; whereas the gender gap between women and men's employment in the IT sector has tended to widen rather than narrow over time,
- P. whereas the proportion of female MEPs rose from 32,1 % in the 2004-2009 parliamentary term to 35 % after the elections of 7 June 2009 and there were increases, too, in the proportion of female chairs of parliamentary committees, up from 25 % to 41 %, and the proportion of female EP vice-presidents, up from 28,5 % to 42,8 %, but the number of female quaestors fell from 3 to 2,
- Q. whereas the conditions of some groups of women who often face several combined difficulties and risks as well as double discrimination — in particular disabled women, women with dependants, elderly women and minority and immigrant women — show signs of deterioration,
- R. whereas migrant women are doubly discriminated against in the labour market – on account of both their gender and their migrant status; whereas one in five highly qualified migrants is in a low-level job and migrant women employed in the domestic, CHR/Horeca and agricultural sectors are particularly vulnerable,
- S. whereas, for both men and women, employment rates are lower in rural areas, and, in addition, a lot of women are never active in the official labour market and, therefore, are neither registered as unemployed nor included in unemployment statistics, which leads to particular financial and legal problems in relation to the right to maternity and sick leave, the acquisition of pension rights and access to social security, as well as problems in the event of divorce; whereas rural areas are badly affected by the lack of high-quality employment opportunities,
- T. whereas minority women, especially Romani women, regularly experience multiple forms of discrimination on the basis of race and gender; whereas National Equality Bodies should properly address the phenomena of multiple or compound discrimination,



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- U. whereas trafficking in human beings is a modern form of slavery, and most victims of trafficking are still women and girls,
- V. whereas the above-mentioned resolution of 3 September 2008 called on the Member States to ratify without delay the Council of Europe Convention on Action against Trafficking in Human Beings, which is the strongest European legal instrument in the fight against that trafficking, which constitutes a crime and a violation of human rights and impugns the dignity and integrity of the human being; whereas only 16 EU Member States have so far ratified that Convention,
- W. whereas violence against women, in all its forms, is a major hindrance to equality between women and men and is one of the most widespread human rights violations, knowing no geographical, economic, or social limits; whereas it is a severe problem in the Union, where some 20-25 % of women suffer physical violence, and more than 10 % sexual violence, in the course of their adult lives; whereas the Spanish Presidency of the Council has made it a priority to combat such violence,
- X. whereas sexual and reproductive health implies a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes, whereas recognition of the full physical and sexual autonomy of women is a precondition for any successful sexual and reproductive health rights policy, as well as for policies combating violence against women,
- Y. whereas the European Institute for Gender Equality was officially established in 2006 and was supposed to have begun functioning by 19 January 2008 at the latest but is still not fully functioning,
- Z. whereas the Lisbon Strategy has aimed to ensure that 60 % of women able to work are in employment and efforts relating to the demographic challenge seek to promote higher birth rates to meet future requirements; whereas equal opportunities between men and women and the work-life balance remain central to the debate on demographic change,
1. Congratulates the Commission for emphasising, in its 2009 report on equality between women and men, the importance of strengthening gender equality policies at a time of economic upheaval, but points to the need for further practical action and new policies;
2. Is critical of the fact that economic recovery projects mainly focus on male dominated employment; underlines that support for the future of men's rather than women's employment increases rather than decreases gender inequality, insists that gender equality must be mainstreamed in European, national and international plans for economic recovery;
3. Urges the Council, Commission and Member States to defend social rights and to guarantee that the economic and financial crisis will not lead to cuts in social benefits and social services, in particular child care and care for the elderly; points out that care policies and the provision of care services are intrinsically related to the achievement of equality between women and men;
4. Points out that the economic, social and financial crisis might offer an opportunity to make the Union, as an economy, more productive and innovative and, as a society, more mindful of gender equality, if the right policies and measures were to be put into effect;
5. Calls on the Commission to supply detailed statistics on how the crisis is affecting women and men, taking account of unemployment rates and trends in part-time working and in temporary and open-ended contracts, and on how policies to tackle the crisis are affecting public services;
6. Maintains that the Commission and the Member States must develop, support, and strengthen the role of women in the social economy, bearing in mind the high female employment rate in that sector and the importance of the services which it offers to promote work-life balance;

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7. Calls on those Member States having to implement fiscal consolidation policies to ensure that women are not disproportionately affected, and calls on the Commission and the Member States to prepare recovery policies that reflect the specific needs and circumstances of women and men, particularly through the use of gender mainstreaming and gender budgeting;
8. Is critical of the fact that gender mainstreaming in the current Lisbon Strategy is basically non-existent and calls on the Council and Commission to include a gender mainstreaming chapter in its post-Lisbon 'EU 2020' Strategy;
9. Calls on the National Equality Bodies to introduce integrated approaches in order to improve their response to and handling of cases of multiple discrimination; insists furthermore that National Equality Bodies establish training for judges lawyers and staff in identifying, preventing and responding to multiple discrimination;
10. Welcomes the fact that the target of a 60 % female employment rate by 2010, set at the Lisbon European Council of 23 and 24 March 2000, will soon be reached, but notes that a high proportion of the jobs concerned are, regrettably, insecure and poorly paid; deplores also the major disparities among the Member States, with rates ranging from 37,4 % to 74,3 %; asks the Member States, therefore, to take the measures needed in order to apply Directive 2006/54/EC effectively;
11. Calls on the Commission and the Member States to give consideration to the situation of spouses helping in handicrafts, trade, agriculture, fisheries and small family businesses, both from the gender equality perspective and taking into account the fact that women are in a more vulnerable position than men; calls on the Member States to develop the legal construct of shared ownership, in order to ensure full recognition of women's rights in the agricultural sector, appropriate protection in the field of social security and recognition of their work;
12. Calls on the Council, the Commission and the Member States to introduce measures and positive action to integrate women in projects and programmes on ecological transformation, i.e. in the renewables sector, and in science and technology-intensive jobs;
13. Encourages the Member States to promote female entrepreneurship in the industrial sector and to provide financial support, vocational guidance structures and appropriate training for women setting up companies;
14. Points out that women's personal income and paid employment remains key to their economic autonomy and to greater equality between women and men in society as a whole; underlines that in the light of the ageing society in particular, both men and women are needed in order to prevent labour shortage;
15. Notes that women are exposed to a higher risk of poverty because the gender pay gap has remained stubbornly wide and that there are many differences among the Member States in this regard; asks the Member States, therefore, to apply Directive 2006/54/EC immediately and, in particular, to promote the principal of 'equal pay for equal work' or that of 'work of equal value';
16. Considers that action should also be taken with a view to reducing pension disparities between women and men with regard to pensions, given that women still bear the bulk of family responsibilities, leading to discontinuous careers and, more generally, less professional involvement than men;
17. Deplores the fact that the Commission has not yet responded to the above-mentioned EP resolution of 18 November 2008 with a legislative proposal for revision of the existing legislation relating to the application of the principle of equal pay for men and women; calls on the Commission, therefore, to present such a proposal without delay;

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18. Supports the Commission in the infringement proceedings it is taking in relation to transposition of the directives in force; considers that Member States which have not yet done so must transpose the gender equality directives without delay and, in particular, ensure that they are properly implemented;
19. Calls on the Commission and the Member States to run awareness-raising campaigns in schools, workplaces and the media in order to promote diversification of career choices, especially for girls and combat persistent sexist stereotyping and degrading images, with particular emphasis on campaigns that highlight men's role in better sharing of family responsibilities and in work-life balancing;
20. Calls on the Member States to acknowledge companies that take action to promote equality between women and men and facilitate work-life balance, in order to foster the spread of good practices in this area;
21. Emphasises the importance of pre-school childcare provision, child-minding services and the provision of assistance to elderly persons and other dependants for better work-life balancing; commends the Commission's approach of making available, in a timely manner, high-quality comparative statistics and in putting specific recommendations to each Member State; calls on the Member States to do their utmost to achieve the above-mentioned Barcelona European Council targets on pre-school childcare provision;
22. Congratulates the Commission on the steps it has taken and particularly on its proposals for revision of Directive 92/85/EEC in relation to maternity protection and Directive 86/613/EEC in relation to self-employed workers and 'assisting spouses' in family businesses; considers, however, that the Commission's proposed revision of Directive 92/85/EEC falls short of what would be desirable from the point of view of promoting work-life balance for men and women;
23. Maintains that paternity leave is an issue that needs to be addressed and calls on the Commission to support any moves to establish paternity-leave entitlement on a Europe-wide basis; believes that maternity leave should be linked to paternity leave so as to afford better protection to women on the labour market and in that way combat stereotypes within society regarding the uptake of leave in the latter category;
24. Asks the Member States and the social partners to encourage a better gender balance in corporate, administrative and political positions of responsibility; therefore calls for binding targets to ensure the equal representation of women and men; notes in this regard the positive effects of the use of electoral quotas on the representation of women;
25. Welcomes the Norwegian Government's decision to increase the number of women on the boards of private and public companies to at least 40 %, calls on the Commission and the Member States to take the Norwegian initiative as a positive example and to start moving in the same direction;
26. Calls on the Member States to launch campaigns aimed at female secondary school graduates to promote the choice of a career in engineering, in order to increase parity of women in traditional male technical professions;
27. Welcomes the significant increase in the numbers of female chairs of parliamentary committees and female EP vice-presidents as well as the less substantial, though nonetheless real, increase in the number of female MEPs following the June 2009 European elections;
28. Considers in this regard that the proportion of women Commissioners-designate (representing 33 % of the total) - achieved with great difficulty - is the bare minimum; is of the view that the composition of the Commission should better reflect the diversity of the European population, including the gender aspect; calls on Member States, in future nominations, to put forward two candidates, one of each gender, so as to facilitate the composition of a more representative Commission;

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29. Asks the Member States to scrutinise their policies on migration in order to put the skills of highly qualified migrants to better use and to provide social security cover for female workers in domestic and other sectors where it is not available, with a view to promoting the integration of migrants while also ensuring that they are given access to education and training, especially vocational training and courses in the language of their host country;

30. Calls on the Commission and the Member States to give priority to and take particular note of more vulnerable groups of women – disabled women, women with dependants, elderly women, minority and immigrant women and women prisoners – and to develop targeted measures to meet their needs;

31. Calls on the Commission and the Member States to adopt and implement the necessary measures to support women with disabilities so that they may progress in those areas of social life and the world of work, culture and politics in which they are still under-represented;

32. Calls on the Czech Republic, Germany, Estonia, Ireland, Greece, Italy, Lithuania, Hungary, the Netherlands, Finland and Sweden to act at once to ratify the Council of Europe Convention on Action against Trafficking in Human Beings;

33. Points out that violence against women is still a major problem that needs to be eliminated using every means available to the Communities and the Member States, and once again calls on the Commission to establish a European Year for combating violence against women; congratulates the Spanish Presidency of the Council on making it a priority to combat such violence and invites future Council Presidents to do likewise;

34. Endorses the Spanish Presidency's proposals to introduce the European protection order for victims and a common EU-wide telephone helpline for victims;

35. Stresses the importance of combating violence against women to achieving equality between women and men; calls on the Commission to start drawing up a proposal for a comprehensive directive on preventing and combating all forms of violence against women, including trafficking;

36. Emphasises that women must have control over their sexual and reproductive rights, notably through easy access to contraception and abortion; emphasises that women must have access free of charge to consultation on abortion; supports, therefore – as it did in its above-mentioned resolution of 3 September 2008 – measures and actions to improve women's access to sexual and reproductive health services and to raise their awareness of their rights and of available services; invites the Member States and the Commission to implement measures and actions to make men more aware of their responsibilities in relation to sexual and reproductive matters;

37. Notes that the European Institute for Gender Equality is still in the process of being established, and expects to see it fully operational as soon as possible;

38. Calls on the Commission to pursue its new 'Beyond GDP' strategy and to include in its work strategies to measure the contribution to Member States' GDP of work by women and men in the field of intergenerational solidarity;

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

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**Key objectives for the Conference of the Parties to the CITES**

P7\_TA(2010)0022

**European Parliament resolution of 10 February 2010 on the EU strategic objectives for the 15th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to be held in Doha (Qatar) from 13 to 25 March 2010**

(2010/C 341 E/09)

*The European Parliament,*

- having regard to the forthcoming 15th meeting of the Conference of the Parties (CoP 15) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to be held from 13 to 25 March 2010 in Doha, Qatar,
  - having regard to the questions of 2 December 2009 to the Council and to the Commission on key objectives for the Conference of the Parties to CITES in Doha, 13-25 March 2010 (O-0145/2009 – B7-0003/2010, O-0146/2009 – B7-0004/2010),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas CITES is the largest global wildlife conservation agreement in existence, preventing the over-exploitation of wild fauna and flora through international trade, with 175 parties, including the 27 Member States,
- B. whereas human consumption of natural resources, habitat destruction, climate change, over-exploitation of wild species and illegal trade in wild fauna and flora are the main causes of the impoverishment of the earth's biodiversity,
- C. whereas scientific reports predict that climate change will exacerbate the loss of biodiversity and the situation of endangered species,
- D. whereas CITES should base its decisions on science, and whereas the work of the International Union for Conservation of Nature (IUCN) and that of Trade Records Analysis of Flora and Fauna in Commerce (TRAFFIC) play an important role in providing CITES Parties with a detailed assessment of proposals to amend the CITES Appendices,
- E. whereas public awareness in consumer countries has been, and remains, essential to the control of poaching and illegal international trade in endangered species of wild fauna and flora,
- F. whereas illegal logging can involve trading in CITES-listed flora species and the proposal for a regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market should ensure that the problem of illegal logging is effectively addressed,
- G. whereas illegal trade seriously undermines the global agenda of environmental and developmental sustainability, undermines good governance and facilitates the spread of communicable diseases,
- H. whereas species covered by CITES are listed in the CITES Appendices on the basis of their conservation status and because they are or may be affected by trade; whereas CITES Appendix I contains species threatened with extinction, international trade in which is prohibited; whereas CITES Appendix II includes species in relation to which trade must be controlled in order to avoid utilisation incompatible with their survival; whereas CITES Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade,

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- I. whereas the Principality of Monaco submitted a proposal to list northern bluefin tuna in CITES Appendix I in order to establish an interim suspension of international commercial trade in the species,
- J. whereas the scientific committee of the International Commission for the Conservation of Atlantic Tunas (ICCAT), at its meeting of 21-23 October 2009, estimated that the current spawning stock biomass of northern bluefin tuna is less than 15 % of what it was before fishing began, therefore confirming that the species meets this criterion for a CITES Appendix I listing,
- K. whereas porbeagles and spiny dogfish are highly vulnerable to overexploitation in fisheries and very slow to recover due to their biological characteristics (slow growth, late maturity, low reproductive capacity, longevity and long generation time),
- L. whereas CITES Appendix II listing for those species is necessary to ensure that future international trade is supplied by sustainably managed, accurately recorded fisheries that are not detrimental to the status of the wild populations they exploit,
- M. whereas CITES Resolution Conf. 9.24 states that species qualify for listing in CITES Appendix I if, inter alia, they 'are or may be affected by trade' and if they show a 'marked decline in the population size in the wild, which has been [...] inferred or projected on the basis of [...] a decrease in area of habitat or a decrease in quality of habitat',
- N. whereas polar bears are severely threatened by loss of habitat due to climate change, which is leading to declining populations throughout most of their range, and they are negatively affected by commercial trade in their body parts which has increased since the 1990s,
- O. whereas CITES Parties agreed during their 14th meeting (CoP 14) that there should be no further proposals to trade in ivory for a period of at least nine years,
- P. whereas the initial call, in discussions at CoP 14, was for a resting period of 20 years and whereas, since then, there have been significant seizures of ivory and reports of widespread and increasing levels of poaching,
- Q. whereas Asian big-cat populations remain under threat from poaching, habitat depletion and prey loss and whereas, despite repeated calls, there has been a disappointing lack of progress in many areas with regard to firm action to halt the decline of tigers and other big cats,
- R. whereas CITES Decision 14.69, adopted at CoP 14, called on Parties with intensive breeding operations to ensure that captive breeding of Asian big cats was commensurate only with conservation, and stated that tigers should not be bred for trade in their parts and derivatives,
- S. whereas the recent Kathmandu Recommendations highlighted the importance of increasing the involvement of international law enforcement bodies, such as Interpol, the World Customs Organisation (WCO), the UN Office on Drugs and Crime (UNODC) and CITES, in tackling wildlife crime and called for those bodies' environmental crime units to be enhanced for that purpose,
- T. whereas CITES Decisions 14.35 and 14.36 were adopted by CoP 14 (held in The Hague in 2007), and whereas the anonymity and global reach of the Internet could drastically diminish the ability of CITES Parties to combat illegal trade in wildlife; whereas the rapid growth in e-commerce of specimens of CITES-listed species poses a serious threat to the survival of many species; whereas the global nature of the Internet makes it difficult for CITES Parties to enforce national and international law within their jurisdictions; and whereas e-commerce in wildlife and its products must always be regarded as potential international trade,
- 1. Calls on the Commission and the Member States to use the precautionary principle as the leading principle for all their decisions on working documents and listing proposals, also taking into account the user-pays principle, the ecosystem approach and traditional conservation principles;



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2. Calls on the Commission and the Member States to ensure that any decisions aimed at enhancing coordination between CITES and other biodiversity-related conventions do not undermine the nature of CITES as a global conservation agreement or CITES' strict conservation measures;

3. Strongly opposes the use of secret ballots and is disappointed that the CITES Standing Committee has not come forward with proposals to exclude the possibility of secret voting in CITES' decision-making process;

#### **Bluefin tuna**

4. Urges the Commission and the Member States to support the listing of northern bluefin tuna (*Thunnus thynnus*) in CITES Appendix I subject to the following three conditions:

— a guarantee that Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein will be amended so as to introduce a general derogation for domestic trade, allowing traditional coastal fishing to continue;

— provision of EU financial support for the seafarers and vessel owners affected by the decision;

— introduction of tighter controls and tougher penalties to combat illegal, unreported and unregulated (IUU) fishing;

5. Calls on the Commission to provide financial compensation for the fishing sector which may be affected by the potential inclusion of northern bluefin tuna in CITES Appendix I, in order to protect the sector's economic sustainability;

#### **Sharks**

6. Strongly welcomes the proposal tabled by Sweden on behalf of the Member States for the listing of the two shark species porbeagle (*Lamna nasus*) and spiny dogfish (*Squalus acanthias*) in CITES Appendix II; urges the Commission and the Member States to support this proposal;

7. Urges the Commission and the Member States to support the listing of the five shark species scalloped hammerhead (*Sphyrna lewini*), great hammerhead (*Sphyrna mokarran*), smooth hammerhead (*Sphyrna zygaena*), sandbar shark (*Carcharhinus plumbeus*) and dusky shark (*Carcharhinus obscurus*) in CITES Appendix II, in line with the proposal of the United States of America;

8. Urges the Commission and the Member States to support the listing of the oceanic whitetip shark (*Carcharhinus longimanus*) in CITES Appendix II, in line with the proposal of the United States of America;

#### **Polar bear**

9. Urges the Commission and the Member States to support the transfer of the polar bear (*Ursus maritimus*) from CITES Appendix II to CITES Appendix I, in line with the proposal of the United States of America;

#### **Elephants and ivory**

10. Urges the Commission and the Member States to reject:

— the proposals from Tanzania and Zambia for the downlisting of the African elephant (*Loxodonta africana*) from CITES Appendix I to CITES Appendix II with a view to trade;



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- all downlisting proposals for African elephants at least until such time as a true assessment can be made of the impact of the November 2008 ‘one-off’ sales from Botswana, Namibia, South Africa and Zimbabwe, as there is mounting evidence of increasing illegal and organised trade across Africa;

11. Urges the Commission and the Member States to support the proposal made by Kenya, Ghana, Liberia, Mali, Sierra Leone, Togo, Congo and Rwanda to include an annotation for African elephants preventing any future proposals to trade ivory or to downlist elephant populations from CITES Appendix I to CITES Appendix II until 20 years after the date of the one-off sale of ivory that took place in November 2008;

12. Encourages the CITES Parties who benefited from the one-off sale of government-owned ivory stocks to provide financial support to the African Elephant Fund to enhance enforcement and anti-poaching initiatives;

13. Encourages wider and more inclusive consultation with all elephant range states in considering action relating to any downlisting of African elephants and subsequent one-off sales;

14. Encourages the development of more robust methods of monitoring the illegal trade in ivory, involving a wide range of actors;

***Tigers and Asian big cats***

15. Welcomes the EU's proposal for strengthening CITES Resolution Conf. 12.5 on conservation of and trade in tigers and other Appendix I Asian big-cat species;

16. Calls on the Commission and the Member States to support efforts to tackle the illegal trade in Asian big-cat parts and derivatives, with an emphasis on helping to improve enforcement and information exchange, particularly by enhancing the abilities of Interpol, UNODC, WCO and CITES to tackle wildlife crime and provide training;

17. Calls on the Commission and the Member States to support efforts to reduce the demand for Asian big-cat parts and derivatives amongst its own population and in other countries;

***Other species***

18. Urges the Commission and the Member States to support the following proposals:

- the listing of *Corallium* spp. and *Paracorallium* spp. in CITES Appendix II, tabled by Sweden on behalf of the Member States;
- the listing of Argentine lignum vitae (*Bulnesia sarmientoi*) in CITES Appendix II, in line with the proposal of Argentina;
- the transfer of the ornate dabb lizard (*Uromastyx ornata*) from CITES Appendix II to CITES Appendix I, in line with the proposal of Israel;
- the listing of Kaiser's spotted newt (*Neurergus kaiseri*) in CITES Appendix I, in line with the proposal of Iran;
- the listing of Baker's spiny-tailed iguana, the Roatán spiny-tailed iguana and the Honduran paleate spiny-tailed iguana (*Ctenosaura bakeri*, *C. oedirhina* and *C. melanosterna*) in CITES Appendix II, in line with the proposal of Honduras;

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- the listing of red-eyed tree frogs (*Agalychnis* spp.) in CITES Appendix II, in line with the proposal of Honduras and Mexico;
  - the listing of the Guatemalan spiny-tailed iguana (*Ctenosaura palearis*) in CITES Appendix II, in line with the proposal of Guatemala;
  - the listing of pau-rosa (*Aniba rosaeodora*) in CITES Appendix II, in line with the proposal of Brazil;
  - the listing of *Dynastes satanas* in CITES Appendix II, in line with the proposal of Madagascar;
  - the listing of the seeds of *Beccariophoenix madagascariensis* in CITES Appendix II, in line with the proposal of Madagascar;
  - the listing of the seeds of *Dypsis decaryi* in CITES Appendix II, in line with the proposal of Madagascar;
19. Welcomes and supports the listing proposals for plants and plant seed species as tabled by Madagascar;
20. Urges the Commission and the Member States to oppose the following proposals:
- the deletion of the bobcat (*Lynx rufus*) from CITES Appendix II;
  - the transfer of the Morelet crocodile (*Crocodylus moreletti*) from CITES Appendix I to CITES Appendix II (proposal by Belize and Mexico);
  - the transfer of the Egyptian population of the Nile crocodile (*Crocodylus niloticus*) from CITES Appendix I to CITES Appendix II (proposal by Egypt);
21. Urges the Commission and the Member States to reject the proposal by the United States and Mexico for the deletion of the cliff spurge (*Euphorbia misera*) from CITES Appendix II;
22. Calls on the Commission and the Member States to step up international cooperation in the implementation of CITES;
23. Calls on the Commission and Member States to support the inclusion of additional strengthening language, proposed by Germany, in CoP 15 Doc. 32 (E-commerce in specimens of CITES-listed species) and to support the revised proposal;
24. Urges the Commission and the Member States to support the Secretariat's proposals to participate in the development of post-2010 biodiversity targets, the 2010 Biodiversity Indicators Partnership (BIP) and the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), including in relation to climate change (CoP 15 Doc. 10.1);
25. Urges the Commission and the Member States to support the proposal CoP 15 Doc. 10.4 of the Chair of the Plants Committee for further collaboration with the Global Strategy for Plant Conservation of the Convention on Biological Diversity (CBD);
26. Urges the Commission and the Member States to support further action to eliminate illicit trade in Tibetan antelope in line with Secretariat proposal CoP 15 Doc. 46;

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27. Urges the Commission and the Member States to support Secretariat proposal CoP 15 Doc. 47 with a view to the compliance of range states of the saiga antelope (*Saiga tatarica tatarica*) to ensure proper implementation of the Saiga Action Plan and compliance with the relevant decisions. It further proposes that the CITES Parties encourage industries that consume saiga horn to contribute to in situ conservation activities aimed at restoring wild populations;

28. Strongly urges the Commission and the Member States to support further action to combat illegal trade in great apes, in line with the Secretariat's proposals as set out in CoP 15 Doc. 42;

29. Strongly urges the Commission and Member States to support efforts within CITES to tackle illegal, unregulated and unreported fishing of humphead wrasse (*Cheilinus undulatus*);

30. Draws attention to the fact that the European Union is one of the largest markets for the illegal wildlife trade and that compliance varies between Member States, and calls on the Commission and Member States to step up coordination of their efforts to enforce EU wildlife trade legislation;

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31. Instructs its President to forward this resolution to the Council, the Commission, the Parties to CITES and the CITES Secretariat.

## **2009 progress report on Croatia**

P7\_TA(2010)0023

### **European Parliament resolution of 10 February 2010 on the 2009 progress report on Croatia**

(2010/C 341 E/10)

*The European Parliament,*

- having regard to the decision adopted by the Council on 3 October 2005 to open accession negotiations with Croatia,
  - having regard to its resolution of 12 March 2009 on the Croatia 2008 progress report <sup>(1)</sup>,
  - having regard to the Croatia 2009 Progress Report, published by the Commission on 14 October 2009 (SEC(2009)1333),
  - having regard to the recommendations of the 10th EU-Croatia Joint Parliamentary Committee, adopted on 26 November 2009 in Strasbourg,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the newly elected European Parliament is committed to promoting Croatia's accession to the European Union,
- B. whereas Croatia's successful accession would give positive impetus to the process of European integration in the rest of the Western Balkans region and whereas the prospect of EU membership is a powerful incentive for political and economic reforms and strengthening peace and stability,

<sup>(1)</sup> Texts adopted of that date, P6\_TA(2009)0133.

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- C. whereas Croatia has continued to make progress in nearly all areas despite the nine-month stalemate in the accession negotiations and in the face of the global economic crisis,
- D. whereas the accession negotiations fell behind schedule due to the border dispute with Slovenia and the Commission's indicative roadmap for concluding the technical negotiations by the end of 2009 could not be met,
- E. whereas the agreement reached on 11 September 2009 between the Prime Ministers of Slovenia and Croatia on the modalities for resolving their bilateral border dispute created the momentum to open all the remaining chapters and move rapidly ahead in the accession negotiations,
- F. whereas the Slovenian-Croatian arbitration agreement, which was signed in the presence of the EU Presidency on 4 November 2009, laid the foundations for fully resolving their border dispute in an atmosphere of mutual trust once the ratification procedure is completed,
- G. whereas the negotiations with Croatia can be concluded in 2010 provided that Croatia ensures engagement as to efforts by, inter alia, strengthening public administration, pursuing reform of the judiciary more resolutely, vigorously combating corruption and organised crime, ensuring the sustainability of refugee return and fully cooperating with the International Criminal Tribunal for the former Yugoslavia (ICTY) to allow it to have access to documents requested for use in war crimes trials,
- H. whereas a new Prime Minister was appointed on 7 July 2009 who is determined to maintain Croatia's commitment to EU accession and its reform agenda, including economic reform and the fight against organised crime and corruption; whereas the Deputy Prime Minister in charge of economic policy has resigned; whereas, also, the immunity of the former Minister of Defence has been lifted as a sign of the government's political commitment to dealing with all accusations of corruption in a transparent way,

#### **General remarks**

1. Commends Croatia for its continued progress in meeting the criteria governing accession to the Union as well as the obligations of membership; notes the concerted efforts made by Croatia in adopting the necessary legislation, transposing the *acquis* and carrying out reforms;
2. Welcomes the resumption of EU-Croatia negotiations on 2 October 2009, after more than nine months of blockage; considers that the negotiations must proceed smoothly, with a view to their being completed in 2010, provided that Croatia meets all the opening and closing benchmarks;
3. Is confident that Croatia will meet and overcome the considerable challenges remaining as regards the benchmarks set out in the negotiating chapters; points out that the country continues to pursue its reform efforts, in particular as regards the judiciary and public administration, the fight against corruption and organised crime, the promotion of minority rights including refugee return, the pursuit of war crimes trials and allowing the ICTY access to documents; considers that Croatia must also make substantial further efforts in completing the restructuring of shipyards;
4. Is concerned that, despite the broad support for EU accession existing among political parties, public support for EU membership is diminishing; notes that opinion polls suggest that the Croatian public remains less than enthusiastic about the EU, indicating that only one-third of the population consider EU accession to be beneficial; encourages the Croatian authorities and civil society to initiate more public discussions on EU membership and the consequences of accession to the Union; invites the Government and civil society to join forces to improve social reforms and speed up the implementation of reforms in the fields of the judiciary, public administration, the environment and economic policy;
5. Takes note of the work of the outgoing President, Stjepan Mesić, and of the election of the new President, Ivo Josipović;

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***Political criteria***

6. Welcomes the progress achieved in implementing the programme of public administration reform for the period 2008-2011 and in pursuing efforts with a clear government commitment;

7. Welcomes Croatia's participation in European Security and Defence Policy (ESDP) operations and missions as well as its alignment with Common Foreign and Security Policy (CFSP) declarations, common positions and statements whenever it is invited to join them;

8. Underlines, however, that major weaknesses remain in administrative procedures as well as in the management and administrative capacities of relevant institutions; considers that more overall political attention should be paid to the strengthening of the civil service; notes that the process of depoliticising the public administration is still at an early stage and that the legal framework for establishing a professional and efficient civil service is not yet completed; points out that a new salary system is required and that there needs to be more delegation of decision-making responsibilities from managerial to civil servant level;

9. Notes that, whilst the political will exists to combat corruption on all levels, and whilst the legal framework for fighting corruption is in place, corruption remains widespread and the administrative capacities of state bodies, including the police and law enforcement authorities, continue to be insufficient; urges the relevant authorities to tackle corruption cases since these involve nearly all segments of society, economy and government, including a nexus of institutions operating primarily in the areas of health care, the judiciary, local government, the urban planning and construction sector and business; is in particular concerned about cases of undue political influence over the judiciary; is pleased to note that the efforts of the Prime Minister and the government have been enhanced to combat corruption in state-owned companies, but considers that more has to be done to foster a culture of political accountability as regards corruption involving politicians;

10. Welcomes the significant legislative and institutional changes introduced to fight organised crime and is pleased with the new anti-mafia measures, which boost cooperation among authorities responsible for security; is particularly satisfied with the very good cooperation with the Bosnian and Serbian law enforcement authorities;

11. Is pleased with the legislative and institution-building actions taken in the crucial area of judicial reform and notes with satisfaction the improving efficiency and transparency within the judiciary as well as the diminishing backlog of cases;

12. Points out, however, that despite the progress made more resolute steps are required to reform the judiciary, which continues to labour under, inter alia, the heavy backlog of cases and the excessive length of court proceedings; points out that significant work remains to be done concerning the strengthening of judicial independence, the creation of a more transparent selection procedure for judges and prosecutors and more efficient enforcement of court rulings; considers that further efforts are needed to meet these challenges, in order also to avoid undermining citizens' confidence in the functioning of the judiciary and the rule of law; supports the legislative initiatives of the Ministry of Justice aimed at improving the nomination, selection and promotion of judges according to qualification and merit;

13. Takes note of the statement made by the Prosecutor of the ICTY before the United Nations Security Council on 3 December 2009 and encourages Croatia to fully cooperate with the ICTY; stresses that in his statement the Prosecutor, while acknowledging that Croatia continued to adequately respond to the majority of requests for assistance from the ICTY, reiterated that one concern has remained unresolved, notably the progress in finding the missing key military documents related to Operation Storm in 1995, which are to be used in the trials of some Generals; wishes all success to the newly created Inter-Agency Task Force, which is composed of representatives of various state institutions and agencies, to carry out these investigations; is of the view that a third party, if needed, may give further impetus to the investigations; invites the Council to decide as soon as possible on the opening of Chapter 23 on Judiciary and Fundamental Rights; encourages Croatia to address the issue of impunity of the perpetrators of war crimes and to make further progress in establishing impartiality in the conduct of domestic war crimes trials;

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14. Is pleased to note that Croatia continues to improve its record as regards the balanced and fair prosecution of war crimes, and that several indictments and trials of Croats accused of war crimes occurred during the year; welcomes the instructions concerning war crimes issued by the Chief State Prosecutor to all offices, designed to ensure uniform practices regardless of the national origin of the suspect; notes, however, that many of the defendants tried during the year for war crimes were tried in absentia and that concerns remain, including as regards the conduct of proceedings in individual cases; highlights a case in which a high-profile convicted war criminal, also a member of the Croatian Parliament, was able to escape and take refuge in a neighbouring country;

15. Notes that restitution of property seized during World War II and under the Communist regime has remained an issue, while acknowledging that progress has been made towards returning occupied private properties to their rightful owners, particularly as regards occupied agricultural land;

16. Is satisfied with the situation regarding press freedom but also notes that some political and commercial influence continues to be exerted over the media; urges the Croatian authorities to take resolute action against threats to reporters covering war crimes, corruption and organised crime cases, given that there have been instances of intimidation of journalists;

17. Is pleased that the frequency and gravity of violent incidents against ethnic Serbs have diminished, police investigations have improved and the process of reconciliation between ethnic Croats and ethnic Serbs is proving to be successful; welcomes the fact that proposed changes to the Constitution are expected to recognise all minority groups in Croatia and that minority rights in the area of education have improved; is especially pleased to note the progress achieved in the inclusive education of Roma; calls on the Croatian authorities, however, to continue their efforts to combat discrimination against Roma and ethnic Serbs, primarily in the justice system, access to employment and housing; further encourages Croatia to continue to act in a spirit of tolerance and take appropriate measures to protect those who may still be subject to threats or acts of intimidation;

18. Encourages Croatia to continue its efforts to promote cultural diversity;

19. Welcomes the overall progress achieved in the field of refugee return and stresses the utmost importance of the return and reintegration of refugees, including the reconstruction and repossession of housing, the challenging implementation of housing programmes for former holders of tenancy rights and the steps to be taken to resolve the issue of validation of pension rights; takes note of the fact that Croatia's implementation of its 2009 housing programme is still at an early stage owing to the effects of the global economic crisis and to budget restrictions, and that the programme will need to continue in 2010 and perhaps beyond, requiring a sustained commitment on the part of the competent authorities; stresses that it is of the utmost importance to create conditions for sustainability in the areas of return; invites the Croatian Government to align its immigration and asylum policies with EU standards;

20. Calls on the Government to provide training for the judiciary on the implementation of the Gender Equality Law (GEL) and the Anti-Discrimination Law; notes that, so far, not one judicial decision has been based on either of those laws; while it welcomes the appointment of a woman as prime minister, it calls for more active promotion of the participation of women in politics, noting that the proportion of women decreased in all local government bodies in this year's local elections (for example, the number of female 'zupans' fell from three to one); highlights the need to step up efforts to support victims of family violence; notes the progress made by Croatia in the area of hate crime legislation and encourages the government to make further efforts to ensure that an appropriate legal framework is in place, as well as to address discrimination against sexual minorities, including thorough the investigation of hate crimes and threats;

21. Expresses its concern at the resentment against the LGBT minority in Croatia, evidenced most recently by homophobic attacks on participants in the Gay Pride parade in Zagreb; urges the Croatian authorities to condemn and prosecute political hatred and violence against any minority; invites the Croatian Government to implement and enforce the Anti-Discrimination Law;

22. Draws attention to the need to address shortcomings as regards persons with disabilities, in particular by tackling existing gaps in legislation, policy making and service delivery for the disabled, especially those with mental disabilities;



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***Economic criteria***

23. Is pleased to note that Croatia is gradually recovering from the economic crisis and that its economic outlook is relatively positive despite rising unemployment; notes that macro-economic stability has been preserved, that a smaller current account deficit is now forecast, that external imbalances have narrowed and that the banking sector has remained sound; also notes that the perspective of EU accession has helped investors to retain confidence in the Croatian economy and has provided an anchor for economic policies in the recent turbulent period;

24. Calls on the Government, however, to address the existing structural weaknesses in the economy, which necessitate deeper and faster structural reforms as a precondition for sustainable economic growth; urges the state to reduce its strong redistributive role and to further limit state intervention in the economy, to stimulate employment by reviving the somewhat rigid labour market, to remove administrative barriers for enterprises and to cut subsidies to loss-making industries;

***Assuming the obligations of EU membership***

25. Is pleased to note that Croatia has improved its ability to take on the obligations of EU membership, with a good degree of alignment with the *acquis communautaire* in most sectors; encourages the Croatian authorities, however, to further reinforce the administrative structures and institutional capacities necessary for the proper implementation of the *acquis*, so that the country may maximise the benefits of EU membership after accession;

26. Encourages Croatia to move forward with privatisation, to complete the programme of small-scale privatisation, including in the tourism sector, to proceed with restructuring in sensitive sectors such as agriculture, and to promote private-sector participation in infrastructure at national, regional and local level;

27. Takes note of the progress achieved with regard to, inter alia, the tendering of the shipyards in difficulty, whilst calling on the Croatian authorities to maintain the efforts required in order to complete the restructuring of the shipyard industry;

28. Is satisfied that the necessary institutional set-up in the field of public procurement has been established, making the management of public procurement policy more coherent and coordinated; urges the Croatian authorities, however, to further enhance the capacities of procuring entities so as to apply public procurement legislation efficiently and transparently and in order to significantly reduce the risk of irregularities, including fraud, given that public procurement procedures remain a major source of corruption; calls on the Croatian authorities to take steps to improve scrutiny of the preparation and actual execution of contracts;

29. Notes with satisfaction the good overall progress achieved in financial control, particularly with regard to the legislation governing internal financial control, while pointing to the need to achieve more progress in the area of external audit by strengthening, inter alia, the legal framework for the independence of the State Audit Office; points out that the transparency of public finance is of crucial importance in combating corruption and improving the efficiency of public services, as it facilitates control over public authorities, which again has a positive impact on their responsibility to citizens;

30. Welcomes the progress made in the implementation of the IPA (Instrument for Pre-Accession) components, which prepare the country to manage the Structural Funds; calls on the Croatian authorities, nevertheless, to substantially increase administrative capacities in existing IPA structures so as to meet the regulatory and operational requirements of the EU's cohesion policy and to guarantee its funds' absorption capacity, notably through the programming of the National Strategic Reference Framework and Operational Programmes for the Structural Funds;

31. Calls on the Croatian authorities to develop cross-border cooperation projects designed to achieve social, economic and territorial cohesion and to raise the standard of living of people residing in border regions;



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32. Is satisfied with the achievements and progress made in the area of the environment, especially concerning air quality, climate change, industrial pollution control and risk management; urges Croatia to strengthen its administrative capacities at national and local level; calls not only for formal transposition but also for proper application of the EU *acquis* as regards nature protection and water management;

33. Points to the need to promote investment in energy infrastructure in order to improve security and diversity of energy supply and energy efficiency; stresses the great potential of the country as regards renewables and, in particular, solar energy, and calls in this respect on the Croatian authorities to introduce legislation to facilitate the development of the market for renewable energy;

### ***Regional cooperation***

34. Encourages Croatia to pursue efforts to achieve and maintain good neighbourly relations, to remain an important and proactive promoter of regional cooperation on all levels and to play a positive role in the region; urges, nevertheless, the Croatian Government and the governments of the neighbouring countries to intensify their dialogue with a view to finding definite solutions to a number of outstanding bilateral issues, in particular as regards border demarcation, missing persons, property restitution and refugees as well as the extradition of citizens in cases of war crimes and crimes against humanity;

35. Recalls the arbitration agreement reached between the Prime Ministers of Slovenia and Croatia with a view to resolving their border dispute; welcomes the ratification of the agreement by the Croatian Parliament and hopes that the Slovenian Parliament will do likewise in the very near future; in this respect, requests that the Commission establish a list of members of the arbitration tribunal, comprising only highly qualified professionals with a legal background and, as far as possible, experience in arbitration;

36. Calls on the Croatian Government and on all Croatian political forces to act constructively so as to strengthen Bosnian sovereignty and to facilitate the ongoing constitutional reform process;

37. Invites the Croatian Government to reconsider its policy on dual citizenship, especially with regard to Croatian citizens with permanent residence in Bosnia and Herzegovina; invites the Croatian Government to find a fair and sustainable solution for these citizens;

38. Underlines the need, in line with a key priority of the Accession Partnership, to enhance efforts to resolve all of Croatia's pending border issues with neighbouring countries; welcomes in this regard the progress achieved in the negotiations with Montenegro and encourages the governments of Croatia, Serbia and Bosnia and Herzegovina to continue their bilateral talks on border demarcation;

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39. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Croatia.

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Wednesday 10 February 2010

## **2009 progress report on the Former Yugoslav Republic of Macedonia**

P7\_TA(2010)0024

### **European Parliament resolution of 10 February 2010 on the 2009 progress report on the former Yugoslav Republic of Macedonia**

(2010/C 341 E/11)

*The European Parliament,*

- having regard to the Presidency Conclusions issued following the Thessaloniki European Council of 19 and 20 June 2003, at which a promise was made to all the Western Balkan states that they would join the European Union,
- having regard to the European Council decision of 16 December 2005 to grant the former Yugoslav Republic of Macedonia the status of candidate country for EU membership and to the Presidency Conclusions issued following the European Councils of 15 and 16 June 2006 and 14 and 15 December 2006,
- having regard to the 1995 Interim Accord between the Hellenic Republic and the former Yugoslav Republic of Macedonia,
- having regard to the Commission's 2009 Progress Report on the former Yugoslav Republic of Macedonia and the Commission communication of 14 October 2009 entitled 'Enlargement Strategy and Main Challenges 2009-2010' <sup>(1)</sup>,
- having regard to the conclusions of the sixth meeting of the Stabilisation and Association Council between the former Yugoslav Republic of Macedonia and the EU of 27 July 2009,
- having regard to the recommendations of the EU-former Yugoslav Republic of Macedonia Joint Parliamentary Committee of 31 March 2009,
- having regard to the EU-former Yugoslav Republic of Macedonia readmission agreement of 18 September 2007 and to Council Regulation (EC) No 1244/2009 of 30 November 2009 <sup>(2)</sup>, adopted on 1 December 2009, amending Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement,
- having regard to Council Decision 2008/212/EC of 18 February 2008 <sup>(3)</sup> on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia,
- having regard to the conclusions of the General Affairs and Foreign Affairs Councils of 7 and 8 December 2009,
- having regard to Rule 110(2) of its Rules of Procedure,

A. whereas the enlargement process is beneficial for both the acceding countries and the European Union as a whole,

<sup>(1)</sup> COM(2009)0533.

<sup>(2)</sup> OJ L 336, 18.12.2009, p. 1.

<sup>(3)</sup> OJ L 80, 19.3.2008, p. 32.

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- B. whereas the prospect of EU integration is continuing to have a positive influence on reforms in the Western Balkan region and helping to make it more stable, peaceful and prosperous,
- C. whereas the fight against corruption in any country wishing to join the EU is an important priority on the EU's accession agenda,
- D. whereas the former Yugoslav Republic of Macedonia is continuing the reform process and will join the European Union as soon as it fulfils all the Copenhagen criteria,
1. Commends the former Yugoslav Republic of Macedonia on the progress achieved since the last progress report; notes with satisfaction that, on the basis of that progress, the Commission has recommended opening accession negotiations; calls on the Council to confirm the Commission's recommendation without further delay at the summit in March 2010 in line with the conclusions of the General Affairs and Foreign Affairs Councils of 7 and 8 December 2009; expects negotiations to begin in the near future;
2. Stresses that the clear, tangible and timely prospect of EU membership continues to be the main driving force for the reform process in countries in the region, and in the former Yugoslav Republic of Macedonia in particular; recalls, moreover, that unhindered progress towards EU membership is of the utmost importance for ensuring political stability, which is the common goal broadly shared by the country's political actors and ethnic groups;

#### ***Political developments***

3. Welcomes the broad consensus between the government and opposition parties on the country's European vocation; notes with satisfaction that this consensus and improved political dialogue have accelerated the passing of laws on EU integration; stresses, however, the importance of implementing such laws effectively; welcomes the fact that the vast majority of the population supports the process of EU accession and is therefore committed to the necessary reforms;
4. Welcomes the good progress the country has made in the fight against corruption, and in particular the passing of a law on political party financing; notes, however, that corruption – a common problem facing countries in the region – remains prevalent, and that further energetic efforts must be made in order to eradicate it;
5. Recalls that effective parliaments, which fulfil their role as legislators and oversee governments' activities, are a foundation of democracy; welcomes, in this respect, the passing of a law on the country's parliament, which considerably improves its functioning; notes that there is a need further to improve the functioning of parliament and enhance the role of the opposition by amending parliament's rules of procedure in line with European best practices; deplores the recent decision by one political party to withdraw from parliamentary activity and urges all political parties to pursue a generally accepted solution leading to the normalisation of parliamentary work;
6. Commends the authorities on the conduct of the presidential and local elections, which represented good progress compared with the 2008 parliamentary elections; notes with satisfaction that the elections met most international standards, and calls on the government to continue its implementation of the remaining OSCE/ODIHR recommendations, in particular by updating the electoral roll, ensuring equal access to the media for parties and candidates and fully implementing the provisions on campaign financing; highlights a number of reported cases of voters, in particular civil servants, facing pressure and intimidation, which need to be addressed; welcomes the fact that some perpetrators of irregularities have been brought to justice, and expects the remaining irregularities to be investigated and their perpetrators prosecuted;

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7. Stresses the utmost importance of improving inter-ethnic relations, including guaranteeing the rights of people from all ethnic backgrounds, by continuing to implement the Ohrid Framework Agreement, which is the cornerstone of inter-ethnic relations in the country; calls on all the communities and their leaders to respect the sensitivities of other groups and in particular to refrain from using inflammatory language and provocative symbolism undermining the role of other ethnic groups; stresses, moreover, the importance of education in the integration process and, in this connection, calls on the authorities to phase out the practice of ethnically separated shifts in schools;

8. Draws particular attention to the ongoing process of decentralisation, which is an important step in terms of helping the country to function better and improving inter-ethnic relations; stresses that, in order to ensure the successful implementation of this process, municipalities must be provided with sufficient funds to carry out their new tasks, and that their capacity to perform the competences transferred must be enhanced;

9. Stresses that access to justice for citizens is a vital element of the rule of law; welcomes, in this respect, the progress achieved in the field of the judiciary and the government's commitment to continuing with the reforms, as shown, inter alia, by increased funding for the courts and the public prosecutor's office; underlines the importance of implementing laws and calls on the authorities further to strengthen the independence of the judiciary and ensure judges' impartiality; notes that the backlog of court cases has decreased and encourages the authorities further to improve the system's efficiency, while continuing to enhance respect for human rights in the context of investigation and judicial procedures; calls, moreover, for the law on legal aid to be passed swiftly;

10. Notes the progress achieved in reforming the functioning of the public administration in general, and the passing of the law on civil servants in particular; calls on the authorities to ensure compliance with the law by putting a stop to unlawful promotion practices and the hiring of temporary staff outside the scope of the law;

11. Welcomes the progress achieved in reforming the police and introducing a new career advancement system, which contributes to the process of depoliticising the police; calls on the authorities to continue with the reforms in order to ensure effective, democratic mechanisms for supervising the police and prevent police misconduct and abuses of power;

12. Urges the authorities further to promote the development of independent and diverse media free from political interference; underlines the need to strengthen media freedom on an ongoing basis by applying European standards and improving transparency;

13. Calls on the authorities to develop an anti-discrimination strategy (guaranteeing the equality of all people regardless of their ethnic origin, gender, age, religion, sexual orientation or disability) and to adopt all the necessary legislation to this end; stresses the need for energetic efforts to improve the situation of women and children and protect them from domestic violence;

14. Regrets that the bill for a comprehensive anti-discrimination law protecting citizens from discrimination in the fields of employment, access to goods and services, education, public institutions and private life, proposed by the Government of the former Yugoslav Republic of Macedonia on 28 January 2010, does not recognise sexual orientation as a ground of discrimination; points out that such provisions have been included in previous drafts of the legislation seen by the Commission and were mentioned in a report produced by the Ministry of Labour and Social Policy; calls on the government in Skopje to bring the bill into line with the Employment Framework Directive (2000/78/EC) and the proposed directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426);

15. Calls on the government to make further efforts to increase the currently limited participation of women in political life; welcomes the positive measures taken, which have increased the proportion of women in the national parliament; considers, however, that further efforts are needed, particularly with a view to increasing the participation of women in political life at local level;

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16. Welcomes the new institutional framework of equal opportunities committees that has been put in place, and hopes that these committees will receive adequate resources and clear mandates;

17. Notes that, although a policy to combat domestic violence has been adopted, the Commission is of the view that such violence continues to be an area of concern; is pleased to note that the definition of statutory rape has been widened, which will mean greater protection for women;

18. Calls, in this context, on all municipalities to sign the memorandum of cooperation for the implementation of Roma inclusion activities between 2005 and 2015, along with the Strategy for Roma, with a view to addressing Roma issues at local level in cooperation with government institutions; urges the authorities of the former Yugoslav Republic of Macedonia to increase the level of funding for the implementation of operational plans as part of the national action plan for Roma women;

19. Underlines the important role played by civil society organisations in the country's ongoing transformation, in relation not only to the reform process and the fight against corruption, but also – equally importantly – to inter-ethnic relations and monitoring of the human rights situation; stresses that such activities should be adequately supported by the Instrument for Pre-Accession Assistance, in Skopje and the rest of the country;

#### ***Economic and social situation***

20. Commends the government on the macro-economic policies adopted to counteract the negative effects of the global financial and economic crisis; is concerned that the impact of the financial crisis on the country will exacerbate the persistently high unemployment level and hamper efforts to bring it down; stresses that the authorities should do their utmost to shield vulnerable groups within society as much as possible from the effects of the crisis;

21. Congratulates the country on its improved ranking in the latest World Bank report, entitled 'Doing Business 2009'; points out, however, that the procedures for registering businesses and protecting property rights have still not been improved sufficiently, and that the education system is not well enough resourced to produce the human resources needed to develop the economy;

22. Notes the recent protest mounted by trade unions against proposed government changes to the Labour Law that might reduce workers' rights and freedoms; expresses serious concern over the status of workers, particularly female workers in textile factories; points out that equal treatment for women and equal employment opportunities are a core feature of a prosperous and competitive economy;

23. Considers that, although the alignment of environmental legislation is moderately advanced, its implementation at local level still requires considerable improvement; reiterates its call for effective monitoring of water quality and water levels in the Ohrid, Prespa and Dojran border lakes and the river Vardar; calls for closer cross-border cooperation on environmental issues, on the basis of EU standards, and welcomes in this regard initiatives at regional level, such as the recent meeting between the premiers of Greece, the former Yugoslav Republic of Macedonia and Albania;

24. Calls, in recognition of the importance of these ecosystems, for effective steps – based on sustainable development – to be taken to curb the negative impact of human and economic activities on such ecosystems, having particular regard to endangered species and the overall health of fragile habitats; stresses, in this context, that delays in the construction of waste-water management projects in all major cities, towns and industrial plants are a matter of concern;

25. Urges the authorities to start investing in the maintenance and upgrading of the railway network, which is, both ecologically and economically, a viable alternative to the road system as well as being crucial for the resumption of sound regional cooperation; encourages the country to ensure better integration of its transport system with those of all its neighbouring countries, particularly as regards the public sector, and calls on the Commission to provide the necessary technical and financial assistance within the framework of the IPA;

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26. Congratulates the Government of the former Yugoslav Republic of Macedonia on its progress in preparing to take over the management of funds under the IPA; notes with satisfaction the accreditation of national authorities for the IPA components on regional development, human resources development and rural development; calls on the country's government and the Commission to speed up the necessary work with a view to transferring management of the IPA components on transition assistance and institution-building and on cross-border cooperation; stresses the importance of the IPA as an important tool designed to assist the country in preparing for future EU membership;

### ***Regional issues***

27. Congratulates the country on having fulfilled all the benchmarks for the visa liberalisation regime, as a result of which Council Regulation (EC) No 1244/2009 grants it visa-free status from 19 December 2009; commends the government for showing regional responsibility by offering the authorities of Bosnia and Herzegovina the expertise of the key negotiator for visa negotiations;

28. Welcomes the country's participation in EU civilian and military missions and its alignment with the majority of EU declarations and common positions; notes the recent establishment of diplomatic relations with Kosovo, and the conclusion of an agreement on the physical demarcation of the border, as a vital contribution to regional stability;

29. Recalls that, in accordance with the relevant European Council conclusions of 19 and 20 June 2008 and those of the General Affairs and Foreign Affairs Councils of 7 and 8 December 2008 and 8 December 2009, maintaining good neighbourly relations, including a negotiated and mutually acceptable solution on the name issue, continues to be essential;

30. Welcomes, to this end, the new, more positive climate between the governments of the former Yugoslav Republic of Macedonia and Greece following the recent elections in Greece and, in particular, the recent meetings between the two prime ministers; encourages the two countries to redouble their efforts at the highest level, especially in the framework of UN negotiations, in order to find a mutually satisfactory solution to the name issue, under the auspices of the UN, and stresses that the European Union should be ready to assist in the negotiation process; notes with concern the use of historical arguments in the current debate, including the recent phenomenon of so-called 'antiquisation', which is liable to increase tensions with neighbours and create new internal divisions;

31. Welcomes the new Greek Government's initiative of suggesting a symbolic, motivating target date of 2014 for the accession of Western Balkan countries to the EU; invites, in this context, the governments of countries in this region to make a sincere contribution to achieving this noble goal;

32. Underlines the importance of reconciliation and understanding in the region, which are part and parcel of European values and principles, and encourages the former Yugoslav Republic of Macedonia and neighbouring countries to engage actively in developing and implementing confidence-building measures in the fields of education and cross-border cooperation and generating a common understanding of history; calls on the authorities of the former Yugoslav Republic of Macedonia and neighbouring countries to avoid actions and statements which might adversely affect such efforts; notes that joint celebrations of common historic events with neighbouring EU Member States contribute to a better understanding of history and the maintenance of good neighbourly relations;

33. Calls on the authorities in the former Yugoslav Republic of Macedonia to take the necessary measures to discourage 'hate speech' relating to neighbouring EU Member States in the media and similar statements in school textbooks;

34. Calls on the former Yugoslav Republic of Macedonia and neighbouring countries to contribute to a political culture based on mutual respect, understanding, trust and tolerance; stresses, in this regard, the primary responsibility of politicians and the media;

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35. Stresses the key responsibility of governments in the region for peace, security and stability, as well as the important role played in this respect by the EU institutions, and urges them to give careful consideration to the consequences of their decisions and actions; notes with concern, in this connection, the Council's postponement of the decision on further steps in the enlargement process in respect of the former Yugoslav Republic of Macedonia, which is liable both to aggravate political inter-ethnic tensions in the country and to have an adverse effect on stability in the region;

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36. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the government and parliament of the former Yugoslav Republic of Macedonia.

## 2009 progress report on Turkey

P7\_TA(2010)0025

### European Parliament resolution of 10 February 2010 on Turkey's progress report 2009

(2010/C 341 E/12)

*The European Parliament,*

- having regard to the Commission's Turkey 2009 Progress Report (SEC(2009)1334),
  - having regard to its resolutions of 27 September 2006 on Turkey's progress towards accession <sup>(1)</sup>, of 24 October 2007 on EU-Turkey relations <sup>(2)</sup>, of 21 May 2008 on Turkey's 2007 progress report <sup>(3)</sup>, and of 12 March 2009 on Turkey's 2008 progress report <sup>(4)</sup>,
  - having regard to the Negotiating Framework for Turkey of 3 October 2005,
  - having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey <sup>(5)</sup> (the Accession Partnership), as well as to the previous Council decisions on the Accession Partnership of 2001, 2003 and 2006,
  - having regard to the conclusions of the European Council meeting of 10-11 December 2009,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas accession negotiations with Turkey were opened on 3 October 2005 after approval by the Council of the Negotiating Framework, and whereas the opening of those negotiations was the starting point for a long-lasting and open-ended process,
- B. whereas Turkey has committed itself to reforms, good-neighbourly relations and progressive alignment with the EU, and whereas these efforts should be viewed as an opportunity for Turkey itself to modernise,

<sup>(1)</sup> OJ C 306 E, 15.12.2006, p. 284.

<sup>(2)</sup> OJ C 263 E, 16.10.2008, p. 452.

<sup>(3)</sup> OJ C 279 E, 19.11.2009, p. 57.

<sup>(4)</sup> Texts adopted, P6\_TA(2009)0134.

<sup>(5)</sup> OJ L 51, 26.2.2008, p. 4.



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- C. whereas full compliance with all the Copenhagen criteria and EU integration capacity, in accordance with the conclusions of December 2006 European Council meeting, remain the basis for accession to the EU, which is a community based on shared values,
- D. whereas the Commission concluded that limited concrete progress was made on political reforms in 2009,
- E. whereas Turkey has, for the fourth consecutive year, still not implemented the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto,
- F. whereas in its Turkey 2009 Progress Report, the Commission has taken up and elaborated on issues highlighted by Parliament in its last resolution on Turkey's progress,
1. Welcomes the broad public debate on a range of traditionally sensitive issues such as the role of the judiciary, the rights of citizens of Kurdish origin, the rights of the Alevi community, the role of the military and Turkey's relations with its neighbours; commends the Turkish Government for its constructive approach and its role in initiating that debate;
  2. Reiterates its concern about the ongoing polarisation within Turkish society and between political parties, and urges the Government, as well as all parliamentary parties, to develop an appropriate balance between political competition and pragmatic cooperation, so as to facilitate reconciliation within Turkish society and to enable the realisation of key reforms, in particular that of the Constitution;
  3. Notes that progress in terms of concrete reforms remained limited in 2009, and encourages the Government to translate its political initiatives into concrete amendments to legislation and their subsequent implementation;
  4. Regrets the fact that, where legislation relevant to the Copenhagen political criteria is in place, its implementation continues to be insufficient; urges the Government in particular to intensify the implementation of legislation in the areas of women's rights, non-discrimination, freedom of religion, thought and belief, freedom of speech and expression, zero tolerance of torture and the fight against corruption;
  5. Calls on Turkey to continue and intensify its efforts to fully meet the Copenhagen criteria and to bring Turkish society together in support of the necessary reforms, uniting it on the basis of the equality of every human being irrespective of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

### ***Fulfilling the Copenhagen political criteria***

#### *Democracy and the rule of law*

6. Draws attention once again to the crucial importance of a comprehensive and substantive reform of the Constitution which would place the protection of human rights and fundamental freedoms at the core of the Turkish State and society; encourages the Turkish Government to resume work on that reform and calls for the cooperation of all political parties and the involvement of civil society and all minorities;
7. Reiterates its call from its previous resolutions in 2006 and 2007 for the electoral system to be reformed by reducing the threshold of 10 %, thereby ensuring party pluralism, especially in order to allow newly founded parties to gain access to the political process, as well as wider representation of political forces and minorities in the Grand National Assembly;

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8. Deeply regrets the decision of the Constitutional Court to close the Democratic Society Party (DTP) and ban a number of its democratically elected representatives from political activity; regrets also the recent arrests of DTP members; reiterates its condemnation of violence and terrorism and urges all political forces to seek reconciliation by peaceful means and to unite Turkish society on the basis of equal rights for every citizen; stresses that the political representatives of the Kurdish population must be enabled to fully participate in this process; draws attention to the opinion delivered by the Venice Commission of the Council of Europe in March 2009, which concluded that Turkish legislation governing the closure of political parties is not compatible with the European Convention on Human Rights (ECHR), and urges the Government to make the necessary reform proposals, respecting European standards;

9. Is of the view that a comprehensive and swift reform of the judiciary is vital for the success of the modernisation process in Turkey; welcomes the Government's approval of the judiciary reform strategy and notes with satisfaction the broad consultative process on which it was built; encourages the Government to implement the strategy without delay, with particular attention to systematic measures to enhance the impartiality and professionalism of the judiciary, as well as its compliance with the standards of the ECHR; in this context, calls on the Turkish Government to issue guidance to prosecutors regarding laws that are frequently used to limit freedom of expression; also encourages the Government to restructure the High Council of Judges and Prosecutors, so as to ensure its representativeness, objectiveness, impartiality and transparency;

10. Deeply regrets the decision of the Constitutional Court to annul the legislation limiting the jurisdiction of military courts as a serious setback in Turkey's reform efforts, and calls on the Turkish Grand National Assembly to establish a consensus in favour of constitutional reform; is concerned about the continuing involvement of the military in Turkish politics and foreign policy, and reiterates that in a democratic society the military must be fully subject to civilian oversight; calls in particular on the Turkish Grand National Assembly to enhance its oversight of the military budget and expenditure and to engage in the development of security and defence policies;

11. Is concerned about the alleged magnitude of the Ergenekon criminal network and the Sledgehammer Plan; urges the Government and the judiciary to ensure that all proceedings are fully in line with the due process of law and that the rights of all defendants are respected; shares the assessment of the Commission that Turkey must approach this case as an opportunity to strengthen confidence in the proper functioning of its democratic institutions and the rule of law; urges the Turkish Government not to allow legal proceedings to be used as a pretext to exert undue pressure on critical journalists, academics or opposition politicians;

12. Regrets that no progress has been made on establishing the Ombudsman's office; urges the Government to introduce, and all parliamentary parties to support, the necessary legislation establishing an effective, independent complaints mechanism linked to a system for carrying out investigations into alleged human rights violations;

*Human rights and respect for, and protection of, minorities*

13. Welcomes the initiatives taken by the Turkish Government to bring Turkish citizens together and enable every citizen, irrespective of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, to enjoy equal rights and play an active role in Turkish society; is aware that this is a historic debate, but strongly urges the Government to translate its political initiative into concrete reforms and calls on all political parties and all players involved to support this process, while striving to overcome mutual sensitivities; welcomes in this context the plan presented by the Government to the Turkish Grand National Assembly on 13 November 2009 and encourages it to implement it, so as to ensure that the freedoms of all citizens are guaranteed;

14. Welcomes the adoption of legislation removing all restrictions on broadcasting in the Kurdish language by private and public channels both at local and national level, as well as of legislation on the use of the Kurdish language in prisons; urges the Government to take further measures ensuring real opportunities to learn Kurdish within the public and private schooling system and allowing Kurdish to be used in political life and in access to public services; calls on the Government to make sure that anti-terrorism laws are not misused to restrict fundamental freedoms, in particular freedom of expression, and to abolish the system of village guards in the south-east of Turkey;

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15. Supports the intention of the Turkish Grand National Assembly to swiftly adopt amendments to the Anti-Terror Law in order to delete the provisions allowing children between fifteen and eighteen years of age to be tried as adults;

16. Encourages the Turkish Government to intensify its efforts to overcome social and economic deficiencies in the south-east; reiterates its call on the Commission to present a study on the consequences of the Southeast Anatolia Project (GAP); calls on the Turkish authorities to preserve the cultural and environmental heritage concerned in this context, with particular reference to the archaeological sites of Hasankeyf and Allianoi; is concerned about the displacement of thousands of people resulting from the construction of the dams; urges the Government to cease work on the Ilisu dam project until the above-mentioned Commission study is presented;

17. Urges the Turkish Grand National Assembly to ensure that parliamentary immunity covering the expression of political opinions is guaranteed to all members of parliament, without any discrimination;

18. Condemns the continuing violence perpetrated by the PKK and other terrorist groups on Turkish soil, and urges the PKK to respond to the political initiative of the Turkish Government by laying down its arms and putting an end to violence;

19. Emphasises freedom of religion as a universal fundamental value and calls on Turkey to safeguard it for all; welcomes the dialogue entered into by the Turkish Government with representatives of religious communities, including the Alevis, and encourages the authorities to intensify the interreligious dialogue, so as to establish regular and constructive communication; reiterates, however, once again, that positive steps and gestures must be followed by substantial reforms of the legal framework, which must enable these religious communities to function without undue constraints, in line with the ECHR and the case law of the European Court of Human Rights; underlines in particular the need for all religious communities to be granted legal personality;

20. Welcomes the implementation of the Law on Foundations; regrets, however, that the religious communities continue to face property problems not addressed by that law, concerning properties seized and sold to third parties or properties of foundations merged before the new legislation was adopted; urges the Turkish Government to address this issue without delay;

21. Reiterates its concern about the obstacles faced by the Ecumenical Patriarchate concerning its legal status, the training of its clergy and elections of the Ecumenical Patriarch; repeats its call for the immediate reopening of the Greek Orthodox Halki seminary and for measures to permit the public use of the ecclesiastical title of the Ecumenical Patriarch and more generally to create the conditions for the unhindered training of the clergy of Christian communities in Turkey;

22. Regrets that uncertainty persists concerning the recognition of Cem houses as Alevi places of worship and concerning compulsory religious education in schools; calls on the Turkish Government systematically to remedy this situation;

23. Is concerned by the difficulties encountered by Syriacs in relation to their property ownership; in particular, points with concern to the court cases concerning expropriation in relation to the Mor Gabriel Syriac Orthodox monastery;

24. Deplores the fact that the Turkish Government continues to have reservations concerning the rights of minorities as enshrined in international law, that it has not yet signed relevant Council of Europe conventions and that it has not yet entered into a dialogue with the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe (OSCE); urges the Government to bring its policy fully into line with international standards and the ECHR, and calls on all parliamentary parties to support this move; notes, in this respect, the administrative difficulties faced by minority schools and the anachronistic dual presidency system; in addition, urges the Government actively to foster a climate of full respect for minorities, and to ensure that cases of hostility and violence are brought before the courts;

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25. Regrets that there has been no encouraging development since Turkey's 2008 progress report regarding the Greek population of the islands Gökçeada (Imvros) and Bozcaada (Tenedos), which continues to encounter problems with property rights and education; urges the Turkish Government therefore to seek solutions to preserve the bicultural character of these islands in line with the resolution of 27 June 2008 of the Parliamentary Assembly of the Council of Europe (PACE) concerning the islands;

26. Is concerned that the Turkish legal framework still fails to provide sufficient guarantees with regard to freedom of expression and that certain laws continue to be misused, so as to restrict that freedom; calls on the Turkish Government to propose a comprehensive reform of the legal framework in order to ensure its compatibility with the ECHR and the case law of the European Court of Human Rights; notes that the revision of Article 301 of the Turkish Criminal Code led to a significant decline in prosecutions compared with previous years; continues however to be of the view that Articles 301 and 318 should be repealed;

27. Remains concerned that Turkey does not grant the right to conscientious objection to compulsory military service and that no civilian alternative is available; deplores the fact that the 2006 ECHR judgment in the case of Ülke vs. Turkey requiring Turkey to amend legislation allowing the repeated prosecution and conviction of conscientious objectors remains unexecuted and calls upon the Government to execute the judgment without delay;

28. Is concerned about continued restrictions on press freedom, particularly on reporting on the investigations into the Ergenekon network and in the light of the imposition of an unprecedented fine on a media group as well as frequent website bans; stresses that the cultivation of press freedom is an important sign of political culture in a pluralistic society; recommends that, in this context and in the light of the unhealthy links between media, business and politics, a new media law be adopted;

29. Calls on the Turkish Government to intensify its efforts with regard to implementation of the policy of zero tolerance of torture, and, in order to underscore the credibility of those efforts, to authorise the publication of the report of the Council of Europe's Committee for the Prevention of Torture; once again urges the Turkish Grand National Assembly to ratify the Optional Protocol on the UN Convention against Torture; also urges the Government to strive for reduction of impunity for human rights violations, in particular among law enforcement officials;

30. Urges the Turkish Government to devote further attention to eradicating corruption, to increase the transparency of funding of political parties and election campaigns and to promote openness of administration at all levels;

31. Encourages the Government to increase its efforts to translate gender equality, as guaranteed by law, into practice; in particular, considers that a strategy for women's education and employment should be prepared, reducing the employment of women in the grey economy; calls on the Government to avail itself of the potential of civil society organisations, especially when it comes to raising awareness of women's rights, the prevention of violence and so-called 'honour killings'; points out that the Government and the judiciary need to ensure that all cases of violence and discrimination against women are duly brought before the courts and the offenders punished, and that women and children in danger of violence or honour killings are protected and supported by the authorities; encourages the Turkish Government to initiate an effective communication campaign in order to increase awareness of women's rights throughout the whole country;

32. Acknowledges that the legal framework for dealing with domestic violence, honour killings and early forced marriages is in place, but points out that there are concerns regarding implementation; calls, therefore, on the authorities to provide protection for victims by increasing the number of shelters and other facilities; draws attention to the fact that the level of female employment in Turkey is the lowest among all OECD countries and should be raised in order to promote women's economic rights and independence;

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33. Is concerned about the lack of guarantees against discrimination on the basis of sexual orientation; calls on the Turkish Grand National Assembly to adopt a new law prohibiting direct and indirect discrimination on all grounds and in all areas, and calls upon the Turkish Government to intensify its public awareness efforts concerning individual human rights and anti-discrimination, to ensure that discriminatory provisions are removed from legislation and that hatred and violence based on homophobia are duly punished;

34. Regrets the lack of progress concerning trade union rights and calls once again on the Government, in consultation with social partners, to present a new proposal to the Turkish Grand National Assembly in order to adopt, without any further delay, a new law on trade unions that is in line with International Labour Organisation standards, including safeguards for the right to strike and negotiate collective agreements; expresses its concern about the recent arrest (in mid-November 2009) of some 20 Turkish trade unionists, and calls for their social rights to be strictly respected;

*Ability to take on the obligations of membership*

35. Deplores the fact that, for the fourth consecutive year, the Additional Protocol to the EC-Turkey Association Agreement has not been implemented by Turkey; calls on the Turkish Government to implement it fully without delay, in a non-discriminatory way, and recalls that failure to do so may further seriously affect the negotiating process;

***Commitment to good-neighbourly relations***

36. Reiterates Turkey's unequivocal obligation to maintain good-neighbourly relations as provided for by the negotiating framework; underlines its undertaking together with all other parties to support the efforts to achieve a comprehensive settlement of the Cyprus problem and to resolve any outstanding border disputes with neighbouring countries in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter;

37. Calls on the Turkish Government and all parties concerned actively to support the ongoing negotiations, and to contribute in concrete terms to the comprehensive settlement of the Cyprus issue, based on a bizonal, bicomunal federation, in line with the relevant UN Security Council resolutions and the principles on which the EU is founded; calls on Turkey to facilitate a suitable climate for negotiations by immediately starting to withdraw its forces from Cyprus, by addressing the issue of the settlement of Turkish citizens on the island and also by enabling the return of the sealed-off section of Famagusta to its lawful inhabitants in compliance with Resolution 550(1984) of the United Nations Security Council;

38. Calls on the Turkish Government to cease hindering civilian vessels prospecting for oil on behalf of the Republic of Cyprus in the eastern Mediterranean;

39. Urges Turkey to ensure that the rights of all displaced persons in Cyprus are respected, including those of religious minorities, and that they are allowed freely to exercise their religious rights; stresses that, in the case of the Catholic Maronite community, freedoms should also be accorded to all four Maronite villages;

40. Welcomes the reactivation of the Committee on Missing Persons (CMP) and calls on Turkey to take appropriate action on this humanitarian issue;

41. Commends the diplomatic efforts made to normalise relations with Armenia, and urges the Turkish Government to open the border with Armenia; calls on the Turkish Grand National Assembly and the Parliament of Armenia to ratify the relevant protocols without delay and without setting any preconditions, which would lead to enhanced regional security and stability in the South Caucasus region;

42. Takes note of the limited progress achieved in improving Turkish-Greek bilateral relations; calls on the Turkish Grand National Assembly to withdraw its *casus belli* threat, and expects the Turkish Government to end the continued violations of Greek airspace;

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43. Welcomes the continued improvement of relations with Iraq and with the Kurdish regional government; stresses once again its appeal to the Turkish Government to ensure that any anti-terrorist operation that is conducted fully respects Iraq's territorial integrity, human rights and international law, and that civilian casualties are avoided;

#### ***Deepening EU-Turkey cooperation***

44. Notes the start of negotiations on Turkey's accession to the Energy Community; welcomes Turkey's signing of the Intergovernmental Agreement on the Nabucco gas pipeline, the implementation of which remains one of the EU's highest energy security priorities, and calls for opening of the energy chapter in the accession negotiations; notes at the same time the cooperation between Turkey, Russia and some EU Member States on the South Stream project;

45. Points to Turkey's importance as a transit and destination country for irregular migration; calls on the Turkish Government to take urgent steps to ensure that the international rights to protection and reception of migrants and asylum-seekers are respected; takes note of the resumption of negotiations on an EU-Turkey readmission agreement, and urges Turkey fully to implement, in the meantime, the existing bilateral readmission agreements with the Member States; calls on the Turkish Government to step up its cooperation with the EU on migration management, the fight against crossborder crime and human trafficking; notes in this context Turkey's efforts with a view to concluding a working arrangement with Frontex;

46. Notes Turkey's increasingly active foreign policy and appreciates its efforts to contribute to solutions in various crisis regions; calls on the Turkish Government to intensify its foreign policy coordination with the EU, in particular as regards Iran; acknowledges Turkey's role as an important partner of the EU with a view to the realisation of EU foreign policy goals in the Black Sea region, Central Asia and the broader Middle East; calls on the Commission and the Council to better exploit the potential of close EU-Turkey relations in these regions;

47. Appreciates Turkey's continuous contribution to the European Security and Defence Policy and NATO operations; regrets, however, that NATO-EU strategic cooperation extending beyond the 'Berlin plus' arrangements continues to be blocked by Turkey's objections, which has negative consequences for the protection of the EU personnel deployed, and urges Turkey to set aside those objections as soon as possible;

48. Calls once again on the Turkish Government to sign and submit for ratification the Statute of the International Criminal Court, thus further increasing Turkey's contribution to, and engagement in, the global multilateral system;

49. Calls on the EU's High Representative for Foreign Affairs and Security Policy to analyse synergies between the EU's and Turkey's foreign policies and to make more intensive use of them in order to contribute to security and stability in the world;

50. Urges Turkey to act pragmatically and do its utmost to ensure the success of the negotiations between the Greek and Turkish Cypriot leaders, which are now reaching a critical stage; notes that this is possibly the last opportunity to settle the long-running division of the island; welcomes the appreciation expressed by the Secretary General of the United Nations concerning the determined efforts of the leaders of the two communities in Cyprus, Mr Christofias and Mr Talat, to reach a comprehensive settlement;

51. Believes that a settlement of the Cyprus question will bring greater stability, prosperity and security to the Eastern Mediterranean and allow a rapid improvement in EU-NATO relations as well as unblocking Turkey's own accession process to the European Union; proposes, therefore, that Turkey join with the other guarantor powers, Greece and the UK, in pledging to back any agreement that can be reached by Mr Christofias and Mr Talat for the reunification of Cyprus which meets with the approval of the UN Security Council;



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52. Takes note of the Court of Auditors' Special Report No 16/2009, identifying a series of weaknesses in the management of the pre-accession assistance to Turkey; notes however that in the Court's assessment, the projects audited did produce their intended results and that these are likely to be sustainable; calls on the Commission to implement the recommendations of the Report of the Court of Auditors when providing assistance under the Instrument for Pre-accession (IPA), in particular to prioritise targets and thus projects in line with accession criteria; requests the Commission to launch, in particular, an evaluation of the entire programme of pre-accession assistance and report about its implementation to the European Parliament;

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53. Instructs its President to forward this resolution to the Council, the Commission, the Secretary General of the Council of Europe, the President of the European Court of Human Rights, the governments and parliaments of the Member States and the Government and Parliament of the Republic of Turkey.

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Thursday 11 February 2010

**Proposal for a Council directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU**

P7\_TA(2010)0030

**European Parliament resolution of 11 February 2010 on the proposal for a Council directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU (COM(2009)0577)**

(2010/C 341 E/13)

*The European Parliament,*

- having regard to the Commission proposal for a Council directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by the European Hospital and Healthcare Employers' Association (HOSPEEM) and the European Federation of Public Service Unions (EPSU) (COM(2009)0577),
- having regard to Articles 153(1)(a) and 155 of the Treaty on the Functioning of the EU,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 31(1) thereof,
- having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work <sup>(1)</sup>,
- having regard to Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) <sup>(2)</sup>,
- having regard to Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) <sup>(3)</sup>,
- having regard to Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) <sup>(4)</sup>,
- having regard to the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU,
- having regard to the fact that the Framework Agreement included a joint request for the Commission to implement the Agreement by a Council decision on a proposal from the Commission, in accordance with Article 155(2) of the Treaty on the Functioning of the EU,
- having regard to its resolution of 24 February 2005 on promoting health and safety at the workplace <sup>(5)</sup>,

<sup>(1)</sup> OJ L 183, 29.6.1989, p. 1.

<sup>(2)</sup> OJ L 393, 30.12.1989, p. 13.

<sup>(3)</sup> OJ L 393, 30.12.1989, p. 18.

<sup>(4)</sup> OJ L 262, 17.10.2000, p. 21.

<sup>(5)</sup> OJ C 304 E, 1.12.2005, p. 400.

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- having regard to its resolution of 6 July 2006 with recommendations to the Commission on protecting European healthcare workers from blood-borne infections due to needle-stick injuries <sup>(1)</sup>,
  - having regard to its resolution of 15 January 2008 on the Community strategy 2007–2012 on health and safety at work <sup>(2)</sup>,
  - having regard to Rule 84(3) of its Rules of Procedure,
- A. whereas needle-stick injuries may lead to the transmission of more than 20 life-threatening viruses, including Hepatitis B, Hepatitis C, and HIV/Aids, and thus present a serious health problem,
- B. whereas needle-stick injuries and other injuries caused by sharp medical instruments represent one of the most common and serious risks for health workers throughout Europe; considering that hospital staff and health professionals often risk infections caused by injuries as a result of the use of needles or other sharp instruments,
- C. whereas independent studies have shown that the majority of needle-stick injuries can be prevented by better training, better working conditions and the general use of safer medical instruments incorporating sharps protection mechanisms,
- D. whereas experts estimate that there are more than one million needle-stick injuries in the European Union every year,
- E. whereas the psychological and emotional impact following a needle-stick or other sharps injury can be enormous, even when an infection is not subsequently contracted, as the worker and his or her family face many months of uncertainty regarding the health outcome of the injury,
- F. whereas the initiative to provide a legislative solution to adequately protect Europe's healthcare workers from potentially fatal blood-borne infections due to injuries with needles and other sharp medical instruments originates in its abovementioned resolution of 6 July 2006,
- G. whereas there is a serious shortage of healthcare staff and studies suggest that the serious health risks faced on a daily basis form one of the main reasons why a career in healthcare is considered unattractive; whereas the European Competitiveness Report 2004 recognised the increasing shortage of workers in the health sector as a matter of particular concern for the European Union,
- H. whereas the entry into force of the Framework Agreement will represent an important contribution to protecting the health and safety of workers active in the hospital and healthcare sector,
- I. whereas it is necessary to ensure the highest possible level of safety in the working environment in hospitals and wherever healthcare activities are undertaken,
- J. whereas legislation concerning social issues should avoid imposing unnecessary administrative, financial and legal constraints which could hinder the development of small and medium-sized enterprises,
1. Welcomes the fact that the Commission has requested Parliament's opinion, particularly since this is an issue that has received considerable attention from Parliament over a period of many years;
2. Recognises that the proposed Council directive incorporates the most significant findings of its abovementioned resolution of 6 July 2006;

<sup>(1)</sup> OJ C 303 E, 13.12.2006, p. 754.

<sup>(2)</sup> OJ C 41 E, 19.2.2009, p. 14.

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3. Welcomes the fact that the Framework Agreement has been developed on an equal basis in cooperation between HOSPEEM (European Hospital and Healthcare Employers' Association) and the FSESP (Fédération Syndicale Européenne des Services Publics), who are recognised by the Commission as European social partners in the hospital and healthcare system;
  4. Welcomes the fact that the Framework Agreement entails a clause on 'minimum standards' without prejudice to existing and future national and Community provisions that are more favourable to workers. Recalls that the Member States and/or the social partners should be free and encouraged to adopt additional measures which are more favourable to workers in the area concerned;
  5. Recommends that the measures defined in the proposed directive be urgently adopted and implemented, as the workers in question have already waited more than five years since this very serious matter was first brought to the Commission's attention;
  6. Calls upon the Commission to draw up and issue guidance to accompany the agreement and thereby assist with its smooth implementation in all Member States;
  7. Calls on the Commission to monitor the application process for the Agreement and to inform, on a regular basis, the European Parliament on its implementation;
  8. Instructs its President to forward this resolution to the Council, the Commission and the social partners which are party to the Framework Agreement.
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## Venezuela

P7\_TA(2010)0031

### European Parliament resolution of 11 February 2010 on Venezuela

(2010/C 341 E/14)

*The European Parliament,*

- having regard to its previous resolutions on the situation in Venezuela and, in particular, those of 7 May 2009, 23 October 2008 and 24 May 2007,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the concept of freedom and independence of the media constitutes an essential component of the fundamental right to freedom of expression enshrined in the Universal Declaration of Human Rights,
  - B. whereas media freedom is of primary importance for democracy and respect for fundamental freedoms, given its essential role in guaranteeing the free expression of opinions and ideas, with due respect for the rights of minorities, including political oppositions, and in contributing to people's effective participation in democratic processes, enabling the holding of free and fair elections,
  - C. whereas the right of the public to receive information from pluralistic sources is fundamental to any democratic society and to citizens' participation in the political and social life of a country,
  - D. whereas the obligation imposed by the Law on Social Responsibility in Radio and Television on all media to broadcast in full all speeches made by the Head of State does not comply with such principles of pluralism,

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- E. whereas Articles 57 and 58 of Venezuela's Constitution guarantee freedom of expression, communication and information,
- F. whereas the media must abide by the provisions of the law; whereas closing a media outlet should be the last resort and a measure that should only be implemented after all the guarantees of due process have been given, including the right to present a defence and appeal in independent courts of justice,
- G. whereas in May 2007 Radio Caracas Televisión's open signal was suspended by President Hugo Chávez and the channel was obliged to become international in order to be able to transmit a signal through cable television,
- H. whereas the first protests by the student movement began as a result of the channel being taken off the air,
- I. whereas on 1 August 2009 the government of Hugo Chávez ordered the closure of 34 radio stations through a refusal to renew their licences,
- J. whereas in January 2010 President Chávez ordered RCTV International (RCTVI) and five other cable and satellite TV channels (TV Chile, Ritmo Son, Momentum, America TV and American Network) off the air after they failed to broadcast the official presidential speech on the occasion of the 52nd anniversary of the overthrow of Perez Jimenez; whereas two of them – America TV and RCTVI – are still banned,
- K. whereas this new shut-down triggered a further wave of student protests, which were harshly suppressed by the police in many of the country's states and cities, and these events resulted in the deaths of two young students in the city of Mérida and dozens of injuries,
- L. whereas these measures are designed to obtain control over and gag the media, if not to curtail the democratic rights to freedom of expression and information,
- M. whereas the OAS, through the Inter-American Commission on Human Rights, has warned that this new move to take channels off the air has enormous repercussions in terms of the right to freedom of expression,
- N. whereas President Chávez recently stated that the use of social networking sites such as Twitter, of the Internet and of text messaging via mobile phones to criticise or oppose his regime 'is terrorism',
- O. whereas the reform of the law on science and technology currently being debated by the National Assembly of Venezuela aims to regulate 'information networks' in a manner that could lead to internet censorship,
- P. whereas Venezuela has signed the International Covenant on Economic, Social and Cultural Rights and the American Convention on Human Rights,
- Q. whereas Venezuela is the country with the largest energy reserves in Latin America and whereas measures such as arbitrary confiscation and expropriation, some of which affect EU interests, undermine the basic social and economic rights of citizens,
- R. whereas some leaders close to President Chávez, such as Ramón Carrizález, Vice-President and Minister of Defence, Mrs Yubiri Ortega, Minister of the Environment, and Mr Eugenio Vázquez Orellana, Chairman of the Central Bank, have recently submitted their resignations,
- S. whereas, according to Transparency International's 2009 report, Venezuela is one of the most corrupt countries in the world,
- T. whereas the latent climate of insecurity and the levels of crime and violence, which have turned Venezuela and its capital Caracas, into one of the most dangerous places in the world, are causing concern among the people of Venezuela,

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- U. whereas the many insults, threats and attacks directed against national and international leaders by President Chávez have given rise to unease and a huge number of unnecessary tensions, which in some cases have even led to an order for the mobilisation of troops with a view to a possible war with Colombia,
1. Is appalled at the death of the two young students, Yonisio Carrillo and Marcos Rosales, during the protests in Mérida, and calls on the authorities to carry out an investigation into the reasons why these young men were killed and calls for those guilty to be dealt with by the justice system;
  2. Regrets the government's decision no longer to allow these channels to broadcast in Venezuela and calls for their reinstatement;
  3. Calls on the Venezuelan authorities to review this decision and the obligation to broadcast fully all speeches made by the Head of State;
  4. Reminds the Government of the Bolivarian Republic of Venezuela of its obligation to respect freedom of expression and opinion and freedom of the press, as it is bound to do under its own Constitution and under the different international and regional conventions and charters to which Venezuela is a signatory;
  5. Calls on the Government of Venezuela, in the name of the principle of the impartiality of the State, to ensure equal treatment under the law for all media, including the Internet, whether privately or publicly owned and irrespective of all political or ideological considerations;
  6. Believes that the Venezuelan media should guarantee pluralistic coverage of Venezuelan political and social life;
  7. Believes that the 'National Telecommunications Commission' should show itself to be independent of the political and economic authorities and ensure equitable pluralism;
  8. Calls on the Venezuelan Government to be committed to the values of the rule of law and to promote, protect and respect the right to freedom of expression, including on the Internet, and freedom of assembly;
  9. Points out that, under the Organisation of American States' Inter-American Democratic Charter, in a democracy, in addition to clear and necessary legitimacy of origin, grounded in and obtained at the polls, legitimacy of exercise must also be complied with, and this must be founded on respect for pluralism, the established rules, the constitution in force, the laws and the rule of law as a guarantee of a fully functioning democracy, and this must of necessity include respect for peaceful and democratic political opposition, especially where that opposition has been elected in the polls and enjoys a popular mandate;
  10. Is deeply worried by the drift towards authoritarianism shown by the government of President Hugo Chávez, whose actions are directed towards weakening the democratic opposition and restricting the rights and freedoms of citizens;
  11. Calls upon the Venezuelan Government, with a view to the parliamentary elections on 26 September 2010, to respect the rules of democracy and the principles of freedom of expression, assembly, association and election;
  12. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the Government and National Assembly of Bolivarian Republic of Venezuela, the Euro-Latin American Parliamentary Assembly and the Secretary-General of the Organisation of American States.
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Thursday 11 February 2010

## Madagascar

P7\_TA(2010)0032

### European Parliament resolution of 11 February 2010 on the situation in Madagascar

(2010/C 341 E/15)

*The European Parliament,*

- having regard to Articles 8 and 9 of the Cotonou Agreement, concerning political dialogue and respect for human rights respectively,
  - having regard to the resolution adopted by the ACP-EU Joint Parliamentary Assembly in Luanda on 3 December 2009,
  - having regard to its previous resolutions on Madagascar, particularly that of 7 May 2009 on the situation in Madagascar,
  - having regard to the suspension of Madagascar from the Southern African Development Community (SADC) and the African Union (AU),
  - having regard to the position of the AU, which, on 2 February 2010, called on ‘the illegal regime in Madagascar to cease its attempts to impose unilateral solutions to the crisis’, and which reaffirmed ‘the need to establish the transitional institutions agreed upon in the Maputo Charter and the Addis Ababa Additional Act’,
  - having regard to the position of the SADC Organ on Defence and Security of 15 January 2010, which called on the international community ‘to reject the plans of Andry Rajoelina, who wishes to disregard the power-sharing agreements and call parliamentary elections in March’,
  - having regard to the decision of the United States of America to cease to allow Madagascar to enjoy the benefits of the AGOA (African Growth and Opportunity Act) because of its political situation,
  - having regard to the Maputo Accords of 8 and 9 August 2009 and the Addis Ababa Additional Act of 6 November 2009, signed by the four leaders of the political groupings in Madagascar,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the persistent political instability which has prevailed since the coup d’état has placed Madagascar in a precarious position from both the socioeconomic and the humanitarian point of view,
- B. whereas on 18 December 2009 the military-backed leader of Madagascar, Mr Andry Rajoelina, withdrew from power-sharing negotiations with the political groupings in Madagascar,
- C. whereas on 18 December 2009 Mr Rajoelina named former military officer Colonel Albert Camille Vital as Prime Minister,
- D. whereas opposition groups including groups led by former President Marc Ravalomanana have condemned the appointment of Colonel Albert Camille Vital as Prime Minister as an illegal act by an illegal power,

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- E. having regard to the widespread human rights violations, the harassment and arbitrary arrest of parliamentarians, clerics and members of civil society, the pillage of churches and intimidation of the press,
  - F. whereas the international community has sought to bring about a negotiated end to the crisis, which is currently being deliberately blocked, while the illegal regime which is in power continues to defy the international community,
  - G. whereas on Monday, 6 July 2009, the European Union initiated a consultation process with Madagascar pursuant to Article 96 of the Cotonou Agreement, thus launching a dialogue intended to find appropriate solutions to the country's political problems,
  - H. having regard to the need and capacity of the Madagascan people to choose their future and exercise self-determination,
  - I. whereas the present illegal regime is monopolising executive, legislative and judicial powers and the media,
  - J. whereas Mr Rajoelina has announced his wish unilaterally to organise parliamentary elections contrary to the electoral timetable and without consulting the Madagascan people as required by the Maputo Charter and the Addis Ababa Additional Act,
  - K. whereas according to the IMF, donors' assistance to Madagascar accounted for 50 % of the national budget, and whereas the EU has suspended its development aid funding until a democratic solution is found to the current crisis,
  - L. whereas the majority of the population is living on less than one dollar per day, whereas 7 000 children are suffering from serious malnutrition and whereas the situation has been aggravated since the beginning of the political crisis,
  - M. whereas the government has issued a decree legalising the export of unprocessed and endangered wood, threatening the biodiversity of the country, which may be lost for ever,
1. Reiterates its strong condemnation of the process by which Mr Rajoelina seized power in Madagascar, in flagrant violation of the provisions of the Madagascan Constitution, which constitutes an outright coup d'état;
  2. Strongly condemns the decision by Mr Rajoelina to cancel the appointment of Eugene Mangalaza as Prime Minister, installed after a power-sharing deal between all political parties in October 2009;
  3. Strongly condemns the decision by Mr Rajoelina to boycott the third round of negotiations in Maputo in December and to withdraw from power-sharing talks;
  4. Urges that the Accords signed in Maputo and Addis Ababa be implemented, which should lead to the restoration of constitutional government;
  5. Condemns the systematic repression of the opposition, censorship of the media, the intimidation and systematic arrest of journalists, arrests and torture of civilians and politicians, and the detention of many persons without charge and at unknown locations; calls for the immediate and unconditional release of all political prisoners and cancellation of the judicial proceedings against them;
  6. Expresses its deep concern about the disappearance of several hundred people, including around 100 children and adolescents;



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7. Calls for an independent international investigation of all political killings in Madagascar, all human rights violations and all acts of repression committed by the security forces and the army;
  8. Disapproves of any attempt by Mr Rajoelina to organise elections in March 2010 unilaterally, and supports only such elections as have been prepared by a consensual and inclusive government as provided for in the Maputo Charter and the Addis Ababa Additional Act, in accordance with the electoral timetable and after consultation of the Madagascan people; calls, therefore, on the Commission and Member States to send an electoral observation mission only in accordance with the conditions laid down by the Maputo and Addis Ababa Accords;
  9. Believes that the Maputo Agreement and the Addis Ababa Additional Act on Madagascar constitute the only possible framework for a solution to the political crisis in Madagascar; considers that constructive dialogue is the only viable way to reach a political solution to the crisis;
  10. Calls for the rapid organisation of the process of disarmament and dissolution of the militias with a view to restoring a republican army;
  11. Calls, in the event of failure to comply with the commitments accepted at Maputo and Addis Ababa, for individual, targeted sanctions to be imposed selectively on the current leaders of the High Transitional Authority (HTA) who are deliberately blocking progress;
  12. Calls for prosecution of those believed to have pillaged private or public property or the natural resources of Madagascar; calls on any interim government of Madagascar not to conclude any agreement or contract with other countries or undertakings relating to natural resources or the national heritage before elections have been held and the people of Madagascar have conferred a legitimate mandate on a new government;
  13. Calls on the international community and the EU to increase their humanitarian aid to the people of Madagascar; recalls that the gradual restoration of cooperation programmes with Madagascar is conditional on the establishment of the agreed transitional institutions of consensual and inclusive government in accordance with the Maputo Charter and the Addis Ababa Additional Act and on full respect for all democratic principles and fundamental freedoms;
  14. Supports the efforts of the former President of the Republic of Mozambique, Mr Joaquim Chissano, the SADC mediator in this process, and calls on the four political groupings in Madagascar to return to the negotiating table immediately to agree on a political agenda for fair, democratic and transparent elections in 2010;
  15. Calls on the AU, the SADC and the international contact group to bring the transition process to a satisfactory conclusion;
  16. Calls on the Commission to report to the European Parliament on the development of the consultation process which is under way with Madagascar pursuant to Article 96 of the Cotonou Agreement;
  17. Instructs its President to forward this resolution to the Vice-President/High Representative of the EU for Foreign Affairs and Security Policy, the Commission, the Council of the European Union, the ACP-EU Council, the Secretary-General of the United Nations, the SADC, President Joaquim Chissano and the Commission of the African Union.
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**Burma**

P7\_TA(2010)0033

**European Parliament resolution of 11 February 2010 on Burma**

(2010/C 341 E/16)

*The European Parliament,*

- having regard to the Council Conclusions of 27 April 2009 on Burma/Myanmar and the Council Common Position renewing restrictive measures against Burma,
  - having regard to the European Council Conclusions - Declaration on Burma/Myanmar of 19 June 2009,
  - having regard to the statement by the Presidency on behalf of the European Union of 11 June 2009 on the Karen civilians fleeing Burma/Myanmar,
  - having regard to the EU Presidency statement of 23 February 2009 calling for all-inclusive dialogue between the authorities and democratic forces in Burma/Myanmar,
  - having regard to United Nations General Assembly Resolution 64/238 of 23 December 2009 on the situation of human rights in Myanmar,
  - having regard to the statement by the Presidency on behalf of the European Union of 14 May 2009 on the arrest of Daw Aung San Suu Kyi,
  - having regard to the ASEAN Chairman's statement of 11 August 2009 on Myanmar,
  - having regard to its previous resolutions on Burma/Myanmar,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the human rights situation in Burma/Myanmar has continued to deteriorate, political repression has escalated further and the fundamental freedoms of the Burmese people are being systematically violated,
- B. whereas the military continues to perpetrate human rights violations, including extrajudicial killings, forced labour and sexual violence, against civilians in ethnic conflict areas,
- C. whereas the Burmese regime is persisting with the widespread and systematic forced recruitment of child soldiers,
- D. whereas according to reports there are some 2 177 political prisoners, including 14 journalists, in Burma, and whereas more than 230 Buddhist monks involved in the 2007 protests remain in prison,
- E. whereas in autumn 2010 Burma/Myanmar is expected to hold its first parliamentary elections in two decades,
- F. whereas the elections will be based on the army-drafted Constitution, the legitimacy of which has been widely challenged; whereas this new Constitution foresees elections in 2010 to justify five decades of military rule and gives the military 25 % of the seats in parliament,

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- G. whereas the new Constitution bars Aung San Suu Kyi, leader of the National League for Democracy (NLD) and Nobel Peace Prize winner, from public office; whereas some opposition parties and ethnic minority groups have declared that they will boycott the elections, whilst the NLD will not accept their outcome if there is no prior dialogue on constitutional review,
- H. whereas on 28 January 2010 Ngwe Soe Lin was sentenced to 13 years' imprisonment for working for the foreign news agency Democratic Voice of Burma, whilst on 30 December 2009 Hla Hla Win was sentenced to 27 years in jail on similar charges,
- I. whereas the continuous crackdown on political dissent must be seen as an attempt by the Burmese junta to establish greater control over the media ahead of the national elections planned for later this year,
- J. whereas on 11 August 2009 Daw Aung San Suu Kyi was sentenced to three years in prison, a sentence that was later commuted by the Burmese authorities to 18 months to be served under house arrest; whereas her lawyers have appealed to Burma's Supreme Court against the sentence; whereas the unjustified trial and verdict against Daw Aung San Suu Kyi has been widely condemned by the international community,
- K. whereas in May 2009 attacks by the Burmese Army and the Democratic Karen Buddhist Army (DKBA) displaced thousands of civilians and forced an estimated 5 000 refugees to flee into Thailand; whereas there is a severe risk that upon their return the Karen refugees will be subjected to severe human rights violations, including forced labour and rape by soldiers of the Burmese Army,
- L. whereas there are an estimated half a million internally displaced persons in eastern Burma, 140 000 refugees remain in nine camps along the Thailand-Burma border, and over 200 000 Rohingyas are living in refugee camps or scattered over south-eastern Bangladesh; whereas millions of Burmese migrants, refugees and asylum seekers are living in Thailand, India, Bangladesh and Malaysia and are sometimes victims of trafficking,
- M. whereas starting on 2 January 2010 there has been an unprecedented crackdown by Bangladesh law enforcement agencies on unregistered Rohingya refugees who have settled outside the two official refugee camps in Cox's Bazar District; whereas more than 500 Rohingyas have since been arrested and some of those arrested have been forced back across the Burmese border, whilst others have been charged under immigration law and jailed,
- N. whereas more than 5 000 self-settled Rohingyas in Bangladesh have already fled their homes and flocked to the Kutupalong makeshift camp in Ukhia in search of safety; whereas the population of that camp has now swelled to an estimated 30 000 people, who do not receive food assistance and are now being denied access to a livelihood, as they would face arrest if they were to leave the camp to find work,
1. Strongly condemns the ongoing, systematic violations of the human rights, fundamental freedoms and basic democratic rights of the people of Burma/Myanmar;
  2. Expresses grave concern at the recent trial, conviction and sentencing of Daw Aung San Suu Kyi and calls for her immediate and unconditional release; calls for her to be granted the right to participate in the forthcoming elections;
  3. Takes note of the decision by the Government of Burma/Myanmar to hold elections and insists that under the present conditions they cannot be considered free and democratic; criticises, in particular, the ban on Aung San Sui Kyi standing as a candidate;
  4. Calls on the Government of Burma/Myanmar immediately to open a genuine dialogue with the NLD, all other opposition parties and ethnic groups; welcomes, in this context, the mediation efforts by the UN Secretary-General and his Special Rapporteur on Human Rights in Burma/Myanmar;

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5. Strongly urges the Government of Burma/Myanmar to take without delay the steps needed to ensure a free, fair, transparent and inclusive electoral process consistent with international standards, including by enacting the required electoral laws, allowing all voters and all political parties to participate in the electoral process and agreeing to the presence of international observers;
6. Condemns the arbitrary charges behind the arrests of political opponents of the Burmese regime or dissidents, particularly the continuing repression and intimidation of Buddhist monks; urges the Burmese authorities to desist from further politically motivated arrests and to release all prisoners of conscience, including the monks, immediately and unconditionally and with full restoration of their political rights;
7. Condemns the restrictions on freedom of assembly, association, movement and expression in Burma/Myanmar; urges the authorities of Burma/Myanmar to lift these restrictions, including those imposed on the free and independent media;
8. Expresses its concern at the continuing discrimination, human rights violations, violence, child and forced labour, displacement and forms of repression suffered by numerous ethnic and religious minorities, and calls on the Government of Burma/Myanmar to take immediate action to improve their respective situations;
9. Expresses grave concern at the continuing use of practices such as arbitrary detention, enforced disappearance, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment; calls strongly on the Government of Burma/Myanmar to ensure that a full, transparent, effective, impartial and independent investigation is carried out into all reports of human rights violations and to bring those responsible to justice in order to end impunity for such crimes;
10. Calls strongly on the Burmese military junta to put an immediate end to the continuing recruitment and use of child soldiers, to step up measures to protect children from armed conflict and to pursue its cooperation with the Special Representative of the UN Secretary-General for Children and Armed Conflict;
11. Condemns in strong terms the ethnic cleansing campaigns directed by the Government of Burma/Myanmar against minorities, including those seeking refuge in neighbouring countries;
12. Calls on the Royal Thai Government to continue providing shelter and protection to Karen refugees fleeing abuses in Burma/Myanmar and to work with the Office of the United Nations High Commissioner for Refugees, the Thai-Burma Border Consortium and the international community to find an alternative solution that ensures the safety of the 3 000 Karen refugees;
13. Urges the Commission, in light of the ongoing conflict on the Thailand-Burma border, to maintain the EC Humanitarian Office's support for refugee assistance in that area in 2010;
14. Welcomes the fact that the Bangladesh Government is allowing a fact-finding mission by its South Asia delegation to examine the situation of the Rohingya population in Cox's Bazar and Bandarban Districts next week, and calls on the Bangladesh Government to recognise that the unregistered Rohingyas are stateless asylum seekers who have fled persecution in Burma/Myanmar and are in need of international protection, and to provide them with adequate protection, access to a livelihood and other basic services;
15. Urges the governments of China, India and Russia to use their economic and political leverage with the authorities of Burma/Myanmar in order to bring about substantial improvements in the country and to stop supplying the Burmese regime with weaponry and other strategic resources;
16. Calls on the Council to maintain the restrictive measures targeted against the Burmese regime until there is tangible progress on democratisation; at the same time, urges the Council to evaluate the effectiveness of the restrictive measures;

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17. Instructs its President to forward this resolution to the High Representative/Vice-President of the Commission, Catherine Ashton, the governments and parliaments of the Member States, the EU Special Envoy for Burma/Myanmar, the Burmese State Peace and Development Council, the governments of the ASEAN and ASEM member states, the governments of Bangladesh and Russia, the ASEM Secretariat, the ASEAN Inter-Parliamentary Myanmar Caucus, Daw Aung San Suu Kyi, the National League for Democracy, the UN Secretary-General, the UN High Commissioner for Human Rights and the UN Special Rapporteur on Human Rights in Burma/Myanmar.

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Tuesday 9 February 2010

## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

**Appointment of the Commission**

P7\_TA(2010)0010

**European Parliament decision of 9 February 2010 giving consent to the appointment of the Commission**

(2010/C 341 E/17)

*The European Parliament,*

- having regard to Article 17(7) of the EU Treaty and Article 106a of the Euratom Treaty,
- having regard to Council Decision 2009/532/EC <sup>(1)</sup>, meeting in the composition of Heads of State or Government, of 9 July 2009 nominating Mr José Manuel Durão Barroso as President of the Commission,
- having regard to the 'Political Guidelines for the next Commission' presented by the President-elect of the Commission on 3 September 2009,
- having regard to its decision of 16 September 2009 <sup>(2)</sup> electing Mr Durão Barroso as President of the Commission,
- having regard to European Council Decision 2009/950/EU, taken with the agreement of the President of the Commission, of 4 December 2009 appointing the High Representative of the Union for Foreign Affairs and Security Policy <sup>(3)</sup>,
- having regard to Council Decision 2010/41/EU, Euratom, taken by common accord with the President-elect of the Commission, of 22 January 2010 adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission <sup>(4)</sup>,
- having regard to the hearings of the Commissioners-designate before the parliamentary committees responsible, held from 11 January to 3 February 2010, and to the committees' evaluations of the Commissioners-designate after the hearings,

<sup>(1)</sup> OJ L 179, 10.7.2009, p. 61.

<sup>(2)</sup> Minutes of that date, P7\_PV(2009)09-16, Item 7.1.

<sup>(3)</sup> OJ L 328, 15.12.2009, p. 69.

<sup>(4)</sup> OJ L 20, 26.1.2010, p. 5.

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- having regard to the evaluations conducted at the meetings of the Conference of Presidents of 21 January and 4 February 2010,
  - having regard to the statement made in plenary sitting by the President-elect of the Commission on 9 February 2010,
  - having regard to Rule 106 of, and Annex XVII to, its Rules of Procedure,
1. Gives its consent to the appointment of the President, the Vice-President for External Relations (High Representative of the Union for Foreign Affairs and Security Policy) and the other Members of the Commission, as a body, for the term of office running to 31 October 2014;
  2. Instructs its President to forward this decision to the European Council and the Council of Ministers.
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Wednesday 10 February 2010

**Optional and temporary application of the reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud (amendment of Directive 2006/112/EC) \***

P7\_TA(2010)0011

**European Parliament legislative resolution of 10 February 2010 on the proposal for a Council directive amending Directive 2006/112/EC as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud (COM(2009)0511 – C7-0210/2009 – 2009/0139(CNS))**

(2010/C 341 E/18)

(Special legislative procedure - Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0511),
  - having regard to Article 93 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0210/2009),
  - 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 113 of the Treaty on the Functioning of the EU,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0008/2010),
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 EU;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

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**Amendment 1**

**Proposal for a directive – amending act**  
**Recital 4**

(4) The pre-defined list, from which Member States may choose, should be restricted to supplies of goods and services which, according to recent experience, are particularly susceptible to fraud. In order to ensure that the introduction of such mechanism may *effectively* be assessed and that its impact is carefully monitored, Member States should be limited in their choice.

(4) The pre-defined list, from which Member States may choose, should be restricted to supplies of goods and services which, according to recent experience, are particularly susceptible to fraud. In order to ensure that the introduction of such mechanism may be *effectively* assessed and that its impact is carefully monitored, Member States should be limited in their choice **to goods and services on that pre-defined list.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 2****Proposal for a directive – amending act  
Recital 4 a (new)**

*(4a) When choosing the goods and services to be subject to the mechanism, Member States should select greenhouse emission trading allowances and a maximum of two of the categories listed in Part A of Annex VIA.*

**Amendment 3****Proposal for a directive – amending act  
Recital 7**

(7) In order to assess the effect of the application of the mechanism on fraudulent activities in a transparent manner, evaluation reports by Member States should be based on pre-defined criteria *established by Member States*. Any such evaluation should clearly assess the level of fraud before and after the application of the mechanism and any shifts in trends of fraudulent activities, including supplies of other goods and services, supplies at the retail level and supplies in other Member States.

*(7) In order to assess the effect of the application of the mechanism on fraudulent activities in a transparent manner, evaluation reports by Member States should be based on pre-defined criteria. With a view to ensuring uniform application, the Commission should be empowered to adopt measures designed to specify, on the basis of input by the Member States and taking into account the advice of the VAT Committee, the evaluation criteria that will be used by Member States when assessing the effect of the application of the reverse-charge mechanism on fraudulent activities. Such criteria should be established by the Commission by 30 June 2010.* Any such evaluation should clearly assess the level of fraud before and after the application of the mechanism and any shifts in trends of fraudulent activities, including supplies of other goods and services, supplies at the retail level and supplies in other Member States.

**Amendment 4****Proposal for a directive – amending act  
Recital 8**

(8) The report should also evaluate compliance costs for taxable persons and implementation costs incurred by Member States, including those entailed by control and audit measures.

*(8) The report should also evaluate compliance costs for taxable persons and implementation costs incurred by Member States, including those entailed by control and audit measures and possible changes in VAT revenues arising from the mechanism with regard to the goods and services listed in Annex VI A, selected and applied by the respective Member States.*

**Amendment 5****Proposal for a directive – amending act  
Recital 8 a (new)**

*(8a) By 1 July 2014, the Commission should submit a report to the European Parliament and the Council together with appropriate proposals, on the basis of the Member States' evaluation reports, assessing the overall effectiveness and efficiency of the measure applying the mechanism and the cost-benefit ratio of the measure in order to re-evaluate whether an extension or a widening of its scope would be appropriate.*

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 6****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 1– subparagraph 1

1. Member States may, until 31 December 2014 and for a minimum period of two years, introduce and apply a mechanism whereby the VAT due on supplies of the categories of goods and services listed in Annex VI A is payable by the person to whom those goods and services are supplied.

1. Member States may, until 31 December 2014 and for a minimum period of two years, introduce and apply a mechanism whereby the VAT due on supplies of the categories of goods and services listed in Annex VI A is payable by the **taxable** person to whom those goods and services are supplied.

**Amendment 7****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 1 – subparagraph 2

When choosing which goods and services *shall* be subject to that mechanism, **Member States are limited to three of the categories listed in Annex VI A of which a** maximum of two **must be** categories of goods.

When choosing which goods and services *are to* be subject to that mechanism, Member States **shall select trading greenhouse emission trading allowances and** a maximum of two **of the** categories of goods **listed in Part A of Annex VI A.**

**Amendment 8****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 2 – point b

(b) introduce appropriate and effective reporting obligations on any taxable person supplying goods or services to which that mechanism applies, as to enable, for each transaction, the identification of that taxable person and the taxable person to whom the supplies are made, of the type of goods or services supplied, and of the tax period and value of these supplies;

(b) introduce appropriate and effective reporting obligations on any taxable person supplying goods or services to which that mechanism applies, so as to enable, **on a periodical basis** for each transaction, **or on a global transaction basis**, the identification of that taxable person and the taxable person to whom the supplies are made, of the type of goods or services supplied, and of the tax period and value of these supplies;

**Amendment 9****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 2 – point c

(c) impose transaction-based or global reporting obligations on any taxable person receiving goods or services to which that mechanism applies for cross-checking purposes against information submitted by the supplier;

(c) impose **periodical** transaction-based or global reporting obligations on any taxable person receiving goods or services to which that mechanism applies for cross-checking purposes against information submitted by the supplier;

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 10****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 2 – point d

(d) introduce appropriate and effective control measures to monitor and mitigate current forms of fraud, as well as to prevent the emergence of fraudulent activities in respect of other goods or services at the retail level or in other Member States.

(d) introduce appropriate and effective control measures ***accompanied by already existing unannounced inspections*** to monitor and mitigate current forms of fraud, as well as to prevent the emergence of fraudulent activities in respect of other goods or services at the retail level or in other Member States.

**Amendment 11****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 2 a (new)

***2a. A Member State choosing to introduce the mechanism provided for in paragraph 1 may impose a requirement of specific data-based reports on any taxable person receiving goods or services to which that mechanism applies, in order to clarify whether those goods and services are used for usual business purposes or for other purposes.***

**Amendment 12****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 3 a (new)

***3a. On the basis of input by the Member States, the evaluation criteria referred to in paragraph 3(b) shall be defined by the Commission after consulting the VAT Committee.***

**Amendment 13****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 4 – point f a (new)

***(fa) possible changes in VAT revenues arising from the mechanism with regard to the goods and services listed in Annex VI A, selected and applied by the respective Member States.***

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 14****Proposal for a directive – amending act****Article 1 – point 1**

Directive 2006/112/EC

Article 199a – paragraph 4 a (new)

**4a.** *By 1 July 2014, the Commission shall submit a report to the European Parliament and the Council together with appropriate proposals on the basis of the Member States' reports referred to in paragraph 4, assessing the overall effectiveness and efficiency of the measure applying the mechanism and the cost-benefit ratio of the measure in order to re-evaluate whether an extension or a widening of its scope is appropriate.*

**Eligibility of housing interventions in favour of marginalised communities \*\*\*I**

P7\_TA(2010)0012

**European Parliament legislative resolution of 10 February 2010 on the proposal for a Regulation (EC) No .../2009 of the European Parliament and of the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities (COM(2009)0382 – C7-0095/2009 – 2009/0105(COD))**

(2010/C 341 E/19)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0382),
  - having regard to Article 251(2) and Article 162 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0095/2009),
  - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Article 294(3) and Article 178 of the Treaty on the Functioning of the EU,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development (A7-0048/2009),
1. Adopts the position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

Wednesday 10 February 2010

**P7\_TC1-COD(2009)0105**

**Position of the European Parliament adopted at first reading on 10 February 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 437/2010.)*

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**Administrative cooperation in the field of taxation \***

P7\_TA(2010)0013

**European Parliament legislative resolution of 10 February 2010 on the proposal for a Council directive on administrative cooperation in the field of taxation (COM(2009)0029 – C6-0062/2009 – 2009/0004(CNS))**

(2010/C 341 E/20)

(Special legislative procedure – Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0029),
  - having regard to Articles 93 and 94 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0062/2009),
  - having regard to the communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Articles 113 and 115 of the Treaty on the Functioning of the EU,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0006/2010),
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 EU;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 1****Proposal for a directive  
Recital 9 a (new)**

(9a) *In order correctly to apply and verify the Member States' different tax regimes, adequate information is needed on taxable activities carried out in other Member States. Of the different options, the automatic exchange of data seems to be the most effective way of communicating the current information required for accurate taxation, in particular in cross-border cases. In order to ensure the effectiveness of such automatic exchange of information, it is necessary to determine the categories and define the fields to which its application is mandatory. In addition, there should be the possibility of establishing a double limit depending on the categories for which information is communicated and/or the amount that triggers the mechanism.*

**Amendment 2****Proposal for a directive  
Recital 10**

(10) The Member States should exchange automatically any information where a Member State has grounds to believe that a failure of compliance with tax laws has been committed or is likely to have been committed in the other Member State, where there is a risk of inappropriate taxation in the other Member State, or where tax has been or may be evaded or avoided for any reason in the other Member State, and especially where there is an artificial transfer of profits between enterprises in different Member States or where such transactions are carried out between enterprises in two Member States through a third country in order to obtain tax advantages.

(10) The Member States should exchange automatically any information, **while ensuring the protection of customer privacy**, where a Member State has grounds to believe that a failure of compliance with tax laws has been committed or is likely to have been committed in the other Member State, where there is a risk of inappropriate taxation in the other Member State, or where tax has been or may be evaded or avoided for any reason in the other Member State, and especially where there is an artificial transfer of profits between enterprises in different Member States or where such transactions are carried out between enterprises in two Member States through a third country in order to obtain tax advantages.

**Amendment 3****Proposal for a directive  
Recital 11 a (new)**

(11a) *Such information should also be protected under 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 <sup>(1)</sup> and under Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(2)</sup>. The Member States and the Commission should respect the obligations relating to transparency and information with regard to the interested parties in cases involving retrieval of the personal data. An appropriate level of protection, limited storage period, and accountability of the data keeper institution or body should be ensured.*

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.



Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 29****Proposal for a directive  
Recital 11 b (new)**

*(11b) In the cases described in recitals 9, 10 and 11, the information exchange envisaged should not result in individuals or companies being burdened with additional reporting requirements;*

**Amendment 4****Proposal for a directive  
Recital 12**

(12) It is important that officials of the tax administration of one Member State are allowed to be present in the territory of another *Member State and may exercise the powers of inspection conferred on officials of the requested Member State.*

*(12) In order to boost cooperation between Member States' tax administrations,* it is important that officials of the tax administration of one Member State are allowed to be present in the territory of another.

**Amendment 5****Proposal for a directive  
Recital 17 a (new)**

*(17a) In order to enhance the applicability and effectiveness of this Directive, the same level of obligation should apply both to the communication of information already available by the requested authority and to conducting the administrative enquiries necessary to obtain such information.*

**Amendment 6****Proposal for a directive  
Recital 19**

(19) However, a Member States should not refuse to transmit the information because it has no domestic interest or because the information *relating to a resident of the other Member State* is held by a bank, *other* financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

(19) However, a Member State should not refuse to transmit the information because it has no domestic interest or because the information is held by a bank *or another* financial institution, *or by a* nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

**Amendment 7****Proposal for a directive  
Recital 20**

(20) It should also be made clear that where a Member State provides a wider cooperation to a third country than is provided for under this Directive, it should not refuse to provide such wider cooperation to the other Member States.

(20) It should also be made clear that where a Member State provides wider cooperation to a third country than is provided for under this Directive, it should not refuse to provide such wider cooperation to the other Member States. *Any transfer of personal data to a third country should be made in accordance with Directive 95/46/EC.*

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 8****Proposal for a directive  
Recital 22**

(22) An evaluation of the effectiveness of *administrative cooperation should be made*, especially on *the basis of* statistics.

(22) *In order to strengthen and deepen administrative cooperation*, an evaluation *should be made* of the effectiveness of *the implementation of this Directive, based* especially on statistics. *It is also necessary to monitor cases where the Member States have refused to communicate information or conduct an administrative enquiry.*

**Amendment 9****Proposal for a directive  
Recital 23 a (new)**

(23a) *The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of technical improvements to the categories of income and capital that are subject to the automatic exchange of information and to the thresholds of income and capital above which the information exchange must be carried out. In view of the specific nature of the administrative cooperation, the empowerment should be for an indeterminate period of time.*

**Amendment 10****Proposal for a directive  
Article 3 – point 6 – point d**

(d) any legal arrangement, *including partnerships and trusts, whose income or capital* are subject to any of the taxes covered by this Directive;

(d) any *other* legal *instrument or* arrangement, *regardless of its nature or form and whether or not it has legal personality, that may own and manage assets, including income therefrom, that* are subject to any of the taxes covered by this Directive;

**Amendment 11****Proposal for a directive  
Article 3 – point 8**

8. 'by electronic means' means using electronic equipment for the processing, including digital compression, and storage of data, and employing wires, radio transmission, optical technologies or other electromagnetic means;

8. 'by electronic means' means using electronic equipment for the processing, including digital compression, and storage of data, and employing wires, radio transmission, optical technologies or other electromagnetic means, *where such means can be conducted while guaranteeing secure protection of information;*

**Amendment 12****Proposal for a directive  
Article 7 a (new) (in Section I 'Exchange of information on request')****Article 7a****Control systems**

*Each Member State shall develop appropriate control systems for its single taxation liaison office, in the interests of transparency and cost-effectiveness, and shall draw up a publicly accessible report, in the context of an annual monitoring exercise, accordingly.*

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 13****Proposal for a directive****Article 8 – paragraph 1**

1. The competent authority of each Member States shall, by automatic exchange, **forward** information on specific categories of income and capital **to the other Member States**.

1. The competent authority of each Member State shall, by automatic exchange, **communicate to the competent authority of the other Member State** information **relating to persons who are tax resident in that other Member State** on the **following** specific categories of income and capital:

- (a) **income from work;**
- (b) **directors' emoluments;**
- (c) **dividends;**
- (d) **capital gains;**
- (e) **royalties;**
- (f) **life insurance products not covered by other Union legal instruments on the exchange of information and other similar measures;**
- (g) **pensions;**
- (h) **ownership of immovable property and income derived therefrom.**

Such information shall be protected under Directive 95/46/EC and Regulation (EC) No 45/2001. The Member States and the Commission shall respect the obligations relating to transparency and information with regard to the interested parties in cases involving retrieval of the personal data. An appropriate level of protection, limited storage period, and accountability of the data keeper institution or body shall be ensured.

**Amendment 14****Proposal for a directive****Article 8 – paragraph 2**

2. The Commission shall adopt, **in accordance with the procedure referred to in Article 24(2), within two years of the entry into force of this Directive:**

- (a) **the categories of income and capital to be covered**
- (b) **the type of information to be exchanged;**
- (c) **any specific condition or restriction within the categories referred to in point (a);**
- (d) **the frequency of the exchanges;**
- (e) **the practical arrangements for the exchange of information.**

2. With a view to improving the effectiveness of the assessment of the taxes referred to in Article 2 on the basis of the experience gathered by Member States, the Commission shall adopt, **for the first time by...(\*)**, **delegated acts** in accordance with Articles 22a, 22b and 22c, which:

- (a) **clarify any specific condition or restriction within the categories referred to in paragraph 1;**
- (b) **specify for each category of income and capital the threshold above which the information exchange must be carried out.**

(\*) OJ please insert date: two years after the entry into force of this Directive.

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 15****Proposal for a directive  
Article 8 – paragraph 2 a (new)**

*2a. The Commission shall evaluate and report annually to the European Parliament and the Council on the functioning of the automatic exchange of information. On the basis of its evaluation, the Commission shall propose measures to improve the scope and quality of the automatic exchange requirement in order to enhance the smooth functioning of the internal market.*

**Amendment 16****Proposal for a directive  
Article 8 – paragraph 3 a (new)**

*3a. The competent authority in one Member State may notify the competent authority of another Member State that it does not wish to receive information on the categories of income and capital referred to in paragraph 1 or that it does not wish to receive information on such income and capital that is not above a certain threshold. In such a case, that competent authority shall also inform the Commission thereof.*

**Amendment 17****Proposal for a directive  
Article 8 – paragraph 3 b (new)**

*3b. The information shall be communicated at least annually and no later than six months after the end of the financial year in the Member State in which the information has been obtained.*

**Amendment 18****Proposal for a directive  
Article 8 – paragraph 4 – subparagraph 1 – introductory part**

4. Where Member States conclude bilateral or multilateral agreements with a view to the correct assessment of the taxes referred to in Article 2, they shall provide for automatic exchange of information relating to certain categories of income and capital. For that purpose, they shall specify in those agreements the following elements:

4. Where Member States conclude bilateral or multilateral agreements with a view to the correct assessment of the taxes referred to in Article 2, they shall provide for automatic exchange of information relating to certain categories of income and capital, **in accordance with Directive 95/46/EC and Regulation (EC) No 45/2001**. For that purpose, they shall specify in those agreements the following elements:

**Amendment 19****Proposal for a directive  
Article 10 – paragraph 2 – subparagraph 1**

2. Where officials of the requesting authority are present during administrative enquiries pursuant to the paragraph 1, they may *exercise the powers of inspection conferred on officials of the requested authority, under the condition that they exercise these powers in accordance with the laws, regulations or administrative provisions of the requested Member State.*

2. Where officials of the requesting authority are present during administrative enquiries pursuant to paragraph 1, they may, **in agreement with the requested authority and in accordance with the guidelines laid down by the latter,** take part in that enquiry.

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 20****Proposal for a directive  
Article 17 – paragraph 2**

2. In no case shall Article 16(2) and (4) be construed as permitting a requested authority of a Member State to decline to supply information *concerning a person resident for tax purposes in the Member State of the requesting authority* solely because this information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

2. In no case shall Article 16(2) and (4) be construed as permitting a requested authority of a Member State to decline to supply *relevant* information *within the meaning of Article 5(1)* solely because this information is held by a bank or another financial institution, or by a nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

**Amendment 21****Proposal for a directive  
Article 22 – paragraph 2 a (new)**

*2a. Member States shall notify the Commission annually of any refusals to communicate information or to conduct an administrative enquiry, indicating the reasons for such refusal. The Commission shall assess the information so notified and shall make recommendations with a view to reducing the number of such cases in accordance with Article 24(3).*

**Amendment 22****Proposal for a directive  
Chapter V a – title (new)****CHAPTER Va  
DELEGATED ACTS****Amendment 23****Proposal for a directive  
Article 22 a (new)****Article 22a****Exercise of the delegation**

1. The power to adopt the delegated acts referred to in Article 8(2) shall be conferred on the Commission for an indeterminate period of time.
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 22b and 22c.

**Amendment 24****Proposal for a directive  
Article 22 b (new)****Article 22b****Revocation of the delegation**

1. The delegation of power referred to Article 8(2) may be revoked by the European Parliament or by the Council.

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission, stating the delegated powers which could be subject to revocation.

3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

#### Amendment 25

Proposal for a directive  
Article 22 c (new)

##### Article 22c

##### Objections to delegated acts

1. The European Parliament or the Council may object to a delegated act within a period of four months from the date of notification. At the initiative of the European Parliament or the Council that period shall be extended by two months.

2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

#### Amendment 26

Proposal for a directive  
Article 23 – paragraph 1 – subparagraph 1

1. Where the competent authority of a Member State receives information with a view to the correct assessment of the taxes referred in Article 2 from a third country, that authority shall provide that information to the competent authorities of Member States for which that information **might be useful** and, in any event, to all those which request it, in so far as this is not excluded by international agreements with that third country.

1. Where the competent authority of a Member State receives information with a view to the correct assessment of the taxes referred in Article 2 from a third country, that authority shall provide that information to the competent authorities of Member States for which that information **is necessary for an accurate assessment of those taxes** and, in any event, to all those which request it, in so far as this is not excluded by international agreements with that third country.

#### Amendment 27

Proposal for a directive  
Article 23 – paragraph 2 – introductory part

2. Competent authorities may communicate, in accordance with their domestic provisions on the communication of personal data to third countries, information obtained in accordance with this Directive to a third country, provided that all of the following conditions are met:

2. Competent authorities may communicate, in accordance with their domestic provisions on the communication of personal data to third countries, information obtained in accordance with this Directive to a third country. **Any such transfer of information to a third country shall be made in accordance with Directive 95/46/EC** and provided that all of the following conditions are met:

Wednesday 10 February 2010

**Mutual assistance for the recovery of claims relating to taxes, duties and other measures \***

P7\_TA(2010)0014

**European Parliament legislative resolution of 10 February 2010 on the proposal for a Council directive concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (COM(2009)0028 – C6-0061/2009 – 2009/0007(CNS))**

(2010/C 341 E/21)

(Special legislative procedure – Consultation)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2009)0028),
  - having regard to Articles 93 and 94 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0061/2009),
  - 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 international decision-making procedures’ (COM(2009)0665),
  - having regard to Articles 113 and 115 of the Treaty on the Functioning of the EU,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0002/2010),
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 EU;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 1**

**Proposal for a directive  
Article 3 – paragraph 6 a (new)**

**6a. Each Member State shall develop appropriate control systems for its central liaison office, or for the liaison offices that it has designated as liaison departments, in the interests of transparency and cost-efficiency, and shall draw up a publicly accessible report, in the context of an annual monitoring exercise, accordingly.**



Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 2****Proposal for a directive****Article 4 – paragraph 1 – subparagraph 1**

1. *At the request of a central liaison office, a liaison office or a liaison department of a Member State (hereinafter ‘the applicant authority’), the central liaison office, a liaison office or a liaison department of the Member State to which the request is made (hereinafter ‘the requested authority’) shall provide* any information which might be relevant to the *applicant authority* in the recovery of *its* claims as referred to in Article 2.

1. *The central liaison offices shall exchange* any information *with the central liaison offices of the other Member States* which might be relevant to the *latter* in the recovery of the claims as referred to in Article 2.

**Amendment 3****Proposal for a directive****Article 5**

The central liaison offices shall exchange information concerning refunds of taxes, other than value added tax, by the national tax authorities, if those refunds relate to persons established in another Member State *and concern amounts exceeding EUR 10 000*.

The central liaison offices shall exchange information concerning refunds of taxes, other than value added tax, by the national tax authorities, if those refunds relate to persons established in another Member State.

**Amendment 4****Proposal for a directive****Article 6 – paragraph 2**

2. By agreement between the applicant authority and the requested authority and in accordance with the arrangements laid down by the latter, officials authorised by the applicant authority may, with a view to receiving information referred to in **Article 4(1)**, be present during administrative enquiries carried out in the territory of the requested Member State.

Where officials of the applicant **Member State** are present during administrative enquiries pursuant to the first subparagraph, they may exercise the powers of inspection conferred on officials of the requested **Member State**, on condition that they exercise those powers in accordance with the laws, regulations or administrative provisions of the requested Member State.

Any refusal of the person under investigation to respect the inspection measures of the officials of the applicant **Member State** shall be treated by the requested **Member State** as a refusal committed against its own officials.

2. By agreement between the applicant authority and the requested authority and in accordance with the arrangements laid down by the latter, officials authorised by the applicant authority may, with a view to receiving information referred to in **this Directive**, be present during administrative enquiries carried out in the territory of the requested Member State.

Where officials of the applicant **authority** are present during administrative enquiries pursuant to the first subparagraph, they may, *where so agreed*, exercise the powers of inspection conferred on officials of the requested **authority**, on condition that they exercise those powers in accordance with the laws, regulations or administrative provisions of the requested **authority’s** Member State.

*Where an agreement has been concluded between the applicant authority and the requested authority concerning the inspection powers vested in officials by the requested authority*, any refusal of the person under investigation to respect the inspection measures of the officials of the applicant **authority** shall be treated by the requested **authority** as a refusal committed against its own officials.

**Amendment 5****Proposal for a directive****Article 8 – paragraph 1 – point b**

(b) by sending, by registered mail or electronically, a standard form to which the instrument or decision emanating from the applicant Member State is attached; for this standard form, the model set out in Annex I shall be used.

(b) by sending, by registered mail or electronically, a standard form to which the instrument or decision emanating from the applicant Member State, *or a certified copy thereof*, is attached; for this standard form, the model set in the Annex I shall be used.

Wednesday 10 February 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

**Amendment 6**

**Proposal for a directive  
Article 12 – paragraph 3**

3. The entire amount of the claim that is recovered by the requested authority shall be remitted to the applicant Member State.

3. The entire amount of the claim that is recovered by the requested authority shall be remitted to the applicant Member State ***within 14 days of receipt of the request.***

**Amendment 7**

**Proposal for a directive  
Article 23 a (new)**

***Article 23a***

***Follow-up of activities carried out in accordance with this Directive***

***The central liaison offices shall issue an annual report on cooperation activities carried out during the previous tax year in accordance with this Directive. That report shall detail at least the number of requests received and issued, the action taken, the reasons given where the request was refused, the time taken to deal with the request, the amount of the claim and the amounts actually recovered. The report shall be forwarded to the European Parliament and the Commission for their opinions.***

**Amendment 8**

**Proposal for a directive  
Article 27 – paragraph 1 a (new)**

***The Commission shall work towards good cooperation between the Member States and shall, on an ongoing basis, monitor any complaints of shortcomings in the exchange of information and assistance between the Member States with a view to recovery in accordance with this Directive.***

**Amendment 9**

**Proposal for a directive  
Article 27 a (new)**

***Article 27a***

***Commission analysis***

***The Commission shall conduct a comparative analysis on a wide range of tax recovery instruments provided for in Member States' tax codes, such as collection orders, recovery claims specified in the real estate property records, liens, enforcement procedure deadlines required by law and applied in practice with a view to facilitating the implementation of best practices for tax recovery in Member States.***

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Thursday 11 February 2010

**Amendment of Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) \*\*\*I**

P7\_TA(2010)0026

**European Parliament legislative resolution of 11 February 2010 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) (COM(2009)0588 – C7-0279/2009 – 2009/0163(COD))**

(2010/C 341 E/22)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0588),
  - having regard to Article 181a of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0279/2009),
  - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Article 294(3) and Article 212(2) of the Treaty on the Functioning of the EU,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0003/2010),
1. Adopts the position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

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**P7\_TC1-COD(2009)0163**

**Position of the European Parliament adopted at first reading on 11 February 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA)**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 540/2010.)*

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Thursday 11 February 2010

## **International recovery of child support and other forms of family maintenance \***

P7\_TA(2010)0027

**European Parliament legislative resolution of 11 February 2010 on the proposal for a Council decision on the conclusion by the European Community of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (COM(2009)0373 – C7-0156/2009 – 2009/0100(NLE))**

(2010/C 341 E/23)

(Consultation)

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2009)0373),
  - having regard to Articles 61(c) and 300(2), first subparagraph, of the EC Treaty,
  - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0156/2009),
  - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Articles 81(3) and 218(6)(b) of the Treaty on the Functioning of the EU,
  - having regard to Rules 55 and 90(8) of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0005/2010),
1. Approves conclusion of the Convention;
  2. Instructs its President to forward its position to the Council and the Commission.

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## **Community Programme for Employment and Social Solidarity - Progress \*\*\*I**

P7\_TA(2010)0028

**European Parliament legislative resolution of 11 February 2010 on the proposal for a decision of the European Parliament and of the Council amending Decision No 1672/2006/EC of the European Parliament and of the Council establishing a Community Programme for Employment and Social Solidarity - Progress (COM(2009)0340 – C7-0052/2009 – 2009/0091(COD))**

(2010/C 341 E/24)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0340),
- having regard to Article 251(2) and Article 13(2), Article 129 and Article 137(2)(a) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0052/2009),

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- having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
  - having regard to Article 294(3) and Article 19(2), Article 149 and Article 153(2)(a) 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 Employment and Social Affairs and the opinion of the Committee on Budgets (A7-0049/2009),
1. Adopts the position at first reading hereinafter set out;
  2. Takes note of the Commission statement annexed hereto;
  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 to the national parliaments.

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## P7\_TC1-COD(2009)0091

**Position of the European Parliament adopted at first reading on 11 February 2010 with a view to the adoption of Decision No .../2010/EU of the European Parliament and of the Council amending Decision No 1672/2006/EC establishing a Community Programme for Employment and Social Solidarity - Progress**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 284/2010/EU.)*

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## ANNEX

### Statement by the Commission

#### Re: Financing of the European Microfinance Facility

The financial contribution from the Union budget for the Facility for the period 1 January 2010 to 31 December 2013 has been set at EUR 100 million, to be partly financed by a reduction of EUR 60 million in the Progress programme.

When presenting its draft budget(s), the Commission will leave a sufficient unallocated margin under the expenditure ceiling of Heading 1a whereby the Budgetary Authority i.e. Council and Parliament, may decide to increase the amount of the Progress programme by a maximum of EUR 20 million over the period 2011-2013 in conformity with point 37 of the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management.

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Thursday 11 February 2010

**Agreement between the EU and the USA on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program \*\*\***

P7\_TA(2010)0029

**European Parliament legislative resolution of 11 February 2010 on the proposal for a Council decision on the conclusion of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program (05305/1/2010 REV 1 – C7-0004/2010 – 2009/0190(NLE))**

(2010/C 341 E/25)

(Consent)

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2009)0703 and 05305/1/2010 REV 1),
- having regard to the text of the agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program (16110/2009),
- having regard to its resolution of 17 September 2009 on the envisaged international agreement to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing <sup>(1)</sup>,
- having regard to the request for consent submitted by the Council pursuant to Article 218 (6)(a) in conjunction with Articles 82(1)(d) and 87(2)(a) of the Treaty on the Functioning of the EU (C7-0004/2010),
- 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 (A7-0013/2010),

1. Withholds its consent to the conclusion of the Agreement;
2. Requests the European Commission to immediately submit recommendations to the Council with a view to a long-term agreement with the United States dealing with the prevention of terrorism financing; reiterates that any new agreement in this area should comply with the new legal framework established by the Treaty of Lisbon and the now binding Charter of Fundamental Rights of the European Union, and renews the requests made in its resolution of 17 September 2009, particularly in paragraphs 7 to 13;
3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and the government of the United States of America.

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<sup>(1)</sup> Texts adopted, P7\_TA(2009)0016.

III *Preparatory acts***European Parliament****Tuesday 9 February 2010**

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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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