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EU support for the International Criminal Court

European Parliament resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties (2011/2109(INI))

The European Parliament,

- having regard to the Rome Statute of the International Criminal Court (ICC), which entered into force on 1 July 2002,
- having regard to the Convention on the Prevention and Punishment of the Crime of Genocide, which entered into force on 12 January 1951,
- having regard to its previous resolutions on the International Criminal Court, in particular those of 19 November 1998¹, 18 January 2001², 28 February 2002³, 26 September 2002⁴ and 19 May 2010⁵,
- having regard to its previous resolutions on Annual Reports on Human Rights in the World, the most recent being that of 16 December 2010⁶,
- having regard to Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court⁷,
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court⁸,
- having regard to the Action Plan of 4 February 2004 and to the Action Plan to follow up on the Decision on the International Criminal Court of 12 July 2011,
- having regard to the Agreement between the International Criminal Court and the European Union on cooperation and assistance⁹,
- having regard to the European Security Strategy (ESS) of 2003 entitled ‘A Secure Europe in a Better World’, which was adopted by the European Council on 12 December 2003,
- having regard to the Stockholm Programme 2010-2014 entitled ‘An Open and Secure Europe Serving and Protecting Citizens’ (December 2009)¹⁰ and the Action Plan implementing the Stockholm Programme (April 2010, COM (2010)0171),

¹ OJ C 379, 7.12.1998, p. 265.

² OJ C 262, 18.9.2001, p. 262.

³ OJ C 293 E, 28.11.2002, p. 88.

⁴ OJ C 273 E, 14.11.2003, p. 291.

⁵ OJ C 161 E, 31.5.2011, p. 78.

⁶ Texts adopted, P7_TA(2010)0489.

⁷ OJ L 150, 18.6.2003, p. 67.

⁸ OJ L 76, 22.3.2011, p. 56.

⁹ OJ L 115, 28.4.2006, p. 50.

¹⁰ OJ C 115, 4.5.2010, p. 1.

- having regard to Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes¹, and Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes²,
 - having regard to UN Security Council Resolutions 1593 (2005) on Sudan/Darfur and 1970 (2011) on Libya,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women's Rights and Gender Equality (A7-0368/2011),
- A. whereas justice, the rule of law and the fight against impunity are the pillars of sustainable peace in that they guarantee human rights and fundamental freedoms;
 - B. whereas as of September 2011, 117 states have ratified the Rome Statute; whereas achieving its universal ratification should nevertheless remain a primary objective;
 - C. whereas the universal nature of justice implies its even application, free of exceptions and double standards; whereas nowhere should be a safe haven for those who have committed genocide, crimes against humanity, extrajudicial executions, war crimes, torture, mass rape or forced disappearances;
 - D. whereas justice should be seen as an indispensable element underpinning peace and conflict resolution efforts;
 - E. whereas maintaining the independence of the ICC is crucial not only to ensuring that it is fully effective, but also to promoting the universality of the Rome Statute;
 - F. whereas the ICC is the first permanent international judicial body capable of trying individuals for genocide, crimes against humanity and war crimes, thus making a decisive contribution to the upholding of human rights and to international law by combating impunity, playing a crucial deterrent role and sending a clear signal that impunity for these crimes will not be tolerated;
 - G. whereas pursuing the 'interests of justice' regardless of political considerations (Article 53 of the Rome Statute) is the founding principle of the Court; whereas the ICC plays a key role in promoting international justice and thus contributing to security, justice and the rule of law, as well as to the preservation of peace and the strengthening of international security;
 - H. whereas the ICC has jurisdiction over crimes committed after the entry into force of the Rome Statute on 1 July 2002;
 - I. whereas, in accordance with the Preamble of the Statute, as well as with the principle of complementarity, the ICC only acts in instances where national courts are unable or unwilling to hold credible trials at home, so that States Parties retain the primary

¹ OJ L 167, 26.6.2002, p. 1.

² OJ L 118, 14.5.2003, p. 12.

responsibility for prosecuting war crimes, crimes against humanity and genocide; whereas cooperation among States Parties to the Rome Statute and with regional organisations is of the utmost importance, particularly in situations where the jurisdiction of the Court is being challenged;

- J. whereas the ICC's policy of 'positive complementarity' supports the capacity of national courts to investigate and prosecute war crimes;
- K. whereas the ICC is currently conducting investigations in seven countries (Uganda, the Democratic Republic of the Congo, the Darfur region of Sudan, the Central African Republic, Kenya, Libya and Côte d'Ivoire) and has publicly announced that it is analysing information regarding alleged crimes committed in several other situations; whereas two cases (Darfur and Libya) have been referred by the United Nations Security Council, three cases (Uganda, the Democratic Republic of the Congo, and the Central African Republic) have been referred to the Court by the States Parties themselves, and two (Kenya and Côte d'Ivoire) have been started *proprio motu* by the Prosecutor;
- L. whereas the majority of the 17 arrest warrants issued by the ICC have not yet been implemented, including those against Joseph Kony and other leaders of the Lord's Resistance Army in respect of the situation in Northern Uganda, Bosco Ntaganda of the Democratic Republic of the Congo, Ahmad Muhammad Harun, Ali Muhammad Ali Abd-Al-Rahman and President Omar Hassan Ahmad Al Bashir of Sudan, and Saif al-Islam Gaddafi and Abdullah Al-Senussi of Libya;
- M. whereas fair trial, due process and victims' rights are the fundamental principles of the Rome Statute system;
- N. whereas the Court's aim is to deliver justice for victims and affected communities in a comprehensive and reparative manner, including through participation, protection, legal representation and outreach activities;
- O. whereas the Court offers victims a right of participation supported by structures of witness protection;
- P. whereas the system of reparations for the victims of the crimes within the competences of the Court makes the ICC a unique judicial institution on the international level;
- Q. whereas the success of the reparation proceedings starting in 2011 depends on voluntary contributions by donors, as well as on the collection of fines and forfeitures from the convicted persons;
- R. whereas the Court is currently being called upon to deal with a rapidly increasing number of investigations, cases and preliminary examinations, while some States Parties of the Rome Statute are seeking to hold the Court to the same or even a decreased budget;
- S. whereas the EU and its Member States have been staunch allies of the Court from its inception, offering continued political, diplomatic, financial and logistical support, including the promotion of universality and defending the integrity of the Rome Statute, with a view to protecting and enhancing the independence of the Court;
- T. whereas the fight against impunity can only succeed when all States Parties cooperate fully

with the ICC, and when non-parties also provide assistance to the judicial institution;

The need to enhance support for the Court through political and diplomatic action

1. Reiterates its full support for the ICC, the Rome Statute and the international criminal justice system, whose primary objective is the fight against impunity for genocide, war crimes and crimes against humanity;
2. Reiterates its full support for the Office of Prosecutor, the Prosecutor's *proprio motu* powers and the progress in initiating new investigations;
3. Urges Parties and non-parties to the Rome Statute to refrain from exercising political pressure on the Court in order to preserve and guarantee its impartiality and to allow for justice based on law, rather than on political considerations, to be dispensed;
4. Underlines the importance of the principle of universality, and calls on the EEAS, the EU Member States and the Commission to continue their vigorous efforts to promote universal ratification of the Rome Statute and the Agreement on Privileges and Immunities of the International Criminal Court (APIC) and national implementing legislation;
5. Welcomes the fact that the EU and most Member States made specific pledges at the Kampala conference, and recommends that the fulfilment of these pledges should take place in a timely manner and be reported back at the next Assembly of States Parties, scheduled to take place on 12-21 December 2011 in New York;
6. Welcomes the adoption of amendments to the Rome Statute, including on the crime of aggression, and calls on all EU Member States to ratify them and incorporate them into their national legislation;
7. Welcomes the review of the EU Common Position on the ICC through the adoption of a Decision on 21 March 2011, notes that the new decision takes into consideration the challenges faced by the Court and stresses that the decision provides a good basis for the EU and its Member States to assist the Court in tackling them;
8. Welcomes the revised EU Action Plan agreed on 12 July 2011 to follow up the Decision on the ICC, which outlines effective, concrete measures to be taken by the EU to deepen its future support for the Court, and encourages the Council Presidency together with the Commission, the EEAS and the Member States to make implementation of the Action Plan a priority;
9. Stresses that full and prompt cooperation between States Parties, including EU Member States, and the Court remains essential to the effectiveness and success of the international criminal justice system;
10. Calls on the EU and its Member States to comply with all requests by the Court to provide assistance and cooperation in a timely manner to ensure, *inter alia*, the execution of pending arrest warrants and the provision of information, including requests aimed at helping to identify, freeze and seize the financial assets of suspects;
11. Urges all the EU Member States that have not yet done so to enact national legislation on cooperation and to conclude framework agreements with the ICC for the enforcement of the

Court's sentences and on matters of investigation, collecting evidence, finding, protecting and relocating witnesses, arresting, extraditing, holding in custody and hosting indicted persons when released on bail and imprisoning sentenced persons; calls on the Member States to mutually cooperate through their police, judicial and other relevant mechanisms to ensure adequate support for the ICC;

12. Encourages the EU Member States to amend Article 83 of the Treaty of the Functioning of the European Union to add the crimes under the jurisdiction of the ICC to the list of crimes for which the EU has competences; more specifically, urges the EU Member States to transfer competences to the EU in the area of identification and confiscation of assets of persons indicted by the ICC, notwithstanding the fact that judicial proceedings are initiated by the ICC; calls on the EU Member States to cooperate in exchanging relevant information through the existing Asset Recovery Offices as well as through the Camden Asset Recovery Inter-Agency Network (CARIN);
13. Urges the EU Member States to incorporate fully the provisions of the Rome Statute and the Agreement on Privileges and Immunities of the Court (APIC) into their national legislation;
14. Welcomes the adoption at the Kampala Review Conference of amendments to the Rome Statute relating to the crime of aggression and calls on all the EU Member States to ratify them and integrate them into their national legislation; recommends that, in the interests of strengthening the universality of the Rome Statute, efforts should be made by joint agreement to achieve a more precise definition of the relevant offences establishing an act of aggression in breach of international law;
15. Notes that the Court, according to the results of the Kampala Conference, would not be able to exercise its jurisdiction over the crime of aggression until after January 2017, when a decision is to be made by States Parties to activate this jurisdiction;
16. Welcomes the contribution of some EU Member States to the fight against impunity for the worst crimes known to humanity through the application of universal jurisdiction; encourages all the EU Member States to do the same; recommends that the role of the EU Network of Contact Points for War Crimes, Crimes against Humanity and Genocide in facilitating cooperation between EU law enforcement authorities in the prosecution of serious crimes should continue to be strengthened;
17. Underlines the fundamental role of international criminal jurisdictions in fighting impunity and addressing the relevant violations of international law concerning the illegal use and recruitment of child soldiers; is firmly opposed to children under the age of 18 years being conscripted or recruited into the armed forces or used in any way in military action; points out the importance of safeguarding their rights to a peaceful childhood, education, physical integrity, safety and sexual autonomy;
18. Calls for the establishment of effective policies and enhancing mechanisms to ensure that victims' participation at the ICC has substantive impact, including more accessible psychological, medical and legal counselling and easy access to witness protection programmes; highlights the importance of promoting awareness of sexual violence in conflict zones by means of law programmes, the documentation of gender-based crimes in armed conflicts, and the training of lawyers, judges and activists on the Rome Statute and on international jurisprudence in relation to gender-based crimes against women and children;

19. Urges the European Union and its Member States to ensure that there are training programmes for, but not limited to, police investigators, prosecutors, judges and army officials that focus, first, on the provisions of the Rome Statute and the relevant international law and, second, on the prevention, detection, investigation and prosecution of violations of these principles;
20. Takes note of the Cooperation and Assistance Agreement between the EU and the ICC; calls on the EU Member States to apply the principle of universal jurisdiction in tackling impunity and crimes against humanity, and highlights its importance for the effectiveness and success of the international criminal justice system;
21. Strongly encourages the EU and its Member States to use every diplomatic opportunity and diplomatic instrument to press for effective cooperation with the ICC, in particular with regard to the execution of pending arrest warrants;
22. Strongly encourages the EU and its Member States, with the help of the EEAS, to put in place a set of stringent internal guidelines, modelled on existing UN and ICC guidelines that are followed by the Office of the Prosecutor, outlining a code of conduct for contact between EU and Member State officials and persons wanted by the ICC, in particular when the latter still occupy official posts, regardless of their status and whether they are nationals of States Parties or non-parties to the Rome Statute;
23. Asks the EU and its Member States, in the event of a partner country issuing an invitation to, or expressing a willingness to allow, visits on its territory by an individual who is the subject of an ICC arrest warrant, to exert strong pressure on that country without delay, with a view to either arresting or supporting an arrest operation or, as a minimum, to preventing the travel of such an individual; notes that recently such invitations have been issued to Sudan's president Omar al-Bashir by Chad, China, Djibouti, Kenya and Malaysia among others;
24. Recognises the recent decision by the ICC Prosecutor to issue arrest warrants for Saif al-Islam Gaddafi and intelligence chief Abdullah al-Sanoussi of Libya in relation to the alleged crimes against humanity since the beginning of the country's uprising; stresses that their successful capture, and subsequent trial by the ICC, will serve as a crucial contribution to the fight against impunity in the region;
25. Expresses its deep concern that ICC States Parties such as Chad, Djibouti and Kenya have recently welcomed Sudan's President al-Bashir on their territories without arresting him and surrendering him to the Court, despite their clear legal obligation under the Rome Statute to arrest and surrender him;
26. Stresses the importance of strong EU action to anticipate and avoid or condemn such instances of non-cooperation; reiterates the need for the EU (and Member States) to set up an internal protocol with concrete, standard actions enabling them to respond in a timely and consistent way to instances of non-cooperation with the Court, when appropriate in coordination with mechanisms of other relevant institutions, including the Assembly of States Parties;
27. Notes that African States had a major role in creating the ICC and regards their support and close cooperation as indispensable to the Court's effective functioning and independence;

28. Calls on the African States Parties to the Rome Statute of the ICC to fulfil their obligations under the ICC Rome Statute and, in accordance with the African Union Constitutive Act, actively to support the task of holding the world's worst offenders to account by showing strong support for the Court during African Union (AU) meetings, and urges the AU to break the cycle of impunity for the gravest crimes and assist the victims of atrocities; expresses support for the Court's request to open a liaison office with the African Union in Addis Ababa;
29. Urges the EU and its Member States to mainstream the work of the ICC and the provisions of the Rome Statute in its development programmes aimed at strengthening the rule of law; calls on the EU and its Member States to provide the necessary technical, logistical and financial assistance and expertise to developing countries which have only limited resources with which to adapt their national legislation to the principles of the Rome Statute and to cooperate with the ICC, no matter whether these countries have ratified the Statute or not; further encourages the EU and its Member States to support training programmes for the police, judicial, military and administrative authorities of developing countries to introduce them to the provisions of the Rome Statute;
30. Encourages the next ACP-EU Joint Parliamentary Assembly to discuss the fight against impunity in international development cooperation and relevant political dialogue, as advocated in several resolutions and in Article 11.6 of the revised Cotonou Agreement, with a view to mainstreaming the fight against impunity and the strengthening of the rule of law within existing development cooperation programmes and actions;
31. Encourages the EEAS and the diplomatic services of the EU Member States to apply in a systematic and targeted manner the diplomatic tools used by them both to raise support for the ICC and to promote wider ratification and implementation of the Rome Statute; notes that these tools include *démarches*, political declarations, statements, and ICC clauses in agreements with third countries, as well as political and human rights dialogues; advises that appropriate action should be taken based on the evaluation of results;
32. Stresses the need for the ICC to expand its focus beyond situations of armed conflict and, more proactively, to investigate human rights emergencies that escalate to the level of crimes against humanity, and situations where domestic authorities are demonstrably unwilling to investigate, prosecute and punish alleged offenders;
33. Urges that the High Representative/Vice-President and the EU Member States launch diplomatic efforts to encourage UN Security Council members to pursue referrals to the ICC to open investigations into cases in which officials from States which are not a party to the Statute and which have allegedly engaged in crimes against humanity continue to enjoy ongoing impunity, including the recent situations in Iran, Syria, Bahrain, and Yemen;
34. Recognises the role of the EU in promoting the worldwide ratification of the Rome Statute and of the Agreement on Privileges and Immunities of the Court (APIC) and welcomes the recent accessions to/ratifications of the Rome Statute by Tunisia, the Philippines, the Maldives, Grenada, Moldova, St Lucia and the Seychelles, which brought the total number of States Parties to 118; calls for more Asian, North African, Middle Eastern and Sub-Saharan countries to become parties to the Rome Statute;
35. Urges the EU, and particularly the EEAS, to continue to promote the universality of the Rome Statute and of the APIC and the fight against impunity, as well as respect for,

cooperation with and assistance to the Court in the context of EU relations with third countries, including within the framework of the Cotonou Agreement and of dialogues between the EU and regional organisations, such as the African Union, the Arab League, the Organisation for Security and Cooperation in Europe (OSCE), and the Association of Southeast Asian Nations (ASEAN); emphasises the importance of promoting the ratification and application of the Rome Statute for the Court in the EU's bilateral dialogues on human rights with third countries;

36. Calls on the Commission and the EEAS to pursue more systematically the inclusion of an ICC clause in negotiating mandates and agreements with third countries;
37. Calls on the EU leaders to motivate all States that have not yet become party to the Rome Statute to become States Parties; in so doing the emphasis should be particularly on the permanent members and the non-permanent members of the UN Security Council;
38. Welcomes the participation of the United States as an observer at the Assembly of States Parties of the ICC and expresses the hope that it will soon become a State Party;
39. Welcomes Tunisia's recent accession to the Rome Statute and hopes that this will send a positive signal to other North African and Middle Eastern countries, so that they may follow suit; further welcomes the recent ratification of the Rome Statute by the Philippines, which increases the number of Asian States in the Court's system and gives an important signal that Asian membership in the ICC is growing, as well as the recent ratification of the Rome Statute by the Maldives and the recent bill by the National Assembly of Cape Verde authorising ratification of the Rome Statute, and hopes that its government will proceed accordingly without delay; expresses its hope that all Latin American countries will join the ICC;
40. Calls on Turkey, the only official EU candidate that has not yet done so, to become a State Party to the Rome Statute and to the Agreement on Privileges and Immunities (APIC) as soon as possible, stressing the need for any future candidate countries and potential candidate countries, as well as the partner countries covered by the European Neighbourhood Policy (ENP), to do the same;
41. Calls on the EU and its Member States to support the capacity and the political willingness of third countries – in particular ICC situation countries and countries under preliminary analysis by the ICC – to undertake national proceedings on genocide, war crimes and crimes against humanity; in that framework, calls on the EU and its Member States to support reform processes and national capacity-building efforts aimed at strengthening the independent judiciary, the law-enforcement sector and the penitentiary system in all countries directly affected by the alleged commission of serious international crimes;
42. Stresses that the effectiveness of the principle of complementarity of the Court lies in the primary obligation of its States Parties to investigate and prosecute war crimes, genocide and crimes against humanity; expresses concern that not all of the EU Member States have legislation defining these crimes under national law over which their courts can exercise jurisdiction;
43. Urges those States that have not yet done so to enact full and effective implementing legislation in transparent consultation with civil society, and to endow their national judiciaries with the necessary tools to investigate and prosecute these crimes;

44. Reaffirms the need for the EU and its Member States to enhance their diplomatic efforts among non-parties to the Rome Statute and regional organisations (e.g. the AU, ASEAN, and the Arab League) to promote a better understanding of the mandate of the ICC, i.e. its pursuit of perpetrators of war crimes, crimes against humanity and genocide, including through the development of a special communication strategy on that issue, and to foster greater support for the Court and its mandate, in particular in UN fora such as the UN Security Council;
45. Affirms the crucial role of the EU Member States' diplomatic support for the ICC's mandate and for its activities in UN fora, including the UN General Assembly and the UN Security Council;
46. Stresses the need for continued diplomatic efforts to encourage UN Security Council members to ensure the timely referral of cases, as postulated in Article 13 (b) of the Rome Statute and as most recently illustrated by the unanimous referral of the situation in Libya to the ICC by the UN Security Council; also expresses its hope that the UN Security Council will refrain from deferring investigations or prosecutions of the Court as postulated in Article 16 of the Rome Statute;
47. Calls on the UN Security Council members and the UN General Assembly members to find appropriate ways and means for the UN to provide the Court with financial resources to cover the costs related to the opening of investigations and prosecutions into situations referred by the UN Security Council in accordance with Article 115 of the Rome Statute;
48. Calls on the EU Member States to ensure that coordination and cooperation with the ICC is included in the mandate of relevant regional EU Special Representatives (EUSRs); calls on the High Representative to appoint an EUSR on International Humanitarian Law and International Justice with the mandate to promote, mainstream and represent the EU's commitment to the fight against impunity and the ICC across EU foreign policies;
49. Calls on the EEAS to ensure that the ICC is mainstreamed across the EU's foreign policy priorities, by systematically taking into account the fight against impunity and the principle of complementarity in the broader context of development and rule of law assistance, and in particular to encourage transition states in the Southern Mediterranean to sign and ratify the Rome Statute;
50. Affirms that the EU should ensure that the EEAS has the necessary expertise and high-level capacity to make the ICC a real priority; recommends that the EEAS ensure adequate staffing levels both in Brussels and within delegations of officials tasked with handling international justice issues, and that the EEAS and the European Commission further develop staff training on international justice and ICC issues, establishing a staff exchange programme with the ICC in order to promote mutual institutional knowledge and facilitate further cooperation;
51. Urges all the States Parties to the ICC, the EU and the ICC itself, including the Office of the Prosecutor, to make every effort to prosecute and punish the perpetrators of sex crimes against humanity, which are a specific category of the crimes against humanity falling within the jurisdiction of the ICC (Article 7 of the Rome Statute) and include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and any other form of sexual violence of comparable gravity, along with persecution on gender grounds; notes that such sex crimes are particularly despicable insofar as they are often perpetrated on a

large scale and constitute war crimes as well as crimes against humanity (Article 8 of the Rome Statute) targeting the most vulnerable groups – women, children and civilians – in countries already weakened by conflicts and/or food shortages or famine;

52. In the context of the upcoming election of six new Judges and a new Prosecutor, to take place at the December 2011 session of the Assembly of States Parties, urges EU Member States to elect the most highly qualified candidates through a fair, transparent and merit-based process, ensuring both geographic and gender balance, and to encourage States from regions that benefit from Minimum Voting Requirements (such as the Group of Latin America and Caribbean Countries (GRULAC)) to take advantage of this and nominate sufficient candidates, thus ensuring balanced regional representation on the bench; notes that the election of a new Prosecutor is of the utmost importance for the effectiveness and legitimacy of the Court, and expresses appreciation for the work of the Search Committee established by the Bureau of the Assembly of States Parties;
53. Welcomes proposals for establishing an advisory committee to receive and review all nominations of new judges as postulated in Art. 36(4c) of the Rome Statute as well as the establishment of a search committee for the ICC Prosecutor, and expresses its opinion that the work of the search committee should not be influenced by political considerations;

The need to ensure further financial and logistical assistance for the Court

54. Welcomes the EU's and individual Member States' financial and logistical support for the ICC thus far and recommends that current forms of support, either through the regular budget of the ICC funded by States Parties' contributions or through EU funding such as the European Instrument for Democracy and Human Rights (EIDHR), are continued, especially in the following fields: outreach activities aimed at helping victims and affected communities; legal representation; witness relocation; the participation and protection of victims/witnesses, with special consideration for the needs of women and juvenile/child victims; the provision of support enabling the Court to cover urgent operational needs stemming from new investigations; calls on the EU and its Member States to support the Court's efforts to enhance its field presence, recognising the importance of the ICC field presence for promoting understanding and support for its mandate, as well as involving and assisting communities victimised by crimes falling under the Court's jurisdiction; expresses its concern that the lack of resources remains an impediment to the optimal functioning of the Court;;
55. Stresses the significant impact of the Rome Statute system on victims, individuals and communities affected by the crimes under the Court's jurisdiction; considers the Court's outreach efforts crucial to promoting understanding and support for its mandate of managing expectations and enabling victims and affected communities to follow and understand the international criminal justice process and the work of the Court;
56. Recommends that the EU Member States continue to provide adequate funding for the ICC Trust Fund for Victims (in order to complement potential upcoming reparation awards while continuing to carry out current assistance activities) and to contribute to the newly established ICC Special Fund for Relocations, to the Fund for family visits of detainees at the seat of the Court in The Hague, to the Legal Aid Programme and to the costs associated with maintaining and expanding the ICC field presence;
57. Strongly supports the ICC's efforts to expand and strengthen its field presence as this is key

to improving its ability to carry out its functions, including investigations, outreach to victims and affected communities, witness protection and facilitating victims' rights to participation and reparations and which, in addition, , is a crucial factor in enhancing the Court's impact and its ability to leave a strong and positive legacy;

58. Encourages the EU to secure adequate and stable funding for civil society actors working on ICC-related issues within the European Instrument for Democracy and Human Rights (EIDHR), and encourages the EU Member States and existing European foundations to continue their support for such actors;
59. Encourages the EU Member States and the EEAS to start discussions relating to the review of current EU financial instruments, in particular the European Development Fund (EDF) with a view to examining how they could further contribute to supporting complementarity activities in beneficiary countries in order to boost the fight against impunity within these countries;
60. Recognises the current efforts by the Commission to establish an 'EU Complementarity Toolkit' aimed at developing national capacities for the investigation and prosecution of alleged international crimes, and encourages the Commission to ensure its implementation, with a view to integrating complementarity-related activities into aid programmes and achieving better coherence among the various EU instruments;
61. Calls on all the ICC States Parties to promote joint efforts to improve trials at national level of the most serious crimes, such as war crimes, crimes against humanity, and genocide;
62. Welcomes the initiative of the Commission of organising a seminar for European and African civil society to discuss international justice in Pretoria in April 2011, takes notes of the recommendations from that meeting and calls on the Commission to continue to support such opportunities;
63. Recalls that the European Parliament was one of the earliest vocal supporters of the Court and notes its essential role in monitoring EU action in this matter; calls for the insertion of a section on the fight against impunity and the ICC in the EP Annual Report on Human Rights in the world and further suggests that the European Parliament play a more proactive role by promoting and mainstreaming the fight against impunity and the ICC in all EU policies and institutions, including in the work of all the committees, groups and delegations with third countries;

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

Further development of an integrated maritime policy *I**

European Parliament legislative resolution of 17 November 2011 on the proposal for a regulation of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy (COM(2010)0494 – C7-0292/2010 – 2010/0257(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0494),
 - having regard to Article 294(2) and Article 43(2), Articles 74 and 77(2), Articles 91(1) and 100(2), Article 173(3), Article 175, Article 188, Article 192(1), Article 194(2) and Article 195(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0292/2010),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 16 February 2011¹,
 - having regard to the opinion of the Committee of the Regions of 27 January 2011²,
 - having regard to the undertaking given by the Council representative by letter of 6 October 2011 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union;
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Fisheries, the Committee on Budgets, the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development (A7-0163/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Approves the joint statement by Parliament and the Council annexed to this resolution;

¹ OJ C 107, 6.4.2011, p. 64.

² OJ C 104, 2.4.2011, p. 48.

4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 17 November 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 91(1), Article 100(2), Article 173(3), Articles 175 and 188, Article 192(1), Article 194(2) and Article 195(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

Whereas:

- (1) ***In line with the*** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 10 October 2007 on an Integrated Maritime Policy for the European Union ("the Commission Communication"), the primary objective of the Union's Integrated Maritime Policy ("IMP") is to develop and implement integrated, ***coordinated***, coherent, ***transparent*** and ***sustainable*** decision-making in relation to the oceans, seas, coastal, ***insular and outermost*** regions and **in the** maritime sectors.
- (2) The Action Plan accompanying the Commission Communication sets out a number of actions that the Commission proposes to take as a first step in implementing a new IMP for the Union.
- (3) The Commission's Progress Report on the EU's Integrated Maritime Policy of 15 October 2009 sums up the main achievements of the IMP up to that date, and charts the course for its next implementation phase.
- (4) In its conclusions of 16 November 2009 on Integrated Maritime Policy, the Council highlighted the importance of funding for the further development and implementation of the IMP by inviting the Commission to present the necessary proposals for the financing

¹ OJ C 107, 6.4.2011, p. 64.

² OJ C 104, 2.4.2011, p. 47.

³ Position of the European Parliament of 17 November 2011.

of integrated maritime policy actions within the existing Financial Perspective, with a view to entry into force by 2011.

- (5) ***In its resolution of 21 October 2010 on Integrated Maritime Policy (IMP) - Evaluation of progress made and new challenges¹, the European Parliament expressly supported the Commission's stated intention "to finance the IMP with EUR 50 million over the next two years in order to build upon previous projects in the areas of policy, governance, sustainability and surveillance".***
- (6) ***The financial envelope for the IMP set out in this Regulation takes into account both the current economic downturn and the fact that this is the first operational programme specifically dedicated to the implementation of the IMP.***
- (7) Continued Union ***funding*** is needed to enable the Union to implement and further develop the IMP in line with the European Parliament resolution of 20 May 2008 on an integrated maritime policy for the European Union² and to pursue its overarching objectives as set out in the Commission Communication, and as confirmed in the Progress Report of October 2009 and endorsed by the Council in its conclusions of 16 November 2009.
- (8) As not all IMP priorities and goals are covered by existing Union instruments, such as the Cohesion Fund, the European Regional Development Fund, the European Fisheries Fund, the Seventh Framework Programme for research, technological development and demonstration activities, the Instrument for Pre-Accession Assistance and the European Neighbourhood and Partnership Instrument, it is therefore necessary to establish a Programme to support the further development of the IMP ("the Programme").
- (9) ***Without prejudice to the forthcoming negotiations on the post-2013 multiannual financial framework, sufficient resources will need to be available to ensure that the objectives of the IMP can be developed and achieved, without undermining the resources earmarked for other policies, whilst boosting the sustainable development of the Union's maritime regions, including islands, and the outermost regions. To this end it is considered essential to include the IMP in the post-2013 multiannual financial framework. In addition, if appropriate, a proposal should be drawn up to provide for the extension of the Programme beyond 2013, together with a proposal laying down an appropriate financial envelope.***
- (10) ***The development of maritime affairs through financial support for IMP measures will have a significant impact in terms of economic, social, and territorial cohesion.***
- (11) Union funding should be designed to support exploratory work on actions which aim to promote the strategic objectives of the IMP, paying due attention to their cumulative impacts, on the basis of the ecosystem approach, to sustainable "***blue***" economic growth, employment, innovation and competitiveness ***in coastal, insular and outermost regions, and to the promotion of the international dimension of the IMP.***
- (12) ***The strategic objectives of the IMP include integrated maritime governance at all levels; the further development and implementation of integrated sea-basin strategies***

¹ OJ

² OJ C 279E, 19.11.2009, p. 30.

tailored to the specific needs of Europe's different sea basins; the further development of cross-cutting tools for integrated policy-making aiming to improve synergies and coordination between existing policies and instruments, including through maritime-related data and knowledge sharing; the closer involvement of stakeholders in integrated maritime governance schemes; the protection and sustainable use of marine and coastal resources; and the definition of the boundaries of the sustainability of human activities and the protection of the marine and coastal environment and biodiversity in the framework of the Marine Strategy Framework Directive¹, which constitutes the environmental pillar of the IMP, as well as the Water Framework Directive².

- (13) *It is important for the Programme to tie in with other Union policies that may encompass a maritime dimension, in particular the structural funds, the trans-European transport network, the common fisheries policy, tourism, environment and climate change, the framework programme for research and development and energy policy.*
- (14) *In order to ensure coherence between the different aspects of the Programme, its general objectives should be set out. For every general objective, more detailed operational objectives should be established. The distribution of funds among the general objectives, for the period 2011-2013, is indicated in the Annex. This distribution provides flexibility to increase/decrease the general financial allocation per objective without exceeding the overall financial envelope.*
- (15) *Union funding should enable support for the development of the integration of maritime surveillance in line with the European Parliament resolution of 21 October 2010 and the Council conclusions of 17 November 2009 on Integration of Maritime Surveillance, taking into account the roadmap towards establishing the Common Information Sharing Environment for the EU maritime domain (CISE). This dedicated funding should therefore be limited to the development of a decentralised information exchange system, namely measures including software, to enhance interface between surveillance systems. The Programme should take into account the results from other projects regarding the decentralised maritime surveillance system.*
- (16) *Implementation of the Programme in third countries should contribute to the development objectives of the beneficiary country and be consistent with other cooperation instruments of the Union, including the objectives and priorities of the relevant Union policies **and Union acquis, and the relevant international conventions.***
- (17) *The Programme should **be complementary to, and coherent with,** existing and future financial instruments made available by **the Union and** the Member States, at national and sub-national level, for promoting the protection and sustainable use of the oceans, seas and coasts, **helping to foster more effective cooperation between the Member States***

¹ *Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).*

² *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).*

and their coastal, insular and outermost regions, and taking into account the prioritisation and progress of national and local projects.

- (18) *The actions foreseen in the Programme should be complementary to other Union actions, in order to ensure the coherent implementation of the legal acts of the Union concerning the relevant sectoral policies, while avoiding duplication.*
- (19) It is also necessary to lay down rules governing the programming of the measures, the eligibility of expenditure, the level of Union financial assistance, the main conditions on which it should be made available and the overall budget for the Programme.
- (20) The Programme should be implemented in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹ ("the Financial Regulation") and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities².
- (21) *This Regulation lays down the multiannual programme's financial envelope, which constitutes for the budgetary authority, during the annual budgetary procedure, the prime reference within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management³.*
- (22) In order to help the Commission monitor the implementation of this Regulation, it should be possible to finance expenditure relating to monitoring, checks and evaluation.
- (23) The annual work programmes to be established for the implementation of the Programme should be adopted by the Commission in accordance with *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁴.*
- (24) In relation to the actions financed under this Regulation, it is necessary to ensure the protection of Union financial interests by the application of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests⁵, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁶, and Regulation (EC) No 1073/1999 of the European

¹ OJ L 248, 16.9.2002, p. 1.

² OJ L 357, 31.12.2002, p. 1.

³ *OJ C 139, 14.6.2006, p. 1.*

⁴ *OJ L 55, 28.2.2011, p. 13.*

⁵ OJ L 312, 23.12.1995, p. 1.

⁶ OJ L 292, 15.11.1996, p. 2.

Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹.

- (25) In order to ensure the effectiveness of Union financing, actions funded under this Regulation should be regularly evaluated.
- (26) *It is understood that none of the actions foreseen in the context of the Programme would require recourse to an additional legal basis.*
- (27) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States acting alone, and can therefore, by reason of the scale and effects of the actions to be financed under the Programme, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a Programme to support measures intended to promote the further development and implementation of the Union's Integrated Maritime Policy ("the Programme").

The Union's Integrated Maritime Policy ("IMP") shall foster coordinated and coherent decision making to maximise the sustainable development, economic growth and social cohesion of Member States, in particular with regard to coastal, insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation.

The Programme shall support the sustainable use of the seas and oceans, and the expansion of scientific knowledge.

Article 2

General objectives

The Programme shall have the following general objectives:

- (a) to foster the development and implementation of integrated governance of maritime and coastal affairs ■ ;
- (b) to contribute to the development of *cross-sectoral* tools, *namely Maritime Spatial Planning, the Common Information Sharing Environment (CISE) and marine knowledge on the oceans, seas and coastal regions within and bordering the Union, in order to develop synergies and to support sea or coast-related policies, particularly in the fields of economic development, employment, environmental protection, research,*

¹ OJ L 136, 31.5.1999, p. 1.

maritime safety, energy and the development of green maritime technologies, taking into account and building upon existing tools and initiatives;

- (c) **█** to promote *the protection of the marine environment, in particular its biodiversity, and the sustainable use of marine and coastal resources and to further define the boundaries of the sustainability of human activities that have an impact on the marine environment, in particular in the framework of Directive 2008/56/EC (the Marine Strategy Framework Directive);*
- (d) *to support the development and implementation of sea-basin strategies;*
- (e) to improve and enhance external cooperation and coordination in relation to the objectives of the IMP, *on the basis of advancing debate within international forums; in this respect, third countries shall be urged to ratify and implement the United Nations Convention on the Law of the Sea (UNCLOS);*
- (f) *to support sustainable economic growth, employment, innovation and new technologies in maritime sectors and in coastal, insular and outermost regions in the Union.*

Article 3

Operational objectives

1. Within the objective set out in *Article 2(a) (integrated maritime governance)* the Programme shall **█** :
 - (a) *promote actions which* encourage Member States *and EU* regions to develop, introduce *or implement* integrated maritime governance;
█
 - (b) promote **█** cross-sectoral cooperation platforms and networks, including *representatives of public authorities, regional and local authorities*, industry, research stakeholders, *citizens, civil society organisations and the social partners;*
█
 - (c) *enhance the visibility of, and raise the awareness of public authorities, the private sector and the general public, to an integrated approach to maritime affairs.*
2. Within the objective set out in *Article 2(b) (cross-sectoral tools)*, the Programme shall **█** foster the development of:
 - (a) *the* Common Information Sharing Environment for the Union maritime domain which promotes cross-sectoral and cross-border surveillance *information exchange interlinking all user communities, in line with the principles of the Integrated Maritime Surveillance so as to reinforce* the safe, secure *and sustainable* use of *maritime* space, taking into account the relevant developments of sectoral policies as regards surveillance and contributing, as appropriate, to their necessary evolution;

- (b) maritime spatial planning and integrated coastal zone management, both ***important tools for the sustainable development of marine areas and coastal regions and both contributing to the aims of ecosystem-based management and the development of land-sea links, as well as facilitating Member State cooperation, for example as regards the development of experimental and other measures combining the generation of renewable energy and fish farming***;
- (c) a comprehensive and publicly accessible high quality marine data and knowledge base which facilitates sharing, re-use and dissemination of these data and knowledge among various user groups ***using existing data, thus avoiding duplication of the databases; for this purpose, the best use shall be made of existing Union and Member State programmes, including INSPIRE¹ and GMES²***.
3. Within the objective set out in ***Article 2(c) (protection of the marine environment)*** the Programme shall **■** :
- (a) ***support the protection and preservation of the marine and coastal environment, as well as prevent and reduce inputs to the marine environment, including marine litter, with a view to phasing out pollution***
- (b) ***contribute to the health, biological diversity and resilience of marine and coastal ecosystems***;
- (c) ***facilitate coordination between Member States and other actors in implementing the ecosystem-based approach to the management of human activities and the precautionary principle***;
- (d) ***facilitate the development of methods and standards***;
- (e) ***promote actions for the mitigation of the effects of, and adaptation to, climate change on the marine, coastal and insular environment, with a particular emphasis on those areas that are most vulnerable in that respect***;
- (f) ***support the development of strategic approaches to research for the purpose of assessing the current state of ecosystems, thereby providing a basis for ecosystem-based management and planning at regional and national levels***.
4. ***Within the objective set out in Article 2(d) (sea-basin strategies), the Programme shall:***
- (a) ***support the development and implementation of integrated sea-basin strategies, taking into account a balanced approach in all sea basins as well as the specificities of the sea basins and sub-sea basins, and of relevant macro-regional strategies where applicable, and especially those in which an exchange of***

¹ ***Infrastructure for Spatial Information in Europe - Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).***

² ***Global Monitoring for Environment and Security - Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013) (OJ L 276, 20.10.2010, p. 1).***

information and experience between various countries is already established and operational multinational structures exist;

- (b) promote and facilitate the exploitation of synergies between the national, regional and Union levels, the sharing of information, including on methods and standards, and the exchange of best practices on maritime policy, including its governance and sectoral policies that have an impact on regional seas and coastal regions.*

5. Within the objective set out in Article 2(e) (international dimension) the Programme shall:

- (a) encourage continuing working in close cooperation with Member States on an integrated approach with third countries and actors in third countries sharing a sea basin with Member States of the Union, including on the ratification and implementation of UNCLOS;*
- (b) encourage dialogue with third countries, taking into account UNCLOS and the relevant existing international conventions based on UNCLOS;*
- (c) encourage the exchange of best practices complementing existing initiatives, taking into account the development of regional strategies at the sub-regional level.*

This operational objective shall be pursued in coherence with the cooperation instruments of the Union, taking into account the objectives of the national and regional development strategies.

6. Within the objective set out in Article 2(f) (growth, employment and innovation) the Programme shall:

- (a) promote initiatives for growth and employment in the maritime sectors and in coastal and insular regions;*
- (b) promote training, education and career opportunities in maritime professions;*
- (c) promote the development of green technologies, marine renewable energy sources, green shipping and short sea shipping;*
- (d) promote the development of coastal, maritime and island tourism.*

Article 4

Eligible actions

The Programme may provide financial assistance for *the following types of* actions in accordance with the objectives set out in Articles 2 and 3 **■** :

- (a) projects, including test projects; studies; research and operational cooperative programmes, including education, professional training and retraining programmes;*

- (b) public information and sharing best practice, awareness raising and associated communication and dissemination activities, including publicity campaigns and events, and the development and maintenance of websites *and relevant social networks and databases*;
- (c) conferences, seminars, workshops, and stakeholders fora;
- (d) pooling, monitoring and visualisation of, and ensuring public access to, a significant amount of data, best practices and *databases* on Union-funded regional projects, including where appropriate through a secretariat established for one or more of these purposes *which will facilitate the adoption of common uniform standards for data collection and processing*;
- (e) actions relating to cross-cutting tools, including test projects.

Article 5

Type of financial intervention

1. Union financial assistance may take the following legal forms:
 - (a) grants, *for which the maximum rate of Union co-financing per action shall be 80%*;
 - (b) public procurement contracts;
 - (c) administrative arrangements with the Joint Research Centre.
2. Both grants for actions and operating grants may be awarded under the Programme. Save as otherwise provided in the Financial Regulation, beneficiaries of the grants or public procurement contracts shall be selected following a call for proposals or a call for tenders.

Article 6

Beneficiaries

1. Financial assistance under *the* Programme may be granted, *as a priority*, to natural or legal persons, governed by the private or public law *of any of the Member States or by Union law* .
2. The Programme may *also* benefit third countries, stakeholders in third countries *sharing a sea basin with Member States of the Union, as well as* international organisations or bodies which pursue one or more of the general and *operational* objectives set out in Articles 2 and 3. *The measures must always involve participants from the Union.*
3. Eligibility to participate in a procedure shall be specified in the relevant call for proposals or call for tenders.

Article 7

Principles for implementation

1. *Actions financed under the Programme shall not be eligible to receive assistance from other financial instruments of the Union. Synergies and complementarity shall be sought with other instruments of the Union. Actions under the Programme shall be complementary to the implementation of relevant sectoral policies.*
2. *The Commission shall ensure that the applicants for financial assistance under the Programme and beneficiaries of such assistance provide it with comprehensive information on the financing of the actions. Financial assistance from the Programme shall be provided only to the extent that other Union financing is not available.*
3. *The actions supported by the Programme shall correspond to the Union targets and policies for 2020 and 2050. All Member States, maritime sectors, and coastal, insular and outermost regions shall be able to benefit from the Programme and a genuine European added value shall be created. In relation to the funding of actions in the various sea basins, an adequate regional balance shall be sought.*
4. *The actions supported by the Programme shall stimulate and reinforce dialogue, cooperation and coordination with and among Member States, EU regions, stakeholders, citizens, civil society organisations and the social partners, while guaranteeing full transparency.*
5. *The actions supported by the Programme shall facilitate the exploitation of synergies, the sharing of information and the exchange of methods, standards and best practice.*
6. *The principles of good governance and transparency of decision-making processes shall apply to the implementation of the Programme, and the Programme shall seek to contribute to transparency and good governance in all related sectoral policies at Union, national and regional level.*

Article 8

Implementing procedures

1. The Commission shall implement the Programme in accordance with the Financial Regulation.
2. To implement the Programme in accordance with its objectives as set out in Articles 2 and 3, the Commission shall adopt annual work programmes in accordance with the procedure referred to in Article 14(2).

Article 9

Budgetary resources

1. The financial envelope for the implementation of the Programme shall be set at **EUR 40 000 000** for the period from 1 January 2011 to 31 December 2013.
2. The budgetary resources allocated to the Programme shall be entered in the annual appropriations of the general budget of the Union. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

3. *The distribution of funds among the general objectives, set out in Article 2, is indicated in the Annex.*

Article 10

Technical assistance

1. *Up to 1% of* the financial envelope established under Article 9 may also cover necessary expenditure relating to any preparatory action, monitoring, control, audit or evaluation directly necessary in order to implement *eligible actions under this* Regulation effectively and efficiently and to achieve its objectives.
2. The activities referred to in paragraph 1 may in particular include studies, expert meetings, expenditure on informatics tools, systems and networks and any other technical, scientific and administrative assistance and expertise as required by the Commission for the implementation of this Regulation.

Article 11

Monitoring

1. Each beneficiary of financial assistance shall submit to the Commission technical and financial reports on the progress of work financed under the Programme. A final report shall also be submitted within three months of the completion of each project.
2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 287 of the Treaty on the functioning of the European Union ("TFEU"), or any inspection carried out pursuant to Article 322(1)(b) TFEU, officials and other staff of the Commission shall carry out on-the-spot checks, including sample checks on projects and other measures financed under the Programme, in particular in order to check compliance with the objectives of the Programme and eligibility of actions, as set out in Articles 2, 3 and 4 of this Regulation.
3. Contracts and agreements resulting from the implementation of this Regulation shall provide, in particular, for supervision and financial control by the Commission, or any representative that the Commission may authorise, and for audits by the Court of Auditors, if necessary on the spot.
4. Each beneficiary of financial assistance shall keep available for the Commission all supporting documents regarding expenditure on a project for a period of five years following the last payment in respect of that project, .
5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial assistance originally approved as well as the timetable for payments.
6. The Commission shall **■** verify that actions financed under the Programme are carried out properly, *are consistent with measures under other sectoral policies and instruments* and comply with this Regulation and the Financial Regulation.

Article 12

Protection of Union financial interests

1. The Commission shall ensure that, when actions financed under the Programme are implemented, the financial interests of the Union are protected by:
 - (a) the application of preventive measures against fraud, corruption and any other illegal activities,
 - (b) effective checks,
 - (c) the recovery of the amounts unduly paid, and
 - (d) the application of effective, proportional and dissuasive penalties, if irregularities are detected.
2. For the purposes of paragraph 1, the Commission shall act in accordance with Regulation (EC, Euratom) No 2988/95, Regulation (Euratom, EC) No 2185/96 and Regulation (EC) No 1073/1999.
3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with this Regulation or the individual decision or contract or agreement granting the financial assistance, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with its nature or implementing conditions.
4. If time-limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial assistance and demand repayment of sums already paid.
5. Any undue payment shall be repaid to the Commission. Interest shall be added to any sum not repaid in good time under the conditions laid down by the Financial Regulation.
6. For the purposes of this Article, "irregularity", shall mean any infringement of a provision of Union law, or any breach of a contractual obligation resulting from an act or omission by an economic operator which has, or would have, the effect of prejudicing the general budget of the Union or budgets managed by the Union by an unjustified item of expenditure.

Article 13

Reporting, evaluation and extension

1. ***The Commission shall regularly and promptly inform the European Parliament and the Council about its work.***
2. The Commission shall submit to the European Parliament and the Council:
 - (a) ***a progress report no later than 31 December 2012; the progress report shall include an evaluation of the Programme's impact on other Union policies;***

(b) an ex-post evaluation report no later than 31 December 2014.

3. *If appropriate, the Commission shall submit a legislative proposal on the extension of the Programme beyond 2013 with an appropriate financial envelope.*

Article 14

■ *Committee procedure*

1. The Commission shall be assisted by *a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
2. Where reference is made to this paragraph, *Article 5 of Regulation (EU) No 182/2011* shall apply ■ .

Article 15

Entry into force

This Regulation shall enter into force on the ■ day following that of its publication in the *Official Journal of the European Union.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President

ANNEX

General allocation of funds to areas of expenditure listed in Article 2¹

<u><i>General Objectives (Article 2)</i></u>	
<i>a) Development and implementation of integrated governance of maritime and coastal affairs and visibility of the IMP</i>	<i>at least 4%</i>
<i>b) Development of cross-sectoral tools</i>	<i>at least 60%</i>
<i>c) Protection of the marine environment and sustainable use of marine and coastal resources</i>	<i>at least 8%</i>
<i>d) Development and implementation of sea-basin strategies</i>	<i>at least 8%</i>
<i>e) External cooperation and coordination of the international dimension of the IMP</i>	<i>maximum 1%</i>
<i>f) Sustainable economic growth, employment, innovation and new technologies</i>	<i>at least 4%</i>

¹ *Not more than one third of the part not allocated in this Annex shall be used for the objective set out in Article 2(b) (cross-sectoral tools).*

Joint Statement by the European Parliament, the Council and the Commission

Pursuant to Article 9 the financial envelope for the implementation of the Programme to support the further development of the IMP for 2011-13 is EUR 40 000 000. This envelope is to be composed of EUR 23 140 000 drawn from the 2011 budget without calling on the available margin of heading 2 of the multi annual financial framework, an amount of EUR 16 660 000, including an allocation for technical assistance, entered in the draft budget and accepted by Council during its reading of the 2012 budget and a further amount of EUR 200 000 for technical assistance to be entered in the 2013 budget.

Towards this end, the 2011 budget would need to be amended to create the necessary nomenclature and enter the appropriations in the reserve. The adopted budgets for 2012 and 2013 would need to include the relevant amounts for those years.

Joint Statement by the European Parliament and the Council

The European Parliament and the Council do not exclude the possibility of providing for delegated acts in future Programmes beyond 2013 on the basis of relevant Commission proposals.

Framework Programme of the European Atomic Energy Community for nuclear research and training activities *

European Parliament legislative resolution of 17 November 2011 on the proposal for a Council decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013) (COM(2011)0072 – C7-0077/2011 – 2011/0046(NLE))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2011)0072),
 - having regard to Article 7 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C7-0077/2011),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Budgets (A7-0360/2011),
1. Approves the Commission proposal as amended;
 2. Considers that the prime reference amount set in the legislative proposal is not compatible with the ceiling of Heading 1a of the current Multiannual Financial Framework 2007- 2013 (MFF); takes note of the Commission proposal¹ to revise the current MFF on the basis of points 21 to 23 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management² (IIA) in order to accommodate the additional unforeseen funding for ITER for the years 2012-2013; is willing to enter into negotiations with the other arm of the budgetary authority, on the basis of all the means provided in the IIA, with a view to reaching a swift agreement on the financing of the Euratom research programme by the end of 2011; recalls its opposition to any form of redeployment from the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)³ as proposed in the above-mentioned Commission proposal;
 3. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union and Article 106a of the Euratom Treaty;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

¹ COM(2011)0226.

² OJ C 139, 14.6.2006, p. 1.

³ OJ L 412, 30.12.2006, p. 1.

5. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
6. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a decision

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The design and implementation of the Framework Programme (2012 - 2013) should be based on the principles of simplicity, stability, transparency, legal certainty, consistency, excellence and trust following the recommendations of the European Parliament in its resolution of 11 November 2010 on simplifying the implementation of the Research Framework Programmes¹.

¹ *Texts adopted, P7_TA (2010)0401.*

Amendment 2

Proposal for a decision

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The improvement of nuclear safety and, where relevant, security aspects, should be prioritised given the possible cross-border impact of nuclear incidents.

Amendment 3

Proposal for a decision

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The European Sustainable Nuclear Industrial Initiative (ESNII) has as its aim the deployment of Gen-IV Fast Neutron Reactors with closed fuel cycle between 2035 and 2040. It follows three lines of technological development and

includes four major projects: the ASTRID prototype (sodium cooled), the ALLEGRO experimental model (gas cooled), the ALFRED demonstrator (lead cooled) and, as support infrastructure for the latter technology, the MYRRHA fast neutron irradiation facility (lead-bismuth cooled).

Amendment 4

Proposal for a decision Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Three major European cooperative initiatives in nuclear science and technology were launched under the Seventh Euratom Framework Programme (2007 to 2011). They are the Sustainable Nuclear Energy Technology Platform (SNETP), the Implementing Geological Disposal Technology Platform (IGDTP) and the Multidisciplinary European Low Dose Initiative (MELODI). Both SNETP and IGDTP correspond with SET-Plan objectives.

Amendment 5

Proposal for a decision Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) In view of the accident at the Fukushima nuclear power plant in Japan resulting from the earthquake and tsunami of 11 March 2011, additional research work in the field of nuclear fission safety is necessary in order to reassure Union citizens that the safety of nuclear facilities based in the Union continues to meet the highest international standards. Such additional work requires an increase in the budget allocation for nuclear fission.

Amendment 6

Proposal for a decision
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) An agreement on additional funding of ITER solely through transfers of unused 2011 margins of the Multiannual Financial Framework (MFF) and without redeployments from the Seventh EU Framework Programme (2007-2013) to the Framework Programme (2012-2013) would allow for swift adoption of the programme in 2011.

Amendment 7

Proposal for a decision
Recital 11

Text proposed by the Commission

Amendment

(11) The Council Conclusions on the need for skills in the nuclear field, adopted at its meeting held on 1 and 2 December 2008, recognise that it is essential to maintain within the Community a high level of training in the nuclear field.

(11) The Council Conclusions on the need for skills in the nuclear field, adopted at its meeting held on 1 and 2 December 2008, recognise that it is essential to maintain within the Community a high level of training, *and proper working conditions*, in the nuclear field.

Amendment 8

Proposal for a decision
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The Commission, the European Council, the Council and the Member States are to start a process to amend the Euratom Treaty, strengthening its provisions on the information and co-legislation rights of the European Parliament on Euratom research and environmental protection issues in order to facilitate, inter alia, future budgetary procedures.

Amendment 9

Proposal for a decision
Recital 16

Text proposed by the Commission

(16) This Decision should establish, for the entire duration of the Framework Programme (2012-2013), a financial envelope that constitutes the prime reference, within the meaning of point 37 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management, for the budgetary authority during the annual budgetary procedure.

Amendment

(16) This Decision should establish, for the entire duration of the Framework Programme (2012-2013), a financial envelope that constitutes the prime reference, within the meaning of point 37 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management (*IIA*), for the budgetary authority during the annual budgetary procedure. *To accommodate the Framework Programme (2012-2013) in the MFF for the years 2012 and 2013, it will be necessary to amend the MFF by increasing the ceiling of Heading 1a. If no other 2011 MFF margins are available to be transferred in 2012 and 2013, the Flexibility Instrument, as provided for in point 27 of the IIA, should be mobilised.*

Amendment 10

Proposal for a decision
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) For the 2014-2020 MFF, the financial resources dedicated to the ITER project should be fixed for the whole programming period so that any over-running of the costs beyond the EU share of EUR 6 600 000 000 for the ITER construction period, currently planned to be finalised in 2020, should be financed outside the MFF ceilings ('ring fencing').

Amendment 11

Proposal for a decision
Recital 18

Text proposed by the Commission

(18) The international and global dimension of European research activities is important with a view to obtain mutual benefits. The Framework Programme (2012-2013) should be open to the participation of countries that have concluded the necessary agreements to this effect, and should also be open, at project level and on the basis of mutual benefit, to the participation of entities from third countries and of international organisations for scientific cooperation.

Amendment

(18) The international and global dimension of European research activities is important with a view to obtain mutual benefits. The Framework Programme (2012-2013) should ***therefore on the one hand*** be open to the participation of countries that have concluded the necessary agreements to this effect, and should also be open, at project level and on the basis of mutual benefit, to the participation of entities from third countries and of international organisations for scientific cooperation. ***On the other hand, this also means that, particularly with regard to the ITER project, the international partners should fully respect their financial obligations.***

Amendment 12

Proposal for a decision Article 2 – paragraph 1

Text proposed by the Commission

1. The Framework Programme (2012-2013) shall pursue the general objectives set out in Article 1 and Article 2(a) of the Treaty, while contributing towards the creation of the Innovation Union and building on the European Research Area.

Amendment

1. The Framework Programme (2012-2013) shall pursue the general objectives set out in Article 1 and Article 2(a) of the Treaty, ***placing particular emphasis on nuclear safety, security and radiation protection***, while contributing towards the creation of the Innovation Union and building on the European Research Area.

Amendment 13

Proposal for a decision Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Framework Programme (2012-2013) shall contribute to implementing the SET-plan. Its actions should take into account the Strategic Research Agenda of the three existing European technology platforms on nuclear energy: SNETP,

IGDTP and MELODI.

Justification

More emphasis could be put on the need for coherence between the research and training activities to be pursued in 2012-2013 and the strategic research agendas of three major European cooperative initiatives which have been launched under the 7th Euratom framework program: the European Sustainable Nuclear Industrial Initiative under SET-Plan (encompassing the Sustainable Nuclear Energy Technology Platform – SNETP - and the Implementing Geological Disposal Technology Platform - IGDTP) and the Multidisciplinary European Low-Dose Initiative (MELODI).

Amendment 14

Proposal for a decision

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

The maximum amount for the implementation of the Framework Programme (2012-2013) shall be **EUR 2 560 270 000**. This amount shall be distributed as follows (in EUR):

Amendment

The maximum amount for the implementation of the Framework Programme (2012-2013) shall be **EUR 2 100 270 000**. This amount shall be distributed as follows (in EUR):

Amendment 30

Proposal for a decision

Article 3 – paragraph 1 – point a – indent 1

Text proposed by the Commission

– fusion energy research **2 208 809 000**;

Amendment

– fusion energy research **1 748 809 000**; **this figure include the necessary funds for the continuation of the JET programme in Culham**;

Amendment 16

Proposal for a decision

Article 3 – paragraph 1 – point a – indent 2

Text proposed by the Commission

– nuclear fission and radiation protection **118 245 000**;

Amendment

– nuclear fission, **especially safety, improving the management of nuclear waste** and radiation protection **118 245 000**;

Amendment 17

Proposal for a decision
Article 3 – paragraph 1 – point b – indent 1

Text proposed by the Commission

– nuclear activities of the JRC 233 216 000.

Amendment

– nuclear activities of the JRC *relating to nuclear safety, environmental protection and decommissioning* 233 216 000

Amendment 18

Proposal for a decision
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Special attention shall be paid to the development of contractual arrangements that reduce the risk of failure to perform as well as the reallocation of risks and costs over time.

Amendment 19

Proposal for a decision
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Special attention shall be paid to initiatives ancillary to core nuclear research, in particular as regards investment in human capital and adequate working conditions and actions aimed at addressing the risk of skills shortages in the coming years.

Amendment 20

Proposal for a decision
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Member States and the Commission shall establish a review of professional qualifications, training and skills in the nuclear field in the Union, which gives an overall picture of the current situation and enable appropriate

solutions to be identified and implemented.

Amendment 21

Proposal for a decision

Annex I – part I.A – section 3 – point 2

Text proposed by the Commission

A focused physics and technology programme will exploit the Joint European Torus (JET) and other ITER-relevant magnetic confinement devices. It will assess specific key ITER technologies, consolidate ITER project choices, and prepare for ITER operation.

Amendment

A focused physics and technology programme will exploit the Joint European Torus (JET) and other ITER-relevant magnetic confinement devices (*including, potentially, via new experiments to be implemented and run in parallel with ITER*). It will assess specific key ITER technologies, consolidate ITER project choices, and prepare for ITER operation.

Amendment 22

Proposal for a decision

Annex I – part I.B – section 1 – Objective

Text proposed by the Commission

Establishing a sound scientific and technical basis in order to accelerate practical developments for the safer management of long-lived radioactive waste, enhancing in particular the safety, resource efficiency and cost-effectiveness of nuclear energy and ensuring a robust and socially acceptable system of protection of man and the environment against the effects of ionising radiation.

Amendment

Establishing a sound scientific and technical basis in order to accelerate practical developments for the safer management of long-lived radioactive waste, enhancing in particular the safety, resource efficiency and cost-effectiveness of nuclear energy and ensuring a robust and socially acceptable system of protection of man and the environment against the effects of ionising radiation. *Special attention should be given to long-lived nuclear waste when decommissioning outdated systems.*

Amendment 23

Proposal for a decision

Annex I – part I.B – section 3 - point 5

Text proposed by the Commission

Support for the retention and *further* development of *scientific competence and*

Amendment

Continued support for the retention and development of *qualified personnel*

human capacity in order to guarantee the availability of suitably qualified researchers, engineers and employees in the nuclear sector over the longer term.

required to maintain the nuclear independence of the Union and consistently ensure, and improve the level of, nuclear safety. It is crucial to keep nuclear expertise in the Union, as regards radioprotection and the dismantling of nuclear facilities, as nuclear energy will play a key role in the Union's energy mix, including decommissioning and long-life waste-management activities.

Amendment 24

Proposal for a decision

Annex I – part II – section 2 - paragraph 2

Text proposed by the Commission

To fulfil this goal, there is a clear need for developing knowledge, skills and competence to provide the required scientific state of the art independent and reliable expertise in support to the Union's policies in the domains of ***nuclear reactor and fuel cycles safety***, nuclear safeguards and security. ***The customer driven support to the Union's policy underlined in the*** JRC's mission will be complemented with a proactive role within the European Research Area in undertaking high quality research activities in close contact with industry and other bodies and developing networks with public and private institutions in the Member States

Amendment

To fulfil this goal, there is a clear need for developing knowledge, skills and competence to provide the required scientific state of the art independent and reliable expertise in support to the Union's policies in the domains of nuclear safeguards and security. The JRC's mission will be complemented with a proactive role within the European Research Area in undertaking high quality research activities in close contact with industry and other bodies and developing networks with public and private institutions in the Member States. ***Its role as the supplier of information to the public will be enhanced.***

Amendment 25

Proposal for a decision

Annex I – part II – section 3 – point 3

Text proposed by the Commission

3. Nuclear security, will further support the accomplishment of Community commitments, in particular development of methods for the control of the fuel cycle facilities, the implementation of the additional protocol including environmental sampling and integrated safeguards, and the prevention of the

Amendment

3. Nuclear security, will further support the accomplishment of Community commitments, in particular development of methods for the control of the fuel cycle facilities, the implementation of the additional protocol including environmental sampling and integrated safeguards, and the prevention of the

diversion of nuclear and radioactive materials associated with illicit trafficking of such materials including the nuclear forensics.

diversion of nuclear and radioactive materials associated with illicit trafficking of such materials including the nuclear forensics. *It is necessary to make use of optimal monitoring instruments of all civilian nuclear activities, including transportation operations or storage location of any radioactive materials.*

Amendment 28

Proposal for a decision Annex II – introduction – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The management of European research funding should be more trust-based and risk-tolerant towards participants at all stages of the projects, while ensuring accountability, with flexible Union rules to improve alignment, where possible, with existing different national regulations and recognised accounting practices.

Amendment 29

Proposal for a decision Annex II – introduction – paragraph 1 b (new)

Text proposed by the Commission

Amendment

It is necessary to strike a balance between trust and control – between risk taking and the dangers that risk involves – in ensuring the sound financial management of Union research funds.

Amendment 26

Proposal for a decision Annex II – point 2 – point a – point 1

Text proposed by the Commission

Amendment

Support for research projects carried out by consortia with participants from different countries, aiming to develop new knowledge, new technology, products or

Support for research projects carried out by consortia with participants from different countries, aiming to develop new knowledge, new technology, products or

common resources for research. The size, scope and internal organisation of projects can vary from field to field and from topic to topic. Projects can range from small or medium-scale focused research actions to larger integrating projects that mobilise a significant volume of resources for achieving a defined objective. Support for the training and career development of researchers will be included in project work plans.

common resources for research. The size, scope and internal organisation of projects can vary from field to field and from topic to topic. Projects can range from small or medium-scale focused research actions to larger integrating projects that mobilise a significant volume of resources for achieving a defined objective. Support for the training and career development of researchers will be included in project work plans. ***Standardisation activities will be included in project work programme.***

Amendment 27

Proposal for a decision

Annex II – point 2– point a – point 3

Text proposed by the Commission

Support for activities to coordinate coordinating or supporting research (networking, exchanges, trans-national access to research infrastructures, studies, conferences, contributions during construction of new infrastructure, etc.) or to promote the development of human resources (e.g. networking and setting up training schemes). These actions may also be implemented by means other than calls for proposals.

Amendment

Support for activities to coordinate coordinating or supporting research (networking, exchanges, trans-national access to research infrastructures, studies, conferences, ***participation in standardisation bodies***, contributions during construction of new infrastructure, etc.) or to promote the development of human resources (e.g. networking and setting up training schemes). These actions may also be implemented by means other than calls for proposals.

P7_TA-PROV(2011)0510

EU-US Summit of 28 November 2011

European Parliament resolution on the EU-US Summit of 28 November 2011

The European Parliament,

- having regard to its previous resolutions on transatlantic relations,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas, although many global challenges in the field of foreign policy, security, development and the environment call for joint action and transatlantic cooperation, the current economic crisis has leapt to the fore as the main challenge to be addressed today;
- B. whereas together the EU and the US account for half the global economy, and whereas their USD4,28 trillion partnership is the largest, most integrated and longest lasting economic relationship in the world and a key driver of global economic prosperity;
- C. whereas the ongoing financial and economic crises, both in Europe and in the United States, are threatening the stability and prosperity of our economies and the welfare of our citizens, and whereas the need for closer economic cooperation between Europe and the United States, in order to combat these crises, has never been more pressing;
- D. whereas the imperative of safeguarding freedom and security at home should not be met at the cost of sacrificing core principles relating to civil liberties and the need to uphold common standards on human rights;
- E. whereas the transatlantic partnership is founded on shared core values, such as freedom, democracy, human rights and the rule of law, and on common goals, such as social progress and inclusiveness, open and integrated economies, sustainable development and the peaceful resolution of conflicts, and is the cornerstone of security and stability in the Euro-Atlantic area;

Jobs and growth

1. Welcomes the conclusions of the G20 Summit held in Cannes on 3-4 November 2011, in particular as regards the Action Plan for Growth and Jobs, reform to strengthen the international monetary system, continued efforts to improve financial regulation and commitments to boost multilateral trade and avoid protectionism; regards it as essential that at the EU-US Summit both partners should pledge to take a leading role in implementing the G20 commitments; notes the G20's discussion of a set of options for innovative financing and that the EU is continuing to develop the idea of a financial transaction tax;
2. Calls on the EU and the US Administration to develop and launch a joint transatlantic initiative for jobs and growth, including a roadmap for promoting trade and investment;
3. Calls for the EU and US to establish an early-warning mechanism to detect and deter protectionism in their bilateral relations; recalls the significance for transatlantic trade of open procurement markets that offer equal access to all suppliers, in particular to small and

medium-sized businesses, and therefore calls on the USA to refrain from introducing any 'Buy American' requirements; stresses the importance of the WTO Government Procurement Agreement (GPA) in ensuring open and balanced access of this kind to both markets;

4. Emphasises the need to strengthen the Transatlantic Economic Council (TEC) process in order to achieve these objectives, in particular the development of common standards for new areas requiring regulation, such as nanotechnology, or emerging economic sectors, such as electric vehicle technology; urges the EU and the US to involve the representatives of the Transatlantic Legislators' Dialogue (TLD) closely in the TEC, as legislators share with their respective executive branches responsibility for the implementation and oversight of many TEC decisions;
5. Encourages EU-US exchanges of experience and best practice concerning ways of encouraging entrepreneurship, including through support for start-ups and the handling of bankruptcies;
6. Emphasises the need to strengthen cooperation efforts in the framework of a research and innovation partnership;
7. Stresses the need to adopt and implement an EU-US Raw Materials Roadmap to 2020 with a particular focus on rare earths, which should promote cooperation on resource efficiency, innovation in extraction and recycling technologies for raw materials, and research into substitution; calls for a transatlantic strategy to foster global governance relating to raw materials through cooperative endeavours such as an International Raw Materials Forum akin to the International Energy Forum;
8. Emphasises the importance of cooperation in promoting energy efficiency, renewables and high nuclear safety standards worldwide, and welcomes the continued coordination of energy-efficient labelling programmes for office equipment and cooperation on the development of energy technologies;
9. Calls on the Commission to push forward the negotiations with the US in the area of product safety, and welcomes the introduction of a legal basis which will enable the US Consumer Product Safety Committee to negotiate with the EU on an agreement to improve the exchange of information on dangerous products, injuries and corrective action taken both in the EU Member States and the US;

Global governance, foreign policy and development

10. Recalls that free and open democracies promote peace and stability and are the best guarantee of global security, and calls on the EU and the US to further step up cooperation to promote peace, in particular in the Middle East, and to support emerging democracies in North Africa;
11. Urges the EU and US to push for a resumption of direct negotiations between Israel and the Palestinians in full compliance with international law, leading to a two-state solution on the basis of the 1967 borders and with Jerusalem as capital of both states, with a secure State of Israel and an independent, democratic and viable State of Palestine living side by side in peace and security; calls on the Member States and the US to address the legitimate demand of the Palestinians to be represented as a state at the United Nations as a result of

negotiations within the UN framework;

12. Calls, in particular, for an EU-US common initiative in order to persuade the Israeli Government to reverse its decision to speed up the construction of 2000 units in the West Bank and to withhold the customs receipts it owes to the Palestinian National Authority as a response to the admission of Palestine to UNESCO;
13. Strongly condemns the escalating use of force in Syria, and supports the efforts made by the US and the EU Member States in the UN Security Council to secure a resolution condemning and calling for an end to the use of lethal force by the Syrian regime and providing for sanctions should it fail to comply; welcomes the Arab League's suspension of Syria's membership, and welcomes the calls by King Abdullah of Jordan for President Bashar al-Assad to step down;
14. Calls on both the EU and the US to continue to support the Libyan transitional authorities in all endeavours to build an inclusive and democratic society; emphasises, at the same time, that this support must be conditional on respect for human rights and the rule of law and political participation for all citizens, in particular women;
15. Expresses deep concern at the allegations made in the latest report by the International Atomic Energy Agency (IAEA) about the progress made by Iran towards achieving the know-how necessary to design and construct a nuclear weapon; deplores the fact that Iran, despite repeatedly insisting that its nuclear programme is being conducted for peaceful, civilian energy-generation purposes only, has failed to cooperate fully with the IAEA; believes that the EU and the US should continue to work closely together and within the P5+1 to maintain strong pressure on Iran, using all political, diplomatic and economic means, including sanctions, in order to persuade it to meet its international non-proliferation obligations and to deter and contain the threats it poses to international security;
16. Emphasises that together the EU and the US manage 90% of global development assistance in the area of health and 80% of overall aid; welcomes the re-launch of the EU-US Development Dialogue in September 2011, because there are only five years left to achieve the Millennium Development Goals;
17. Calls on the EU and the US to push for action at the G20 to bring about greater global cooperation on tackling abusive food-price speculation and excessive fluctuations in global food prices; stresses that the G20 must involve non-G20 countries in order to ensure global convergence;
18. Emphasises that the Summit should also be used to exchange points of view and strengthen coordination vis-à-vis third countries, in particular the BRICs;
19. Emphasises that climate change is a global concern, and calls on the Commission to seek an ambitious US commitment to achieving progress at the forthcoming Durban Conference, with a view to ensuring that a detailed mandate is drawn up to conclude negotiations for a global comprehensive climate agreement by 2015; is concerned, in that connection, about Bill 2594, recently adopted by the US House of Representatives, which calls for a ban on US airlines taking part in the EU Emissions Trading Scheme; calls on the US Senate not to adopt this bill, and calls for a constructive dialogue on this topic;

20. Calls on the EU-US Summit to take into account issues such as climate protection, resource scarcity and efficiency, energy security, innovation and competitiveness in discussions on the economy; reiterates that internationally coordinated action helps to address the carbon-leakage concerns of relevant sectors, in particular energy-intensive sectors;

Freedom and security

21. Recognises that all flows of passengers and goods in the transatlantic area should be subject to proper and proportional security measures;

22. Calls, in that connection, on the US to move away from broad general restrictions, such as 100% container scanning or the banning of liquids on-board aircraft, towards more targeted and risk-based approaches, such as secure operator schemes and the scanning of liquids;

23. Welcomes, in that connection, the opening in March 2011 of negotiations on the EU-US agreement on the protection of personal data; notes the Commission's announcement of the conclusion of the negotiations of an EU-US Passenger Name Record (PNR) agreement, which will be scrutinised by Parliament in the light of the requirements set out in its resolutions of 5 May 2010¹ and 11 November 2010²;

24. Emphasises the importance of the sound implementation of the EU-US agreements on extradition and mutual legal assistance and the related bilateral instruments;

25. Reiterates its view that the EU must continue to raise with the US, both at political and technical level, the issue of the importance it attaches to the admission of the four remaining EU Member States to the visa-waiver programme as soon as possible;

26. Stresses the need to protect the integrity of the global internet and freedom of communication by refraining from unilateral measures to revoke IP addresses or domain names;

27. Takes into account the concrete proposals of different European Parliament Committees and asks the European Parliament delegation to the TLD to make use of their input;

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28. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the US Congress, the co-chairs of the Transatlantic Legislators' Dialogue and the co-chairs and secretariat of the Transatlantic Economic Council.

¹ OJ C 81 E, 15.3.2011, p. 70

² Texts adopted, P7_TA(2010)0397.

P7_TA-PROV(2011)0511

The open internet and net neutrality in Europe

European Parliament resolution of 17 November 2011 on the open internet and net neutrality in Europe

The European Parliament,

- having regard to the Commission Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions of 19 April 2011 on the open internet and net neutrality in Europe (COM(2011)0222),
- having regard to the questions of 12 October and of 14 October 2011 to the Council on the open internet and net neutrality in Europe (O-000243/2011 – B7-0641/2011 and O-000261/2011 – B7-0653/2011),
- having regard to the Commission declaration of 18 December 2009 on net neutrality¹,
- having regard to Article 1(8)(g) of Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC, on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services,
- having regard to Article 20(1)(b), Article 21(3)(c) and (d) and Article 22(3) of Directive 2009/136/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws,
- having regard to Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office,
- having regard to its resolution of 6 July 2011 on European Broadband: investing in digitally driven growth²,
- having regard to the Commission Communication of 19 May 2010 entitled 'A Digital Agenda for Europe' (COM(2010)0245),
- having regard to the Council Conclusions of 31 May 2010 on 'Digital Agenda for Europe',
- having regard to the Commission Communication of 13 April 2011 entitled 'Single Market Act: twelve levers to boost growth and strengthen confidence – Working together to create

¹ OJ C 308, 18.12.2009, p. 2.

² Texts adopted, P7_TA(2011)0322.

new growth' (COM(2011)0206),

- having regard to the summit on ‘The open internet and net neutrality in Europe’ co-organised by Parliament and the Commission in Brussels on 11 November 2010,
 - having regard to the Committee on Internal Market and Consumer Protection study entitled ‘Network Neutrality: challenges and responses in the EU and in the US’ (IP/A/IMCO/ST/2011-02), of May 2011,
 - having regard to the Opinion of the European Data Protection Supervisor (EDPS), of 7 October 2011, on net neutrality, traffic management and the protection of privacy and personal data,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the Council is planning to adopt conclusions on the open internet and net neutrality in Europe at the Transport, Telecommunications and Energy Council on 13 December 2011;
- B. whereas Member States should have complied with the 2009 EU ‘Telecoms’ reform package by 25 May 2011, and the Commission has already taken necessary steps to ensure that the principles of the EU Treaty and the *acquis communautaire* are respected;
- C. whereas Parliament has called on the Commission to safeguard the principles of the neutrality and openness of the internet and to promote end users’ ability to access and distribute information and run applications and services of their choice;
- D. whereas the Commission has asked BEREC to investigate the barriers to switching operators, the blocking or throttling of internet traffic, and transparency and quality of service in Member States;
- E. whereas the internet’s open character has been a key driver of competitiveness, economic growth, social development and innovation – which has led to spectacular levels of development in online applications, content and services – and thus of growth in the offer of, and demand for, content and services, and has made it a vitally important accelerator in the free circulation of knowledge, ideas and information, including in countries where access to independent media is limited;
- F. whereas there are third countries that have prevented mobile broadband providers from blocking lawful websites and VoIP or video-telephony applications that compete with their own voice or video telephony services;
- G. whereas, internet services are offered on a cross-border scale, and the internet is at the very centre of the global economy;
- H. whereas, in particular, as underlined in the Digital Agenda for Europe, broadband and internet are important drivers for economic growth, job creation and European competitiveness at global level;
- I. whereas Europe will only be capable of fully exploiting the potential of a digital economy through stimulation of a properly functioning internal digital market;
1. Welcomes the Commission’s communication and agrees with its analysis, in particular on

the necessity of preserving the open and neutral character of the internet as a key driver of innovation and consumer demand, while ensuring that the internet can continue to provide high-quality services in a framework that promotes and respects fundamental rights;

2. Notes that the conclusions of the Commission's communication indicate there is, at this stage, no clear need for additional European-level regulatory intervention on net neutrality;
3. Points, however, to the potential for anti-competitive and discriminatory behaviour in traffic management, in particular by vertically integrated companies; welcomes the Commission's intention to publish the evidence emerging from BEREC's investigations into practices potentially affecting net neutrality in Member States;
4. Asks the Commission to ensure the consistent application and enforcement of the existing EU 'Telecoms' regulatory framework for communications and to assess, within six months of publication of the findings of BEREC's investigation, whether further regulatory measures are needed in order to ensure freedom of expression, freedom of access to information, freedom of choice for consumers, and media pluralism, to achieve effective competition and innovation, and to facilitate wide-ranging benefits in terms of citizens', businesses' and public administration uses of the internet; emphasises that any European regulatory proposal in the area of net neutrality should be subject to an impact assessment;
5. Welcomes BEREC's work in this area and calls on the Member States, and in particular the national regulatory authorities (NRAs), to work closely with BEREC;
6. Calls on the Commission, together with BEREC in cooperation with Member States, closely to monitor the development of traffic-management practices and interconnection agreements, in particular in relation to blocking and throttling of, or excessive pricing for, VoIP and file sharing, as well as anticompetitive behaviour and excessive degradation of quality, as required by the EU 'Telecoms' regulatory framework; calls further on the Commission to ensure that internet service providers do not block, discriminate against, impair or degrade the ability of any person to use a service to access, use, send, post, receive or offer any content, application or service of their choice, irrespective of source or target;
7. Asks the Commission to provide Parliament with information on current traffic-management practices, the interconnection market and network congestion, as well as any relationship to lack of investment; calls on the Commission to analyse further the issue of 'device neutrality';
8. Calls on the Commission, the Member States and BEREC to ensure consistency in the approach to net neutrality and effective implementation of the EU 'Telecoms' regulatory framework;
9. Emphasises that any solution proposed on the issue of net neutrality can be effective only through a consistent European approach; therefore asks the Commission to follow closely the adoption of any national regulations related to net neutrality, in terms of their effects on the respective national markets as well as the internal market; considers it would benefit all stakeholders if the Commission were to provide EU-wide guidelines, including with regard to the mobile market, to ensure that the provisions of the 'Telecoms' package on net neutrality are properly and consistently applied and enforced;
10. Underlines the importance of cooperation and coordination among the Member States, and

in particular among the NRAs, together with the Commission, in order for the EU to benefit from the full potential of the internet;

11. Draws attention to the serious risks of departing from network neutrality – such as anticompetitive behaviour, the blocking of innovation, restrictions on freedom of expression and media pluralism, lack of consumer awareness and infringement of privacy – which will be detrimental to businesses, consumers and democratic society as a whole, and recalls the opinion of the EDPS on the impact of traffic-management practices on the confidentiality of communications;
12. Points out that the EU ‘Telecoms’ regulatory framework aims to promote freedom of expression, non-discriminatory access to content, applications and services, and effective competition, and therefore that any measure in the area of net neutrality should, alongside existing competition law, aim to tackle anti-competitive practices that may emerge, and should lead to investment and facilitate innovative business models for the online economy;
13. Considers the principle of net neutrality as a significant prerequisite for enabling an innovative internet ecosystem and for securing a level playing field at the service of European citizens and entrepreneurs;
14. Considers effective competition in electronic communication services, transparency in relation to traffic management and to quality of service, as well as ease of switching, to be among the minimum necessary conditions for net neutrality, assuring end users that they can enjoy freedom of choice and requests;
15. Recognises that reasonable traffic management is required to ensure that the end user’s connectivity is not disrupted by network congestion; notes that, in this context, operators may, subject to the scrutiny of the NRAs, use procedures to measure and shape internet traffic in order to maintain networks’ functional capacity and stability and to meet quality-of-service requirements; urges the competent national authorities to use their full powers under the Universal Services Directive to impose minimum quality-of-service standards, and believes that ensuring quality in time-critical service traffic shall not be an argument for abandoning the ‘best effort’ principle;
16. Urges the competent national authorities to ensure that traffic-management interventions do not involve anti-competitive or harmful discrimination; believes specialised (or managed) services should not be detrimental to the safeguarding of robust ‘best effort’ internet access, thus fostering innovation and freedom of expression, ensuring competition and avoiding a new digital divide;

Consumer protection

17. Calls for transparency in traffic management, including better information for end users, and stresses the need to enable consumers to make informed choices and to have the effective option of switching to a new provider that can best meet their needs and preferences, including in relation to the speed and volume of downloads and services; points out, in this regard, the importance of providing consumers with clear, effective, meaningful and comparable information on all relevant commercial practices with equivalent effect, and in particular on mobile internet;
18. Calls on the Commission to publish further guidance about the right to switch operators, so

as to comply with transparency requirements and promote equal rights for consumers across the EU;

19. Notes consumers' emerging concerns in relation to the discrepancy between advertised and actual delivery speeds from internet connections; calls on the Member States, in this regard, consistently to enforce the ban on misleading advertising;

20. Recognises the need to create ways of enhancing citizens' trust and confidence in the online environment; calls on the Commission and the Member States, therefore, to pursue the development of educational programmes that aim to increase consumers' ICT skills and reduce digital exclusion;

21. Calls on the Commission to invite consumer and civil society representatives to participate actively and equally with industry representatives in the discussions on the future of the internet in the EU;

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

Banning cluster munitions

European Parliament resolution of 17 November 2011 on banning cluster munitions

The European Parliament,

- having regard to the Convention on Cluster Munitions, which entered into force on 1 August 2010 and which on 8 November 2011 had been endorsed by 111 states (108 signatories, including three EU Member States, 63 ratifications, including 19 EU Member States, and three accessions),
 - having regard to Draft Protocol VI on Cluster Munitions, dated 26 August 2011, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW),
 - having regard to the resolution adopted by the United Nations General Assembly on 2 December 2008 on the Convention on Cluster Munitions,
 - having regard to the message from the UN Secretary-General to the Second Meeting of States Parties to the Convention on Cluster Munitions, delivered by Sergio Duarte, High Representative for Disarmament Affairs, in Beirut on 13 September 2011,
 - having regard to the declarations by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, in particular that of 1 August 2010 on the Convention on Cluster Munitions and that of 29 April 2011 on the reported use of cluster munitions in Libya,
 - having regard to its resolution of 20 November 2008 on the Convention on Cluster Munitions¹,
 - having regard to its resolution of 8 July 2010 on the entry of force of the Convention on Cluster Munitions (CCM) and the role of the EU²,
 - having regard to its resolution of 7 July 2011 on progress on mine action³,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas cluster munitions pose serious risks to civilians, owing to their typically large lethal footprint, and whereas in post-conflict settings the use of these munitions has caused many tragic injuries to and deaths of civilians, as unexploded submunitions are often found by children and other unsuspecting innocents;
- B. whereas the support of most EU Member States, parliamentary initiatives and the work of civil society organisations have been decisive in the successful conclusion of the ‘Oslo Process’ resulting in the entry into force of the Convention on Cluster Munitions (CCM);

¹ OJ C 16 E, 22.1.2010, p. 61.

² Texts adopted, P7_TA(2010)0285.

³ Texts adopted, P7_TA(2011)0339.

whereas 22 EU Member States are States Parties to the CCM, and five EU Member States have neither signed nor ratified the CCM;

- C. whereas the CCM prohibits States Parties from using, developing, producing, otherwise acquiring, stockpiling, retaining or transferring cluster munitions to anyone, directly or indirectly, and from assisting, encouraging or inducing anyone to engage in any activity prohibited to a State Party under the Convention;
- D. whereas the CCM establishes a new humanitarian standard for the assistance of victims, who include those persons directly affected by cluster munitions and their families and communities;
- E. whereas the draft text of Protocol VI to the CCW to be discussed at the Fourth CCW Review Conference is neither legally compatible with nor complementary to the CCM; whereas, while States Parties to the CCM are legally bound to destroy all munitions, this draft protocol would only ban pre-1980 cluster munitions, provides for a lengthy transitional period that would enable compliance to be deferred for at least 12 years, would allow the use of cluster munitions with only one self-destruction mechanism, and would permit states to use cluster munitions with a so-called failure rate of 1% or less;
- F. whereas since the signing of the CCM cluster munitions have reportedly been used recently against the civilian population in Cambodia, Thailand and Libya, and whereas urgent steps must now be taken to ensure that unexploded cluster submunitions are cleared in order to prevent further deaths or injuries;
 - 1. Calls on the Member States not to adopt, endorse or subsequently ratify any protocol to the CCW allowing for the use of cluster munitions, which are prohibited under the CCM, and calls on the Council and the Member States to act accordingly at the Fourth CCW Review Conference to be held from 14 to 25 November 2011 in Geneva;
 - 2. Deeply regrets the fact that the draft text of Protocol VI to be discussed at that conference threatens to undermine the clear and robust international humanitarian law standard established by the CCM, which comprehensively bans cluster munitions, and would also weaken the protection of civilians;
 - 3. Urges states to acknowledge the humanitarian consequences and high political cost of supporting this proposed draft protocol, which is full of exceptions and loopholes that would allow cluster munitions to be used;
 - 4. Calls on the Member States and candidate countries which are not States Parties to the CCM to accede to it and on the States Signatories to the CCM to ratify it as soon as possible;
 - 5. Considers that Protocol VI to the CCW is not compatible with the CCM and that the Member States which have signed the CCM have a legal obligation to strongly oppose and reject its introduction;
 - 6. Strongly urges the VP/HR to remind the Member States of their legal obligations under the CCM; calls on the VP/HR to place specific emphasis on the thematic objective of reducing the cluster munitions threat and to bring about the accession of the European Union to the CCM, which is now possible following the entry into force of the Lisbon Treaty;

7. Welcomes the fact that 15 States Parties and signatories have completed stockpile destruction and a further 12 will do so by their deadline and that clearance operations are underway in 18 countries and three other areas;
8. Calls on the Member States which have not yet acceded to the CCM but wish to reduce the humanitarian impact of cluster munitions to take strong and transparent national measures pending accession, including the adoption of a moratorium on the use, production and transfer of cluster munitions, and to make a start on destroying cluster munitions stockpiles as a matter of urgency;
9. Calls on the Member States which have signed the CCM to pass legislation to implement it at national level; urges Member States to be transparent about the efforts they make in response to this resolution and to report regularly, for example to their parliaments, on their activities under the CCM;
10. Calls on the Council and Commission to include a reference to the ban on cluster munitions as a standard clause in agreements with third countries, alongside the standard clause on the non-proliferation of weapons of mass destruction, particularly in the context of the EU's relations with its neighbours;
11. Calls on the Council and Commission to make the fight against cluster munitions an integral part of Community external assistance programmes in order to support third countries in destroying stockpiles and providing humanitarian assistance;
12. Calls on the Member States, the Council and the Commission to take steps to discourage states from providing cluster munitions to non-state actors;
13. Instructs its President to forward this resolution to the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States and candidate countries, the UN Secretary-General and the Cluster Munitions Coalition.

P7_TA-PROV(2011)0513

Modernisation of VAT legislation in order to boost the digital single market

European Parliament resolution of 17 November 2011 on the modernisation of VAT legislation in order to boost the digital single market

The European Parliament,

- having regard to the question of 30 September 2011 to the Commission on the modernisation of VAT legislation in order to boost the digital single market (O-000226/2011 – B7-0648/2011),
 - having regard to Articles 113 and 167 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax¹,
 - having regard to Council Directive 2008/8/EC of 12 February 2008 amending Directive 2006/112/EC as regards the place of supply of services²,
 - having regard to the Commission communication entitled ‘Europe 2020: a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
 - having regard to the Commission communication entitled ‘A Digital Agenda for Europe’ (COM(2010)0245),
 - having regard to the Commission’s Green Paper on the future of VAT (COM(2010)0695),
 - having regard to its resolution of 12 May 2011 on unlocking the potential of cultural and creative industries³,
 - having regard to its resolution of 13 October 2011 on the future of VAT⁴,
 - having regard to the OECD Guidelines on the Neutrality of VAT,
 - having regard to Rules 115(5) and 110(4) of its Rules of Procedure,
- A. whereas one of the EU 2020 strategy’s flagship initiatives involves the creation of a digital single market;
- B. whereas the EU digital single market remains fragmented;
- C. whereas the economic crisis has severely damaged economic growth prospects, and whereas the digital economy has the potential to contribute significantly to the prosperity of Europe

¹ OJ L 347, 11.12.2006, p. 1.

² OJ L 44, 20.2.2008, p. 11.

³ Texts adopted, P7_TA(2011)0240.

⁴ Texts adopted, P7_TA(2011)0436.

in the years to come;

- D. whereas the US Internet Tax Freedom Act, which came into force in 1998 and has since been extended, and which prohibits the application by federal and local government of discriminatory sales tax rates on online sales, has had a significant impact on e-commerce and has contributed to the setting up of companies that now dominate global markets;
 - E. whereas the EU needs to fulfil the potential of the single market by facilitating online and cross-border trade among Member States;
 - F. whereas the Commission is currently looking into the future of VAT, and whereas the EU 2020 strategy must be taken into account in this connection;
1. Points out that the current legal framework, with particular reference to Annex 3 to Directive 2006/112/EC, is a barrier to the development of new digital services and thus inconsistent with the goals set out in the digital agenda;
 2. Considers that the VAT rates applicable to books illustrate the shortcomings of current legislation in that, while Member States may apply reduced VAT rates to the supply of books on all physical media, e-books are subject to a standard rate of no less than 15%; takes the view that this discrimination is untenable, given the potential growth of this segment of the market;
 3. Stresses that the EU must be ambitious and go beyond merely remedying the inconsistencies of the current legal framework; takes the view that encouraging companies to develop and offer new pan-European online services should be a priority in the review of VAT rules;
 4. Points out, however, that the EU should develop solutions tailored to its own needs; considers that, with a view to developing a genuine single market, EU law could allow Member States to apply, on a temporary basis, a reduced VAT rate to electronically supplied services with a cultural content;
 5. Considers that this new category, which would be included in the current Annex 3 to Directive 2006/112/EC, could cover the provision of online services, such as TV, music, books or newspapers and magazines, by a supplier established within the EU to any consumer resident in the EU;
 6. Points out that digital distribution of cultural, journalistic and creative content enables authors and content providers to reach new and larger audiences; takes the view that the EU needs to push ahead with the creation, production and distribution (on all platforms) of digital content and that the application of a reduced VAT rate to online cultural content could certainly boost growth;
 7. Draws attention to the OECD principles on the taxation of e-commerce which were agreed at a conference in Ottawa in 1998 and which establish that rules governing consumption taxes, such as VAT, should result in taxation in the jurisdiction where consumption takes place; points out that, in accordance with Directive 2008/8/EC, the OECD principles will apply to the EU as from 1 January 2015;
 8. Considers that a review of VAT legislation giving more flexibility to Member States on the

application of reduced VAT rates should go hand in hand with the application of the principles laid down in Directive 2008/8/CE; points out, however, that in order to enable all Member States to benefit equally from the digital single market, the principle of taxation in the Member State where consumption takes place should apply as soon as possible; stresses that any review should lead to the simplification of the VAT system, with, for example, a one-stop shop for VAT and the elimination of double taxation;

9. Calls, therefore, on the Commission to look into the possibility of reviewing Directive 2008/8/EC with a view to requiring VAT to be paid in accordance with the destination principle by 1 January 2015;
10. Instructs its President to forward this resolution to the Council and the Commission, and the governments and parliaments of the Member States.

Negotiations of the EU-Georgia Association Agreement

European Parliament resolution of 17 November 2011 containing the European Parliament's recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Georgia Association Agreement (2011/2133(INI))

The European Parliament,

- having regard to the ongoing negotiations between the EU and Georgia on the conclusion of an association agreement,
- having regard to the conclusions of the Extraordinary European Council of 1 September 2008, and the conclusions of the European Union External Relations Council of 15 September 2008,
- having regard to the Council conclusions on Georgia of 10 May 2010 adopting the negotiating directives,
- having regard to the Partnership and Cooperation Agreement (PCA) between Georgia and the European Union, which entered into force on 1 July 1999,
- having regard to the ceasefire agreement of 12 August 2008, mediated by the EU and signed by Georgia and the Russian Federation, and the implementation agreement of 8 September 2008,
- having regard to the speech by Mikheil Saakashvili, the President of Georgia, to the European Parliament on 23 November 2010,
- having regard to the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009,
- having regard to the Foreign Affairs Council conclusions on the Eastern Partnership of 25 October 2010,
- having regard to the Joint Communication on 'A new response to a changing Neighbourhood' of 25 May 2011,
- having regard to the joint EU-Georgia European Neighbourhood Policy (ENP) Action Plan, endorsed by the EU-Georgia Cooperation Council on 14 November 2006, laying out the strategic and specific objectives based on commitments to shared values and effective implementation of political, economic and institutional reforms,
- having regard to the European Commission Progress Report on Georgia adopted on 25 May 2011,
- having regard to the EU-Georgia visa facilitation and readmission agreements that entered into force on 1 March 2011,
- having regard to the Joint Declaration on a Mobility Partnership between the EU and

Georgia of 30 November 2009,

- having regard to the European Commission’s key recommendations in relation to Georgia’s preparations for the opening of DCFTA negotiations with Georgia issued in 2009,
 - having regard to the signature of the Agreement between the EU and Georgia on protection of geographical indications of agricultural products and foodstuffs of 14 July 2011,
 - having regard to the signature of the Common Aviation Area Agreement between the EU and its Member States and Georgia of 2 December 2010,
 - having regard to Special Report No 13/2010 by the European Court of Auditors concerning the results of the European Neighbourhood and Partnership Instrument (ENPI) in the Southern Caucasus,
 - having regard to its resolutions on Georgia of 3 September 2008¹, on the need for an EU Strategy for the South Caucasus of 20 May 2010² and on the Review of the European Neighbourhood Policy - Eastern Dimension of 7 April 2011³,
 - having regard to Rules 90(4) and 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A7-0374/2011),
- A. whereas the Eastern Partnership has created a meaningful political framework for deepening relations, accelerating political association and furthering economic integration between the EU and Georgia, by supporting political and socioeconomic reforms and facilitating rapprochement with the EU;
- B. whereas the Eastern Partnership provides for the strengthening of bilateral relations by means of new association agreements, taking into account the specific situation and ambition of each partner country and its ability to comply with the resulting commitments;
- C. whereas the active engagement of Georgia and a commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, are essential to take the process forward and to make the negotiation and subsequent implementation of the association agreement a success and ensure that it has a sustainable impact on the development of the country;
- D. whereas legal approximation is an important tool for fostering cooperation between the EU and Georgia;
- E. whereas Georgia is one of the best-performing partners of the Eastern Partnership in adopting reforms, although problems still persist as regards their implementation; whereas further improvement is needed regarding reforms in the justice system, and labour rights, women’s rights and integration of minorities;
- F. whereas the unresolved Russia-Georgia conflict hampers the stability and development of Georgia; whereas Russia continues to occupy the Georgian regions of Abkhazia and the

¹ OJ C 295 E, 4.12.2009, p. 26.

² OJ C 161 E, 31.5.2011, p. 136.

³ Texts adopted, P7_TA(2011)0153.

Tskhinvali region/South Ossetia, in violation of the fundamental norms and principles of international law; whereas ethnic cleansing and forcible demographic changes have taken place in the areas under the effective control of the occupying force, which bears the responsibility for human rights violations in these areas;

- G. whereas, in its Joint Communication on ‘A new response to a changing Neighbourhood’, the EU stated its ambition to engage more proactively in conflict resolution; whereas the EU Monitoring Mission (EUMM) is carrying out an important role on the ground and the EU Special Representative for South Caucasus and the Crisis in Georgia is co-chairing the Geneva talks; whereas these talks have yielded little result to date;
 - H. whereas the EU stresses the right of Georgia to join any international organisation or alliance, while respecting international law, and reiterating its firm belief in the principle that no third country has a veto over the sovereign decision of another country to join any international organisation or alliance or the right to destabilise a democratically elected government;
 - I. whereas the negotiations with Georgia on the Association Agreement are progressing swiftly, but nevertheless negotiations on the Deep and Comprehensive Free Trade Area (DCFTA) have not yet begun;
- 1. Addresses, in the context of the ongoing negotiations on the Association Agreement, the following recommendations to the Council, the Commission and the EEAS:
 - (a) ensure that the negotiations with Georgia continue at a steady pace;
 - (b) ensure as well that the Association Agreement is a comprehensive and forward-looking framework for the further development of relations with Georgia in upcoming years;

Political dialogue and cooperation

- (c) recognise Georgia as a European state and Georgian aspirations, including those founded on Article 49 of the Treaty on European Union, and base the EU’s commitment and ongoing negotiations with Georgia on a European perspective, considered as a valuable lever for implementation of reforms and a necessary catalyst for public support for these reforms which could further strengthen Georgia’s commitment to shared values and the principles of democracy, the rule of law, human rights and good governance;
- (d) strengthen the EU’s support for the sovereignty and territorial integrity of Georgia and ensure the applicability of the agreement, once it has been concluded, to the whole territory of Georgia; to that end, continue actively engaging in conflict resolution, inter alia thanks to the EUMM, whose mandate has recently been extended until 15 September 2012;
- (e) stress the need for the safe and dignified return of all internally-displaced persons and refugees to their places of permanent residence and the unacceptability of the forced demographic changes;
- (f) emphasise the importance of inter-ethnic and religious tolerance; welcome recent law adopted by the Georgian Parliament on the registration of religious organisations and

affirmative action measures adopted by the Georgian Government in the field of education, aiming at a better integration of national minorities;

- (g) recognise Georgia's regions of Abkhazia and the Tskhinvali region/South Ossetia as occupied territories;
- (h) intensify talks with the Russian Federation to ensure that it fulfils unconditionally all the provisions of the cease-fire agreement of 12 August 2008 between Russia and Georgia, particularly the provision stating that Russia shall guarantee EUMM full unlimited access to the occupied territories of Abkhazia and the Tskhinvali region/South Ossetia; underscore the necessity of providing stability in the aforementioned regions of Georgia;
- (i) call on Russia to reverse its recognition of the separation of the Georgian regions of Abkhazia and the Tskhinvali region/South Ossetia, to end the occupation of those Georgian territories and to fully respect the sovereignty and territorial integrity of Georgia as well as the inviolability of its internationally-recognised borders as provided for by international law, the UN Charter, the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the relevant United Nations Security Council resolutions;
- (j) welcome the unilateral commitment by Georgia not to use force to restore control over the regions of Abkhazia and South Ossetia, as declared by President Saakashvili to the European Parliament on 23 November 2010 and call upon Russia to reciprocate the commitment to the non-use of force against Georgia; welcome Georgia's Strategy on Occupied Territories and Action Plan for Engagement as an important tool for reconciliation and stress the need for enhanced dialogue and people-to-people contacts with the local populations of Abkhazia and South Ossetia in order to make reconciliation possible;
- (k) welcome the agreement reached between the governments of Russia and Georgia on Russia's admission to the World Trade Organization (WTO), in the hope that this agreement treats Abkhazia and South Ossetia as integral parts of Georgia;
- (l) call on Georgia and Russia to engage in direct talks, without preconditions, on a range of subjects, with mediation, if needed, by a mutually acceptable third party, which should complement, not replace, the existing Geneva process;
- (m) express concern over the terrorist attacks in Georgia since last year and call on Georgia and Russia to cooperate in investigation of the above-mentioned terrorist attacks; urge Georgia and Russia to de-escalate rhetoric about bombings and support for terrorism in order to create a climate of trust in conducting these investigations;
- (n) welcome the agreement reached between Georgia and Russia on Russia's accession to the WTO, which includes an arrangement for monitoring trade between the two countries;

Justice, freedom and security

- (o) welcome the significant progress made by Georgia in the areas of democratic reforms, including strengthening democratic institutions, particularly the Ombudsman's Office, the fight against corruption and the reform of the judiciary, as well as of economic

reforms and liberalisation; congratulate Georgia on reducing overall and especially serious crime rates in the country;

- (p) call for the Georgian Government to enter more extensively into a constructive political dialogue with opposition forces and further develop a democratic environment for freedom of speech, especially the accessibility of public media for all political parties;
- (q) call for the Georgian Government to further improve the physical conditions in prisons and detention centres, continue to provide its full support to the Public Defender of Georgia, responsible for monitoring human rights violations, and consider facilitating civil society and human rights non-governmental organisations in visiting persons in prisons and detention centres;
- (r) assess the implementation of the visa facilitation and readmission agreements and of the EU-Georgia Mobility Partnership; consider then launching the EU-Georgia visa dialogue in due course, with the aim of visa liberalisation; to ensure that the Agreement reflects the progress towards visa liberalisation achieved at the time of finalisation of the Agreement's negotiation;
- (s) incorporate in the Agreement clauses on the protection and promotion of human rights reflecting the highest international and European standards, taking full advantage of the Council of Europe and OSCE framework and insisting particularly on the rights of internally-displaced persons (IDPs) and persons belonging to national and other minorities;
- (t) note the significant work done by Georgia in implementing the IDP Action Plan, with particular regard to access to housing;
- (u) encourage the Georgian authorities to adopt and implement comprehensive and effective anti-discrimination legislation in accordance with both the letter and the spirit of EU legislation and the Charter of Fundamental Rights of the EU, inter alia including provisions against discrimination based on sexual orientation and gender identity;
- (v) emphasise in the Agreement the importance of ensuring fundamental freedoms, the rule of law, good governance and the continued fight against corruption and continue to support the reform of the judiciary as one of the priorities, in order to increase public trust in the judiciary, and the need to develop a fully independent judiciary, including by taking steps to ensure that high-profile political, human rights and property usurpation cases are fairly reviewed;
- (w) call on the Georgian Government to promote free media, freedom of expression and media pluralism; allow the media to report independently and objectively without political and economic pressure; ensure credible and efficient implementation of measures to protect journalists; ensure transparency of media ownership, with regard in particular to broadcast media, and free access to public information;
- (x) include in the Agreement a section on the protection of the rights of the child, including harmonisation of the relevant Georgian legislation with the Convention on the Rights of the Child;
- (y) stress the importance of achieving full gender equality with regard, in particular, to the

huge gender pay gap;

The economy and sectoral cooperation

- (z) launch as soon as possible the DCFTA negotiations, and in this context provide the relevant assistance to their Georgian counterparts to conduct negotiations and subsequently implement the DCFTA after an accurate and thorough evaluation of its social and environmental impact;
- (aa) support the opening of negotiations on a DCFTA as soon as possible and as soon as the Key Recommendations made by the Commission and endorsed by the EU Member States have been met by Georgia, so that Georgia can be more closely integrated with its largest trading partner, this being necessary in order to sustain Georgia's economic growth and to overcome the economic crisis and damage caused by the war with Russia in 2008;
- (ab) encourage Georgia's progress in perfecting its legislation, improving the efficiency of its institutions and ensuring high quality-control standards for its products in order to comply with the requirements set out by the European Commission;
- (ac) provide EU financial and technical assistance to Georgia in order to ensure the continuation of the legislative and institutional reforms needed in order to adapt to the DCFTA and to accelerate the process of implementation of the Key Recommendations set out in the EU-Georgia Action Plan;
- (ad) stress how important it is for the EU that Georgia guarantee the proper disposal of toxic and radioactive waste on its territory as a prerequisite for facilitating trade, especially with regard to agriculture in order to protect food safety;
- (ae) include in the Agreement commitments to comply with the International Labour Organisation labour rights and standards, especially Conventions 87 and 98, and the EU Social Charter as well as to the development of a genuine, structured and non-discriminatory social dialogue in practice and to the facilitating effect that Georgian approximation to the EU's social acquis would have on the country's EU perspective;
- (af) call on the Georgian authorities to give a firmer commitment to employment policies and social cohesion and to further create an environment conducive to EU standards of the social market economy;
- (ag) take into account the substantial efforts made by the Georgian Government in recent years to open up the country's economy by setting very low industrial tariffs, adopting a legal and regulatory framework conducive to business and investment, and enforcing the rule of law;
- (ah) include sequential commitments covering key trade-related chapters such as non-tariff barriers, trade facilitation, rules of origin, sanitary and phyto-sanitary measures, intellectual property rights and investment and competition policy, and to complete actions in areas covered by the Action Plan;
- (ai) encourage Georgia to pursue reforms that improve the business climate, its tax collection capacity and its contractual dispute settlement mechanism, while promoting corporate

social responsibility and sustainable development; encourage Georgia to invest in its infrastructure, especially with regard to public services, to fight existing inequalities, particularly in rural areas, to encourage cooperation between experts from the EU Member States and their counterparts in Georgia in order to foster the implementation of reforms in the country and to share on a daily basis the best practices of EU governance;

- (aj) encourage broad sectoral cooperation; clarify particularly the benefits and promote regulatory convergence in this area;
- (ak) include in the Agreement provisions regarding the possibility for Georgia to participate in Community programmes and agencies, a fundamental tool for promoting European standards at all levels;
- (al) emphasise the need for sustainable development, including through the promotion of renewable energy sources and energy efficiency, taking into account EU climate change targets; stress the importance of Georgia in improving EU energy security by promoting priority projects and policy measures for the development of the Southern Corridor (NABUCCO, AGRI, Trans-Caspian Pipeline, White Stream, EAOTC);
- (am) encourage and assist the Georgian authorities in their investment programme for construction of new generation capacity in hydropower plants in compliance with EU standards and norms, as a tool to diversify its energy needs;

Other issues

- (an) consult the European Parliament regarding provisions for parliamentary cooperation;
- (ao) include clear benchmarks for implementation of the Association Agreement and provide for monitoring mechanisms, including the provision of regular reports to the European Parliament;
- (ap) provide targeted financial and technical assistance to Georgia to help ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to provide Comprehensive Institution-Building Programmes; make more resources available for developing the administrative capacity of local and regional authorities with the help of the Eastern Partnership measures, for partnership programmes, high-level consultations, training programmes and worker exchange programmes, as well as work placements and bursaries for vocational training purposes;
- (aq) increase, in line with the Joint Communication on a Renewed Response to a Changing Neighbourhood, EU assistance to civil society organisations and the media in Georgia in order to enable them to perform internal monitoring of and greater accountability for the reforms and commitments the government has undertaken;
- (ar) encourage the EU negotiating team to continue the good cooperation with the European Parliament, providing continuous information, supported by documentation, on the progress of the negotiations, in accordance with Article 218(10) TFEU, which states that Parliament shall be immediately and fully informed at all stages of the procedure;

2. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service and, for information, to Georgia.

Gender mainstreaming in the work of the European Parliament

European Parliament resolution of 17 November 2011 on gender mainstreaming in the work of the European Parliament (2011/2151(INI))

The European Parliament,

- 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,
- having regard to Article 3 of the Treaty on European Union, which emphasises values common to the Member States, such as pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women,
- having regard to the Charter of Fundamental Rights of the European Union, particularly Articles 1, 2, 3, 4, 5, 21 and 23 thereof,
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the European Pact for Gender Equality (2011-2020) adopted by the European Council in March 2011¹,
- having regard to the Commission communication entitled ‘Strategy for equality between women and men 2010-2015’ (COM(2010)0491),
- having regard to the comprehensive report prepared by the 2009 Swedish Presidency of the European Union entitled ‘Beijing +15: The Platform for Action and the European Union’, which pinpoints the obstacles currently preventing the full realisation of gender equality,
- having regard to the Council conclusions of 2-3 June 2005, in which the Member States and the Commission are invited to strengthen institutional mechanisms for promoting gender equality and to create a framework to assess the implementation of the Beijing Platform for Action, in order to create more consistent and systematic monitoring of progress,
- having regard to its resolutions of 15 June 1995 on the Fourth World Conference on Women in Beijing: ‘Equality, Development and Peace’², of 10 March 2005 on the follow-up to the Fourth World Conference on Women – Platform for Action, Beijing +10³, and of 25 February 2010 on Beijing +15 – UN Platform for Action for Gender Equality⁴,
- having regard to its resolution of 13 March 2003 on gender mainstreaming in the European

¹ Annex to Council conclusions of 7 March 2011.

² OJ C 166, 3.7.1995, p. 92.

³ OJ C 320 E, 15.12.2005, p. 247.

⁴ OJ C 348 E, 21.12.2010, p. 11.

Parliament¹,

- having regard to its resolution of 18 January 2007 on gender mainstreaming in the work of the committees²,
 - having regard to its resolution of 22 April 2009 on gender mainstreaming in the work of its committees and delegations³,
 - having regard to its resolution of 7 May 2009 on gender mainstreaming in EU external relations⁴,
 - having regard to the Council of Europe’s pioneering work on gender mainstreaming and specifically to the ‘Declaration on Making Gender Equality a Reality’ issued following the 119th Session of the Committee of Ministers⁵,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality (A7-0351/2011),
- A. whereas gender mainstreaming means more than simply promoting equality through the implementation of specific measures to help women, or the under-represented sex in some cases, but rather involves mobilising all general policies and measures for the specific purpose of achieving gender equality;
- B. whereas the UN has established UN Women, which as of 1 January 2011 has strengthened the institutional arrangements of the UN system in support of gender equality and the empowerment of women, with the Beijing Declaration and Platform for Action as its framework⁶;
- C. whereas Article 8 of the Treaty on the Functioning of the European Union lays down the principle of gender mainstreaming, stating that the Union shall in all its activities aim to eliminate inequalities, and to promote equality, between men and women;
- D. whereas Article 2 of the Treaty on European Union lays down the principle of gender equality, stating that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and that these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;
- E. whereas the inclusion of a gender perspective in Parliament’s legislative and policy work can, in some cases, be best achieved through focused amendments to draft reports, tabled in the lead committee in the form of gender-mainstreaming amendments – a strategy that has been actively pursued by the Committee on Women’s Rights and Gender Equality since

¹ OJ C 61 E, 10.3.2004, p. 384.

² OJ C 244 E, 18.10.2007, p. 225.

³ OJ C 184 E, 8.7.2010, p. 18.

⁴ OJ C 212 E, 5.8.2010, p. 32.

⁵ 119th Session of the Committee of Ministers, Madrid, 12 May 2009.

⁶ UN General Assembly Resolution 64/289 of 21 July 2011 on system-wide coherence.

2009;

- F. whereas this procedure has been successfully used to gender mainstream recent resolutions of 18 May 2010 on ‘key competences for a changing world: implementation of the Education and Training 2010 work programme’¹ and of 8 June 2011 on the mid-term review of the Seventh Framework Programme of the European Union for research, technological development and demonstration activities²;
- G. whereas the Member States are parties to all major international frameworks on gender equality and women’s rights, and a number of policy documents exist at EU level; whereas, however, the practical commitment to furthering gender mainstreaming and women’s empowerment needs to be strengthened, because progress with the implementation of the existing policy documents is modest and the budgetary resources for gender issues are insufficient;
- H. whereas the Commission has, in addition to its strategy for equality between women and men (2010-2015), identified key actions to be accomplished by each of its individual directorates-general – an indication that the EU is moving towards a more holistic and coherent approach to gender mainstreaming³;
- I. whereas the Commission has committed itself, within the framework of its Women’s Charter⁴, to strengthening the gender perspective in all its policies throughout its term of office;
- J. whereas the European Institute for Gender Equality (EIGE) is tasked with developing, analysing, evaluating and disseminating methodological tools in order to support the integration of gender equality into all Community policies and the resulting national policies and to support gender mainstreaming in all Community institutions and bodies⁵;
- K. whereas close cooperation is required with the EIGE in its role of disseminating accurate methodological tools and with a view to the more effective evaluation of gender mainstreaming in Parliament’s work;
- L. whereas the Commission aims to implement gender mainstreaming as an integral part of its policymaking, including through gender impact assessments and evaluation processes, and has developed a ‘Guide to gender impact assessment’ for this purpose⁶;
- M. whereas the policy of gender mainstreaming complements and is no substitute for specific equality policies and positive actions, as part of a dual approach to achieving the goal of gender equality;
- N. whereas discrimination on the grounds of sex or gender adversely affects transgender

¹ OJ C 161 E, 31.5.2011, p. 8.

² Texts adopted, P7_TA(2011)0256.

³ Commission staff working document on ‘Actions to implement the Strategy for Equality between Women and Men 2010-2015’ (SEC(2010)1079/2).

⁴ Communication on ‘A Strengthened Commitment to Equality Between Women and Men: a Women’s Charter’ (COM(2010)0078).

⁵ Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality, (OJ L 403, 30.12.2006, p. 9.)

⁶ <http://ec.europa.eu/social/BlobServlet?docId=4376&langId=en>.

people, and whereas the policies and activities of the European Parliament, the Commission and several Member States in the field of gender equality increasingly encompass gender identity;

- O. whereas the majority of parliamentary committees generally attach importance to gender mainstreaming (for example in the context of their legislative work, their institutional relations with the Committee on Women's Rights and Gender Equality, the drawing-up of equality action programmes, etc.), although a minority of committees rarely or never take an interest in the matter;
1. Commits itself to regularly adopting and implementing a policy plan for gender mainstreaming in Parliament with the overall objective of promoting equality between women and men through the genuine and effective incorporation of the gender perspective into all policies and activities, so that the different impact of measures on women and on men is assessed, existing initiatives are coordinated, and objectives and priorities, as well as the means of achieving them, are specified;
 2. Affirms that the main aim of its gender mainstreaming policy plan for the coming three-year period should be to achieve more consistent and effective implementation of gender mainstreaming in all Parliament's work, on the basis of the following priorities:
 - (a) a continued commitment at the level of Parliament's Bureau, through the work of the High-Level Group on Gender Equality and Diversity;
 - (b) a dual approach – mainstreaming gender in Parliament's activities through, on the one hand, effective work by the committee responsible, and, on the other, integration of the gender perspective into the work of the other committees and delegations;
 - (c) awareness of the need for a gender balance in decision-making processes, to be achieved by increasing the representation of women on Parliament's governing bodies, on the bureaux of political groups, on the bureaux of committees and delegations, in the composition of delegations and in other missions, such as election observation, and by increasing the representation of men in areas where they are under-represented;
 - (d) incorporation of gender analysis into all stages of the budgetary process to ensure that equal consideration is given to women's and men's needs and priorities and that the impact of the provision of EU resources on women and men is assessed;
 - (e) an effective press and information policy which systematically takes gender equality into account and avoids gender stereotypes;
 - (f) continued submission of regular reports to plenary on the progress achieved in gender mainstreaming in the work of Parliament's committees and delegations;
 - (g) a focus on the need for adequate financial and human resources, so that Parliament's bodies are provided with the necessary tools, including gender analysis and assessment tools, with appropriate gender expertise (research and documentation, trained staff, experts) and with gender-specific data and statistics; calls on the Secretariat to arrange regular exchanges of best practice and networking as well as gender mainstreaming and gender-budgeting training for Parliament staff;

- (h) continued development of Parliament's Gender Mainstreaming Network, to which each committee has appointed a member responsible for implementing gender mainstreaming in its work;
 - (i) attention to the importance of employing specific terminology and definitions which comply with international standards when terms are used in relation to gender mainstreaming;
 - (j) methodological and analytical support from the EIGE;
3. Calls for its committee responsible to examine how the procedure whereby the Committee on Women's Rights and Gender Equality adopts amendments to a specific report which highlight the gender implications of a policy area, in accordance with the deadlines and procedures laid down by the committee concerned, can be best incorporated into the Rules of Procedure;
 4. Calls on the Parliament committees responsible for the Multiannual Financial Framework (MFF) and the Structural Funds to assess the gender impact of the proposed spending priorities, sources of revenue and governance tools before the MFF is adopted, so as to ensure that the post-2013 MFF is gender-sensitive, and to guarantee that all EU financing programmes set gender-equality targets in their basic regulations and allocate specific funding for measures to achieve those targets;
 5. Congratulates Parliament's Gender Mainstreaming Network and the parliamentary committees which have put gender mainstreaming into practice in their work, and calls on the other committees to ensure that they are committed to the strategy of gender mainstreaming and put it into practice in their work;
 6. Stresses the need for the parliamentary committees to be provided with appropriate tools which enable them to gain a sound understanding of gender mainstreaming, such as indicators, data and statistics broken down by gender, and for the budgetary resources to be allocated from a gender-equality viewpoint, in such a way as to encourage the committees to take advantage of in-house expertise (secretariat of the relevant committee, policy department, library, etc.) and external expertise in other local, regional, national and supranational institutions, be they public or private, in small, medium-sized and large companies and in universities working in the area of gender equality;
 7. Welcomes the specific initiatives in this area taken by a number of parliamentary committees, including the own-initiative report on the role of women in agriculture and rural areas drawn up by the Committee on Agriculture and Rural Development and the public hearing on the role of women in the sustainable development of fisheries areas organised by the Committee on Fisheries;
 8. Concludes, on the basis of the questionnaire submitted to the chairs and vice-chairs responsible for gender mainstreaming in the parliamentary committees, that the gender mainstreaming work of Parliament's committees is highly variable and voluntary, with an intense focus on gender in some areas and little or no apparent activity in others;
 9. Welcomes the work of the interparliamentary delegations and election observation missions and their efforts, in their relations with third-country parliaments, to address issues related to gender equality and women's empowerment through more systematic monitoring and

pursuit of issues such as female genital mutilation and maternal mortality and by working more closely with the Committee on Women's Rights and Gender Equality in arranging joint meetings and exchanging information in these areas;

10. Asks the Commission to address and prioritise gender inequalities in a more consistent and systematic manner when programming and implementing all policies, and insists that the mainstreaming of gender issues through all policies must be improved in order to achieve the goals of gender equality;
11. Reiterates the need to focus on gender relations between men and women that generate and perpetuate gender inequalities;
12. Takes the view that Parliament's gender mainstreaming work should also encompass gender identity and assess what impact policies and activities have on transgender people; calls on the Commission to consider gender identity in all activities and policies in the field of gender equality;
13. Instructs its President to forward this resolution to the Council, the Commission and the Council of Europe.

Combating illegal fishing at the global level

European Parliament resolution of 17 November 2011 on combating illegal fishing at the global level - the role of the EU (2010/2210(INI))

The European Parliament,

- having regard to the United Nations Convention on the Law of the Sea of 10 December 1982,
- having regard to the Convention on Biological Diversity (CBD) and to the Rio Declaration on Environment and Development adopted at the United Nations Conference on Environment and Development in June 1992,
- having regard to the Food and Agriculture Organisation (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved at the 27th session of the FAO Conference in November 1993 ('Compliance Agreement'),
- having regard to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ('UN Fish Stocks Agreement' – UNFSA of August 1995),
- having regard to the FAO Code of Conduct for Responsible Fisheries, adopted in October 1995 by the FAO Conference,
- having regard to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted in June 1998 ('Aarhus Convention'),
- having regard to the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), endorsed by the FAO Council in June 2001,
- having regard to the Communication from the Commission on a Community action plan for the eradication of illegal, unreported and unregulated fishing of May 2002 (COM(2002)0180),
- having regard to the Declaration made at the World Summit on Sustainable Development held from 26 August to 4 September 2002 in Johannesburg,
- having regard to its resolution of 15 February 2007 on the implementation of the EU action plan against illegal, unreported and unregulated fishing¹,
- having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated

¹ OJ C 287 E, 29.11.2007, p. 502.

fishing (the ‘IUU Regulation’)¹, Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters (the ‘Fishing Authorisations Regulation’)² and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (the ‘Control Regulation’)³,

- having regard to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), approved at the 36th session of the FAO Conference, held in Rome in November 2009,
 - having regard to the UN Office on Drugs and Crime (UNODC) 2011 report on Transnational Organised Crime in the Fishing Industry,
 - having regard to the Commission’s Joint Research Centre (JRC) Reference Report ‘Deterring Illegal Activities in the Fisheries Sector – Genetics, Genomics, Chemistry and Forensics to Fight IUU Fishing and in Support of Fish Product Traceability’, published in 2011,
 - having regard to the upcoming United Nations Conference on Sustainable Development (UNCSD), which will take place in Brazil in June 2012,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on the Environment, Public Health and Food Safety (A7-0362/2011),
- A. whereas 71% of planet Earth is covered by oceans, which store 16 times as much carbon dioxide as the terrestrial world and play a fundamental role in the climate and life support systems of the entire planet, as well as providing a substantial portion of the global population with food, livelihoods, energy and transport routes;
- B. whereas Illegal, Unreported and Unregulated (IUU) fishing has been reported to account for between 11 and 26 million tonnes a year, equivalent to at least 15% of world catches, making the economically, socially and environmentally sustainable management of the exploitation of the world’s marine resources impossible;
- C. whereas the agreement approved at the 10th Conference of the Parties to the Convention on Biological Diversity held in October 2010 in Nagoya established the international obligation to at least halve the loss of biodiversity by 2020;
- D. whereas the world’s oceans constitute 90% of the habitat for life on earth;
- E. whereas two thirds of the world’s oceans are beyond national jurisdiction, lacking comprehensive policies to govern international waters (the high seas), with current patchy laws mainly based on 17th century principles of freedom of the seas, ignoring many of the environmental principles that have long been applied for land and the atmosphere;

¹ OJ L 286, 29.10.2008, p. 1.

² OJ L286, 29.10.2008, p. 33.

³ OJ L 343, 22.12.2009, p. 1.

- F. whereas one of the objectives of the FAO Agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing is to eliminate ‘ports of convenience’ that provide a safe haven for IUU vessels and serve as a port of entry for the trade in illegal catches;
- G. whereas the new EU control package, consisting of the IUU Regulation, the Control Regulation and the Fishing Authorisations Regulation, constitutes a comprehensive set of instruments to combat this scourge of the oceans, since it specifies the flag, coastal, port and market State responsibilities of both the EU Member States and third countries;
- H. whereas the EU is the world's largest importer of fisheries products and one of the world's major fishing powers, and it therefore has a major responsibility to play a key role in mobilising the international community in the fight against IUU fishing;
1. Believes that IUU fishing is one of the most serious threats facing the biodiversity of the world's oceans;
 2. Is convinced that IUU fishing is a major environmental and economic problem worldwide, in both marine and freshwater fisheries, undermining fisheries management efforts, threatening the sustainability of fish stocks and food security as well as distorting the market, with incalculable social and economic repercussions on society as a whole, including in developing countries;
 3. Emphasises that IUU fishing and associated commercial activities constitute unfair competition for fishermen and others who operate in a law-abiding fashion, and creates economic difficulties for fishing communities, consumers and the entire sector;
 4. Highlights the world leadership role assumed by the EU with the new control package, consisting of the IUU Regulation, the Control Regulation and the Fishing Authorisations Regulation; considers that it constitutes a wide-ranging and comprehensive set of instruments to combat this scourge of the oceans, since it specifies the flag, coastal, port and market State responsibilities of both the EU Member States and third countries, as well as obligations with respect to the activities of their nationals; urges the firm application of these instruments;
 5. Stresses the need to increase coordination among the Commission, the Community Fisheries Control Agency and the Member States in order to improve information gathering and exchange and assist in the rigorous and transparent application of Union fisheries legislation;
 6. Considers that the responsibility for ensuring compliance of vessels with the relevant management and other rules, for collecting and reporting catch and effort data, and for ensuring traceability, including through the validation of catch certificates, must remain with the flag State, as delegation to another State would undermine the fight against IUU fishing;
 7. Insists that the Commission and the control authorities in the Member States be provided with sufficient resources (human, financial, technological) enabling them to fully implement these regulations;
 8. Stresses the need, in the interest of the EU's credibility, for the Commission and the

Member States to identify and sanction EU operators who violate EU legislation, and considers in this context that there is still some way to go before the EU is satisfactorily combating IUU fishing on its own territory and by EU operators elsewhere;

9. Calls on the Member States and the Commission to ensure that illegal fishing is combated at sea and in inland waters and underlines the need to review the sufficiency of control mechanisms and their implementation;
10. Calls for the review of the common fisheries policy to be used to create incentives for legal fishing in the interests of the fish, the environment, consumers and producers in the EU;
11. Calls on the Commission to investigate – before the end of 2012 – whether recreational fishing in the EU exists on such a scale that it can really be classed as IUU fishing;
12. Calls on the Commission and the Member States to cooperate with a view to the creation of a ‘European coastguard’ in order to boost common monitoring and inspection capacity and to effectively combat current or future dangers at sea such as terrorism, piracy, IUU fishing, trafficking or even marine pollution;
13. Urges the Commission to continue its efforts to promote the exchange of information in order to integrate maritime surveillance, in particular information aimed at harmonising coastguard services at European level;
14. Believes that the EU’s objectives in the fight against IUU fishing must be backed up by the necessary resources, above all financial, to ensure their promotion, with Member States being allocated sufficient resources to allow them to implement the regulations in force; stresses, equally, that any future adoption of new methods (e.g. electronic tracking systems, etc.) must ensure the availability at the level of the EU budget of the financial resources needed for their implementation;
15. Calls on the Commission to publish annual assessments of the performance of each Member State in implementing the rules of the Common Fisheries Policy (CFP) that identify possible weak points needing improvement, and to use all possible means, including identifying Member States when they fail in their responsibilities, to ensure their full compliance, in order to create a reliable and transparent control regime;
16. Welcomes the Commission’s decision to introduce a point-based fishing licence, an additional tool the Member States will be able to use to identify irregularities at each stage of the market chain and to impose strict penalties in case of infringement;
17. Considers that, given the high mobility of fish stocks, fishing fleets and the capital underlying the fleets, as well as the global nature of markets for fish, IUU fishing can only be effectively fought by international cooperation, both bilaterally and multilaterally, and extensive, accurate and timely information exchange regarding fishing vessels, their activities and catches and other relevant matters;
18. Calls on the EU to strongly insist that third countries effectively combat IUU fishing, including by promoting the signing, ratification and implementation of the FAO Port State Measures Agreement, the UN Fish Stocks Agreement, the FAO Compliance Agreement and the UN Law of the Sea as well as the various catch documentation schemes already adopted by Regional Fisheries Management Organisations (RFMOs) in the context of trade

agreements, Fisheries Partnership Agreements and the EU's development policy;

19. Stresses the need to ensure that all third countries with which the EU has signed a Fisheries Partnership Agreement apply the rules of the International Labour Organisation (ILO) on core labour rights, particularly those concerning social dumping caused by IUU fishing;
20. Emphasises that past limitations in monitoring, control and surveillance of fishing activities have been largely overcome by technological advances, including developments in space and satellite technologies, and that the key to combating IUU fishing today lies primarily with governments finding the political will to act effectively and responsibly;
21. Calls on Member States to pursue and prosecute vessels, owners, firms, companies or individuals involved in IUU fishing-related activities, including the mixing of IUU catches with legal catches, as they would other perpetrators of environmental or economic crime, with severe sanctions upon conviction including, where appropriate for serious or repeat offences, the permanent withdrawal of licences and denial of access to port facilities;
22. Deplores the fact that EU subsidies have been distributed to vessels that had previously been caught fishing illegally;
23. Calls on the Commission to amend the requirements for all kinds of financial assistance so as to apply financial sanctions and the denial of funding opportunities to the owners of vessels proven to have fished illegally;
24. Urges the Commission to withhold aid from the European Fisheries Fund to all those vessels involved in IUU activities;
25. Emphasises the need to ensure greater responsibility and accountability on the part of the fishing industry in order to achieve the sustainable use of marine resources; considers that improving transparency in all aspects of the fishing industry and its activities, including agreeing on international criteria to establish the real beneficial owners of vessels and the fishing rights they hold, and conditions for their publication, as well as the monitoring of fishing vessels in international waters, is crucial;
26. Believes that the European Union should set an example by adopting and promoting a policy of transparency in decision-making in fisheries management in international bodies and in third countries with which the EU has fisheries relations;
27. Takes the view that fishing that respects the measures adopted at international, regional and national level and that is based on the responsible and sustainable use of resources favours economic growth and job creation both within the EU and in developing countries, whereas illegal, unreported and unregulated (IUU) fishing has dramatic economic, social and environmental repercussions, and its consequences are especially damaging to developing countries in that it impedes the achievement of the Millennium Development Goals (MDGs), specifically MDGs 1, 7 and 8;
28. Underlines the cross-border nature of fishing activities and the need, in order to combat IUU fishing, to cooperate at both bilateral and multilateral level so that measures geared to combating IUU fishing are applied by everyone in a transparent, non-discriminatory and equitable manner, whilst taking account of the financial, technical and human capacities of developing countries, in particular those of small island states;

29. Calls on the Commission to ensure consistency among its policies so that development policy that combats poverty is an integral part of the EU's policy to combat IUU fishing, alongside the environmental and commercial concerns;
30. Stresses the direct link between IUU fishing and a state's level of governance and calls for all external aid measures to be accompanied by a firm political resolve on the part of the beneficiary state to ban IUU fishing in its waters, and more generally to improve governance in the fisheries sector;
31. Encourages the Commission and the Member States to expand their programmes of financial, technological and technical support, including Official Development Aid and Fisheries Partnership Agreements, for monitoring, control and surveillance programmes in the waters of developing countries, giving priority to regional programmes rather than bilateral ones; further encourages greater coordination among all donors, European and others, in funding such programmes;
32. Considers, furthermore, that the EU should make active use of cooperation in Fisheries Partnership Agreements (FPAs) in order to combat IUU fishing more effectively;
33. Calls on the Commission to increase the financial envelope for the fisheries sector in the agreements that it signs with developing countries as far as is necessary, so that these countries can consolidate their institutional, human and technical capacities to combat IUU fishing and thereby improve their compliance with the measures adopted by world and regional fisheries management organisations and with European legislation;
34. Stresses the need to involve civil society and to hand responsibility to fisheries sector undertakings so that they will ensure that legal fishing methods are complied with and cooperate with the authorities in combating IUU fishing, within the framework of the social and environmental responsibility of undertakings;
35. Asks the Commission to examine the possibility of adding the FAO Port State Measures Agreement, the UN Fish Stocks Agreement and the FAO Compliance Agreement to the list of instruments to be implemented for countries to be eligible for the Generalised System of Preferences plus, which is currently being revised; calls for the withdrawal of export licences for all countries which market products obtained by IUU fishing; considers that the EU should work with such countries in order to ban the marketing of these products;
36. Recalls that the issue of IUU fishing is inseparable from that of Economic Partnership Agreements in the context of trade which is subject to the rules of the WTO; stresses the problem of derogation from the rules of origin for some processed fishery products and in particular the case of Papua New Guinea, which prevents the traceability of such products and opens the way for IUU fishing;
37. Considers that the EU should pursue the following objectives in Regional Fisheries Management Organisations (RFMOs) to which it belongs:
 - establishment, for all fisheries under the remit of the RFMOs, of registers of fishing vessels, including support vessels, that are authorised to fish, as well as lists of vessels that are identified as IUU (black lists), to be updated frequently, published widely and coordinated among RFMOs;

- strengthening of RFMOs' Compliance Committees to examine the performance of Contracting Parties and, where necessary, impose effective sanctions;
- extension of the list of specified measures to be taken by Contracting Parties (CPCs) as flag, coastal, port and market States, and States of beneficial ownership, within individual RFMOs;
- establishment of appropriate at-sea inspections and observer programmes;
- bans on transshipments at sea;
- development of catch documentation schemes, beginning with the major species in each RFMO;
- compulsory use of electronic tools including VMS, electronic logbooks and other tracking devices where relevant;
- compulsory and regular evaluations of the performance of individual RFMOs with a requirement that the recommendations be acted upon;
- declaration of financial interests with respect to fisheries for heads of delegations to RFMOs where they could lead to a conflict of interest;

38. Calls for an urgent expansion of the network of RFMOs to cover all high seas fisheries and areas, either by establishing new RFMOs or by expanding the mandate of existing ones; believes that vastly enhanced cooperation among RFMOs, in terms of information exchange, sanctions against vessels and CPCs, is necessary given the global nature of IUU fishing;
39. Believes that the right to fish on the high seas must, to the extent possible under international law, be made conditional upon a State's adherence to the relevant international bodies and full implementation of all management measures that they adopt;
40. Notes that the FAO is the main source for scientific expertise and recommendations when examining global fisheries and aquaculture issues due to fisheries development and management being better amalgamated with the preservation of biodiversity and protection of the environment;
41. Fully supports the current FAO initiative to develop a Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, which should be compulsory and include vessels above 10 GT as soon as possible;
42. Encourages the rapid development of a system for the evaluation of flag State performance currently underway at the FAO as a means of putting pressure on States that do not meet their international legal obligations; urges that some effective mechanism be found for sanctioning States that do not ensure that vessels flying their flag do not support or engage in IUU fishing and abide by all relevant legislation; calls on Member States to enforce fairly and transparently the market instruments to stop illegal fishing, without discriminating against other countries; supports the FAO's decision to set up international consultations on the performance of flag States in regard to their obligations under international law;
43. Calls for the urgent adoption of measures to put an end to the use of 'flags of convenience',

a practice which enables fishing vessels to operate illegally, with impunity, at a great cost to the marine ecosystem, fish stocks, coastal communities, food security, particularly in developing countries, and the legitimate, law-abiding fishing industry;

44. Emphasises the need to ensure that EU interests are not involved in such forms of fishing piracy and therefore calls on Member States to ensure that their nationals do not support or engage in IUU fishing;
45. Supports the efforts of the Commission to establish a public register listing the identities of ship owners that have been proven to have participated in IUU fishing; believes that the register should be in line with the one managed by the Community Fisheries Control Agency in Vigo;
46. Believes that independent evaluations of both flag States' and RFMOs' performance should be carried out by an organisation integrated into the United Nations system without further delay;
47. Recognises the lack of international cooperation in management of the negative impacts of human activities other than fishing that affect the marine environment and calls upon the Commission to advocate the creation of a global body to fill this void, possibly under the auspices of the UN;
48. Emphasises that the concept of market State responsibility must be more fully developed as a means of closing down the markets for the products of IUU fish; believes that the EU must urgently discuss with other major market States, including but not limited to the US, Japan and China, how to cooperate among themselves and, as rapidly as possible, to develop international legal instruments that could halt, prosecute and punish trade in IUU fish, in line with the World Trade Organisation (WTO) rules and within the framework of the United Nations system;
49. Underlines that maintaining and developing the European fisheries sector depends in part on strict IUU monitoring of fishery products traded on European and global markets; stresses the importance of this sector for regional planning, food safety and safeguarding jobs and resources in Community waters;
50. Takes the view that the European Union already has instruments with which to discourage illegal fishing and is convinced that, since it is one of the largest markets for fish in the world, the dissuasive effect would have undoubted practical consequences if it uses these instruments properly; calls, therefore, for European Union export certificates not to be granted to or to be withdrawn from those states or contracting parties which do not cooperate with RFMOs in establishing instruments such as catch documentation systems or port state measures;
51. Stresses that one of the best weapons in the fight against IUU fishing is the trade weapon; once again deplores, therefore, the lack of coordination between DG MARE and DG TRADE, since whilst the former is setting itself more and more objectives in order to combat IUU fishing, the latter's exclusive aim appears to be to make Community markets more and more open to imports, whatever their origin and whatever control guarantees are in place, granting tariff preferences and rules of origin derogations that are serving only to hand European markets over to fleets and countries that have been identified as at least tolerating IUU fishing;

52. Considers in this context that the market should increasingly be held to account for its actions, and particularly importers, since the market is perhaps the most significant cause of IUU fishing;
53. Stresses the importance of the consumer's right to always be certain that the product purchased has been legally fished;
54. Calls on both the Commission and the Member States to improve their information to consumers on various labelling schemes, e.g. the Marine Stewardship Council (MSC) scheme, which create transparency and provide consumers with a guarantee that they are purchasing sustainable, legally landed fish;
55. Expresses its full support for the new guidelines adopted at the FAO Committee on Fisheries (COFI) meeting in February 2011, with the objective of harmonising the system of fisheries product labelling in order to fight illegal fishing; believes that the characteristics of labelling should include clear indications concerning the commercial and scientific designation of the fish concerned, the type of fishery and, above all, the zone of origin;
56. Encourages the Commission to pursue the development of a global catch documentation scheme;
57. Calls on the Commission and the Member States to support the development and utilisation of techniques to ensure full, effective traceability of fish products throughout the supply chain, including satellite tracking of fishing and support vessels and electronic tags to track fish, as well as the establishment of global fish DNA and other genetic databases to identify the fish products and their geographical origin as described in the Commission's Joint Research Centre (JRC) report 'Deterring Illegal Activities in the Fisheries Sector – Genetics, Genomics, Chemistry and Forensics to Fight IUU Fishing and in Support of Fish Product Traceability';
58. Calls on the Commission and Council to increase the resources allocated to the fight against corruption and organised crime at all levels;
59. Welcomes the recent report from the UN Office on Drugs and Crime (UNODC) on the role of transnational organised crime in the fishing industry and its explanation of how organised criminal groups are extending their influence in the fishing industry, including in both upstream (vessel and crew supply, refuelling, etc.) and downstream (marketing, shipping) activities;
60. Is alarmed at the use of such criminal activities as human exploitation and trafficking, money laundering, corruption, handling of stolen goods, tax evasion and customs fraud by those engaged in IUU fishing, which should be viewed as a form of organised transnational crime; emphasises the need for a more comprehensive and integrated approach to combating IUU fishing, including controls on trade and imports;
61. Fully endorses the recommendations of the UNODC report, including expanding international cooperation in investigating criminal activities at sea, improving transparency of fishing vessel ownership and activities and discouraging both the sale and the operation of fishing vessels by companies with untraceable beneficial owners;
62. Notes that the UN Convention on Transnational Organised Crime is one of the most widely

ratified treaties, which obliges its Contracting Parties to cooperate with each other, in terms of investigations, prosecutions and judicial proceedings, in transnational organised crime cases, thus creating important synergies in combating IUU fishing;

63. Believes that IUU fishing should be made one of the prioritised areas for Interpol, giving resources and investigative powers to the organisation to monitor and combat transnational criminal aspects of IUU fishing;
64. Requests the Commission to examine the US Lacey Act and to consider whether certain of its elements might be useful in the European context, particularly the responsibility it imposes on retailers for the legality of fish;
65. Calls upon the Commission to include the above principles, where relevant, in the provisions of its bilateral fisheries agreements;
66. Insists that the EU propose that the issue of international oceans governance be made a priority at the next World Summit on Sustainable Development in Brazil in 2012, on the 30th anniversary of the UN Law of the Seas;
67. Points out that the fight against illegal fishing at world level is vital for global sustainable development and must therefore represent an essential and explicit part of Fisheries Partnership Agreements, trade policy commitments, development cooperation policy objectives and the European Union's foreign policy priorities;
68. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments of the Member States, the secretariats of the RFMOs to which the EU is a Contracting Party and the Committee on Fisheries of the FAO.

Iran - recent cases of human rights violations

European Parliament resolution of 17 November 2011 on Iran – recent cases of human rights violations

The European Parliament,

- having regard to its previous resolutions on Iran, notably those concerning human rights, and in particular those of 7 September 2010 and 20 January 2011,
- having regard to UN Human Rights Council Resolution 16/9 establishing a mandate for a Special Rapporteur on the situation of human rights in Iran,
- having regard to the 123 recommendations made following the universal periodic review of the Human Rights Council of February 2010,
- having regard to the appointment by the President of the UN Human Rights Council on 17 June 2011 of Ahmed Shaheed as UN Special Rapporteur on the situation of human rights in Iran and to the interim report of 23 September 2011 submitted by the Special Rapporteur to the 66th session of the UN General Assembly on the situation of human rights in Iran,
- having regard to the report of 15 September 2011 submitted by the UN Secretary-General to the 66th session of the UN General Assembly on the situation of human rights in the Islamic Republic of Iran,
- having regard to the report by the Iran Human Rights Documentation Center of 10 June 2011 on the use of rape as a method of torture by Iranian prison authorities,
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy of 15 and 26 September 2011 on the detention of human rights lawyer Nasrin Sotoudeh and the arrest of six independent film-makers and of 18 October 2011 on the sentences imposed on filmmaker Jafar Panahi and actress Marziyeh Vafamehr,
- having regard to the stepping-up of the EU's restrictive measures on 10 October 2011 in response to serious human rights violations in Iran,
- having regard to UN General Assembly Resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008 on a moratorium on the use of the death penalty,
- 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 Constitution of the Islamic Republic of Iran, and in particular Articles 23 to 27 and 32 to 35 thereof, which provide for freedom of expression, assembly and association and the right to practise one's religion and basic rights for persons indicted and detained,

- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the current human rights situation in Iran is characterised by an ongoing pattern of systematic violations of fundamental rights; whereas human rights defenders (in particular women's, children's and minority rights activists), journalists, bloggers, artists, student leaders, lawyers, trade unionists and environmentalists continue to live under severe pressure and the constant threat of arrest;
- B. whereas the most urgent issues concern accumulated deficits in relation to the administration of justice, practices that amount to torture or the cruel or degrading treatment of detainees, including rape, the unequal treatment of women, the persecution of religious and ethnic minorities and a lack of civil and political rights, in particular the harassment and intimidation of human rights defenders, lawyers and civil-society actors;
- C. whereas the rate of executions in Iran during the first half of 2011 make it the world's leading per capita user of the death penalty, in contrast to the worldwide trend towards the abolition of the death penalty;
- D. whereas, in spite of being a signatory to the ICCPR and officially prohibiting the execution of persons under the age of 18, according to various reports Iran executes more juvenile offenders than any other country;
- E. whereas the Iranian authorities have to date failed to meet their UN obligations and refused to cooperate with the Special Rapporteur; whereas the interim report describes a 'pattern of systemic violations' and an 'intensified' campaign of abuses, expresses alarm at the growing use of the death penalty for minor crimes, and without due process, and indicates that so far in 2011 there have been at least 200 official executions and 146 secret executions in the eastern Iranian city of Mashad; whereas in 2010 more than 300 people were executed in secret in Iran;
- F. whereas the relatives of Iranians in prison or on trial are also being arrested, questioned and harassed, outside Iran and in the EU; whereas thousands of Iranians have fled the country and found refuge in neighbouring countries;
- G. whereas the opposition leaders Mir Hossein Mousavi and Mehdi Karroubi have been held illegally under house arrest and arbitrarily confined since 14 February 2011; whereas these leaders, along with their politically active spouses, have for periods of time been forcibly disappeared to unknown locations and cut off from all contact with friends and family, periods during which they have been at severe risk of torture;
- H. whereas in February and March 2011 hundreds were arrested and at least three people died when thousands of demonstrators took to the streets in support of the pro-democracy movements in neighbouring Arab countries and to protest against the detention of opposition leaders Mir Hossein Mousavi and Mehdi Karroubi;
- I. whereas in April 2011 security forces killed several dozen protesters, mostly ethnic Arabs, and arrested dozens more in the south-western province of Khuzestan, and whereas dozens of people were arrested and injured in environmental protests in Western Azerbaijan Province against the drying-up of Lake Urmia;
- J. whereas the pressure on religious minorities, most notably the Bahai', converts and

dissident Shia scholars, continues to increase; whereas the Bahai', despite being the biggest non-Muslim religious minority, suffer heavy discrimination, including denial of access to education, and whereas legal proceedings against their seven imprisoned leaders are ongoing and over 100 community members remain under arrest; whereas there are reports that in the first half of 2011 at least 207 Christians were arrested; whereas Sunni Muslims continue to face discrimination in law and in practice, and are prevented from fully exercising their right to practise their religion; whereas a state-supported defamation campaign against (Shia) Nematullahi Sufis, depicting all forms of mysticism as satanic and persecuting Sufi worshippers, is continuing, the most glaring example being the armed attack in Kavar in September 2011, which killed one person and left others seriously injured;

- K. whereas individuals who have converted from Islam have been arrested, and whereas Article 225 of the draft Penal Code seeks to make the death penalty mandatory for convicted male apostates; whereas the protestant pastor Yousef Nadarkhani is still under threat of execution for apostasy;
- L. whereas the Iranian Revolutionary Guard, the secret services and the Basij militia are playing an active role in the severe and brutal repression in Iran;
- M. whereas members of the lesbian, gay, bisexual and transgender community face harassment, persecution, cruel punishment and even the death penalty; whereas these persons face discrimination on the grounds of their sexual orientation, including as regards access to employment, housing, education and health care, and social exclusion;
- N. whereas the prison sentences imposed on the prominent student activists Bahareh Hedayat, Mahdieh Golroo and Majid Tavakoli were each increased by six months after they were charged with 'propaganda against the regime'; whereas on 15 September 2011 political activist and doctoral student Somayeh Tohidlou received 50 lashes after completing a one-year prison sentence at Evin Prison; whereas Ms Tohidlou had already completed a 70-day prison sentence; whereas both prison sentences and the 50 lashes were punishments imposed for blogging and other internet activities; whereas on 9 October 2011 student activist Payman Aref received 74 lashes before his release from prison, on a charge of insulting the Iranian President;
- O. whereas a six-year prison sentence, confirmed on appeal, has been imposed on the prominent Iranian filmmaker Jafar Panahi; whereas the sentence of one year's imprisonment and 90 lashes was given to prominent actress Marzieh Vafamehr, following her involvement in a film depicting the difficult conditions in which artists operate in Iran;. whereas on 17 September 2011 the Iranian authorities detained six independent documentary filmmakers, Mohsen Shahrnazdar, Hadi Afarideh, Katayoun Shahabi, Naser Safarian, Shahnaz Bazdar and Mojtaba Mir Tahmaseb, accusing them of working for the BBC's Persian Service and engaging in espionage on behalf of that news service;
- P. whereas since 2009 dozens of lawyers have been arrested for exercising their profession, including Nasrin Soutoudeh, Mohammad Seifzadeh, Houtan Kian and Abdolfattah Soltani; whereas Nobel Peace Prize laureate Shirin Ebadi has effectively been forced into exile after the authorities shut down her Center for Defenders of Human Rights, and whereas lawyers taking on the defence of political detainees and prisoners of conscience face increasingly high personal risks;

- Q. whereas the Iranian authorities have announced that they are working on an internet, parallel to and eventually designed to replace the open worldwide internet, that conforms to Islamic principles, describing it as a ‘halal’ network; whereas the ‘halal internet’ would effectively give the Iranian authorities 100% control over all internet traffic and content, seriously violating freedom of expression and restricting access to information and communication networks;
- R. whereas it has been widely reported that EU(-based) companies have been providing the Iranian authorities with technical assistance and custom-made technologies, which have been used to track and trace (online) human rights defenders and activists and are instrumental in human rights violations;
1. Expresses grave concern over the steadily deteriorating human rights situation in Iran, the growing number of political prisoners, the continuously high number of executions, including of juveniles, the widespread torture, unfair trials and exorbitant sums demanded for bail, and the heavy restrictions on freedom of information, expression, assembly, belief, education and movement;
 2. Pays tribute to the courage of all Iranians who are fighting in defence of fundamental freedoms, human rights and democratic principles and who wish to live in a society free from repression and intimidation;
 3. Strongly condemns the use of the death penalty in Iran and calls on the Iranian authorities, in accordance with UN General Assembly Resolutions 62/149 and 63/138, to institute a moratorium on executions, pending the abolition of the death penalty;
 4. Calls for the Iranian Criminal Code to be amended so as to prohibit the imposition of corporal punishment by judicial and administrative authorities; recalls that the use of corporal punishment – which amounts to torture – is incompatible with Article 7 of the ICCPR; strongly condemns the flogging of the student activists Somlyay Toile and Payman Aref;
 5. Stands ready to support additional sanctions for individuals responsible for human rights abuses; calls on the EU Member States which are permanent members of the UN Security Council to raise the issue of opening an investigation into whether the crimes committed by the Iranian authorities amount to crimes against humanity;
 6. Calls on the Iranian authorities to release all political prisoners, including the political leaders Mir-Hussein Mousavi and Mehdi Karubi, the human rights lawyers Nasrin Sotoudeh and Abdolfattah Soltani, the student activists Bahareh Hedayat, Abdollah Momeni, Mahdieh Golroo and Majid Tavakoli, the journalist Abdolreza Tajik, Pastor Yousef Nadarkhani, the filmmakers Jafar Panahi and Mohammad Rasouli and all the other individuals listed in the report of the UN Special Rapporteur on the situation of human rights in Iran, Ahmed Shaheed;
 7. Deeply deplores the lack of fairness and transparency of the judicial process and of appropriate professional training for those involved therein, and calls on the Iranian authorities to guarantee a fair and open procedure;
 8. Urges the Iranian Government immediately to allow the UN-appointed Special Rapporteur Ahmed Shaheed to enter Iran to address the country’s ongoing human rights crisis; notes

that the government's complete lack of cooperation with the Special Rapporteur's mandate and its continued refusal to allow him access to the country are an indication that it has no intention of taking meaningful steps to improve the human rights situation;

9. Calls on the Iranian authorities to demonstrate that they are fully committed to cooperating with the international community in improving the human rights situation in Iran, and calls on the Iranian Government to fulfil all its obligations, both under international law and under the international conventions it has signed; emphasises the importance of free and fair elections;
10. Calls on the Iranian authorities immediately to release members of Iran's artistic community who are being held and to put an end to the persecution – by means of detention or other forms of harassment – of that community; notes that such treatment is incompatible with the international human rights principles which Iran has freely signed up to; points out that the right to freedom of expression through art and writing is enshrined in Article 19 of the ICCPR, which Iran has signed;
11. Calls on Iran to take steps to ensure that full respect is shown for the right to freedom of religion or belief, including by ensuring that legislation and practices fully conform to Article 18 of the ICCPR, and points out that this also requires the right of everyone to change his or her religion, if he or she so chooses, to be unconditionally and fully guaranteed;
12. Calls on Iran to take immediate steps to ensure that members of the Baha'i community are protected against discrimination in every field, that violations of their rights are immediately investigated, that those found responsible are prosecuted and that the members of that community are provided with effective remedies;
13. Condemns Iran for illegally jamming BBC Persian Service and Deutsche Welle TV signals from the Hotbird and the Eutelsat W3A satellites, and calls on Eutelsat to stop providing services to Iranian state TV stations as long as Iran continues to use Eutelsat services to block independent TV programmes;
14. Expresses its concern at the use of (European) censorship, filtering and surveillance technologies to control and censor information and communication flows and to track down citizens, notably human rights defenders, as in the recent case of Creativity Software; calls on European companies to live up to their corporate social responsibilities by not providing goods, technologies and services to Iran which could endanger the civil and political rights of Iranian citizens;
15. Stresses that free access to information and means of communication and uncensored access to the internet (internet freedom) are universal rights and are indispensable for democracy and freedom of expression, ensuring transparency and accountability, as stated by the UN Human Rights Council on 6 May 2011;
16. Calls on the Iranian authorities to repeal or amend all legislation that provides for, or could result in, discrimination against and prosecution and punishment of people on account of their sexual orientation or gender identity, and to ensure that anyone held solely on account of consensual sexual activities or sexual orientation is released immediately and unconditionally;

17. Calls on the Member States to provide safe haven for Iranian citizens who have fled their country, such as through the Shelter City initiative;
18. Calls on the Iranian authorities to accept peaceful protest and to address the numerous problems facing the Iranian people; expresses particular concern at the pending ecological catastrophe in the Lake Urmia region and calls for decisive government action to try to stabilise the regional ecology, on which millions of Iranians depend;
19. Calls on EU representatives and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to encourage the Iranian authorities to re-engage in human rights dialogue;
20. Urges the European External Action Service (EEAS) to focus on EU citizens in Iranian prisons and to do everything possible to ensure their well-being and release;
21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Office of the Supreme Leader, the President of the Iranian Supreme Court and the Government and Parliament of Iran.

Egypt, in particular the case of blogger Alaa Abdel Fatah

European Parliament resolution of 17 November 2011 on Egypt, in particular the case of blogger Alaa Abd El-Fattah

The European Parliament,

- having regard to its previous resolutions, in particular those of 17 February 2011¹ on the situation in Egypt and of 27 October 2011² on the situation in Egypt and Syria, in particular of Christian communities,
 - having regard to the EU-Egypt Association Agreement and in particular Article 2 thereof,
 - having regard to Articles 10, 18 and 19 of the Universal Declaration of Human Rights of 1948,
 - having regard to Articles 14(1) and 18 of the International Covenant on Civil and Political Rights of 1966, to which Egypt is a party,
 - having regard to Articles 6 and 9 of the European Convention on Human Rights (ECHR) of 1950,
 - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
 - having regard to the European Union Guidelines on Human Rights Defenders,
 - having regard to the statement by the High Representative, Catherine Ashton, of 10 October 2011, on the violence in Egypt,
 - having regard to the Foreign Affairs Council conclusions of 21 February 2011 in which High Representative Catherine Ashton was asked to report about the measures adopted and the concrete proposals to strengthen further the European Union actions concerning the promotion and the defence of religion and freedom of belief,
 - having regard to the Foreign Affairs Council Conclusions of 10 October 2011 and the European Council Conclusions on Egypt of 23 October 2011,
 - having regard to its annual reports on the situation of human rights in the world, and in particular to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 30 October 2011, the Military Prosecutor called for interrogation the blogger Mr Alaa Abd El-Fattah, subsequently ordering his provisional detention for 15 days in the

¹ Texts adopted, P7_TA(2011)0064.

² Texts adopted, P7_TA(2011)0471.

appeals prison of Bab El Khalq in Cairo, after charging him with ‘inciting violence against the Armed Forces’, ‘assaulting military personnel and damaging military property’ during the recent Maspero clashes, which started with a peaceful demonstration for the rights of Coptic Christians that took place on 9 October 2011 in Cairo, where at least 25 Egyptian citizens were killed and more than 300 injured; whereas 30 other civilians have been detained in the same court case;

- B. whereas on 3 November 2011, the Military Appeal Court confirmed the detention of Mr Alaa Abd El-Fattah for a period of 15 days, after which he was transferred to Tora prison and on 13 November his detention was renewed for 15 days pending further investigation;
 - C. whereas Mr Alaa Abd El-Fattah refused to answer any questions from the Military Court relating to the events, stating that he would only answer to an impartial civil court and arguing that the Military Court did not have the legitimacy and jurisdiction to interrogate civilians;
 - D. whereas everyone must be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
 - E. whereas Alaa Abd El-Fattah was previously detained under the Mubarak regime for 45 days in 2006 after participating in a protest in support of an independent judiciary;
 - F. whereas imprisoned blogger Maikel Nabil Sanad continues his hunger strike and is in a critical condition; whereas on 11 October 2011 the Military Appeal Court decided to annul his sentence of three years’ imprisonment and ordered a retrial; whereas, at the second hearing of this new procedure on 1 November 2011, his trial was postponed until 13 November 2011 and then on that date further postponed until 27 November as he refused again to cooperate with the military tribunal on the basis of his opposition to civilians being tried before military courts;
 - G. whereas Egypt is going through a critical period of democratic transition and faces considerable challenges and difficulties in this process;
 - H. whereas the social media have played an important role in Arab Spring events, including in Egypt; whereas bloggers, journalists and human rights defenders continue to be targets of harassment and intimidation in Egypt;
 - I. whereas human rights organisations report that more than 12 000 civilians have been tried before military tribunals since March 2011 in Egypt; whereas civilians arrested under the emergency law continue to be tried before military courts, which fall short of minimum standards of fair trial and the right to defence, in the country; whereas the great majority of Egyptian human rights NGOs, lawyers’ associations and political figures from all political groups have insisted that civilians must be tried in civilian courts to ensure due process;
 - J. whereas the European Union has repeatedly expressed its commitment to freedom of expression, freedom of thought, freedom of conscience and freedom of religion and has stressed that governments have a duty to guarantee these freedoms all over the world;
1. Urges the Egyptian Authorities to immediately release Mr Alaa Abd El-Fattah, who is in prison for refusing to answer questions relating to the events of 9 October 2011 put by the

Military Court, which he does not consider to be an impartial and legitimate court; calls on the Egyptian authorities to guarantee that no blogger, journalist or human rights defender is subject to direct or indirect harassment or intimidation in the country;

2. Strongly condemns the judicial harassment of Mr Alaa Abd El-Fattah by the military judicial authorities; repeats its call upon the SCAF to put an end without delay to the emergency law and to military trials of civilians, and to immediately release all prisoners of conscience and political prisoners held by military courts; stresses that civilians should not be prosecuted before military courts, which do not meet basic due process standards;
3. Calls on the Egyptian authorities to guarantee impartial tribunals as referred to in Article 10 of the Universal Declaration of Human Rights of 1948: 'Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him';
4. Reiterates its call for an independent, thorough and transparent investigation into the Maspero clashes which started with a peaceful demonstration for the rights of Coptic Christians on 9 October 2011 in Cairo, which should be conducted by an independent and impartial civil judiciary, in order to hold all those responsible to account, and again expresses its condolences to the victims and their relatives; urges the Egyptian authorities to guarantee the independence and impartiality of the various investigations by allowing proper oversight;
5. Reiterates its solidarity with the Egyptian people in this critical period of democratic transition in the country and continues to support their legitimate democratic aspirations; calls on the Egyptian authorities to ensure full respect of all fundamental rights, including freedom of thought, freedom of conscience and freedom of religion, freedom of expression and of internet, freedom of peaceful assembly and freedom of association;
6. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Governments and Parliaments of the Member States and the Government of the Arab Republic of Egypt.

P7_TA-PROV(2011)0519

The need for accessible 112 emergency services

Declaration of the European Parliament of 17 November 2011 on the need for accessible 112 emergency services

The European Parliament,

- having regard to the 112 single European emergency phone number for the European Union, established by Council Decision of 29 July 1991 (91/396/EEC), reinforced by Directive 98/10/EC on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment,
 - having regard to Directive 2009/136/EC, amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services,
 - having regard to Rule 123 of its Rules of Procedure,
- A. whereas most EU emergency services remain accessible only using voice, excluding millions of citizens from a life-saving service, such as deaf, hard-of-hearing and speech-disabled users and in situations where discretion is needed in relation to the call,
- B. whereas the European Union has ratified the UN Convention on the Rights of Persons with Disabilities and adopted its Disability Strategy 2010-2020, as well as the Digital Agenda, promoting the principle of Universal Design,
1. Calls on the Commission to put forward legislative and standardisation proposals to make 112 services fully accessible to all citizens, giving priority to sign language services using video technologies and text-based services to ensure the inclusion of deaf, hard-of-hearing and speech-disabled users;
 2. Calls on the Commission to promote the development of fully accessible and reliable Next Generation 112 services independent from devices and networks, using the Total Conversation concept;
 3. Instructs its President to forward this declaration, together with the names of the signatories¹, to the Council, the Commission and the Governments of the Member States.

¹ The list of signatories is published in Annex 1 to the Minutes of 17 November 2011 (P7_PV-PROV(2011)11-17(ANN1)).