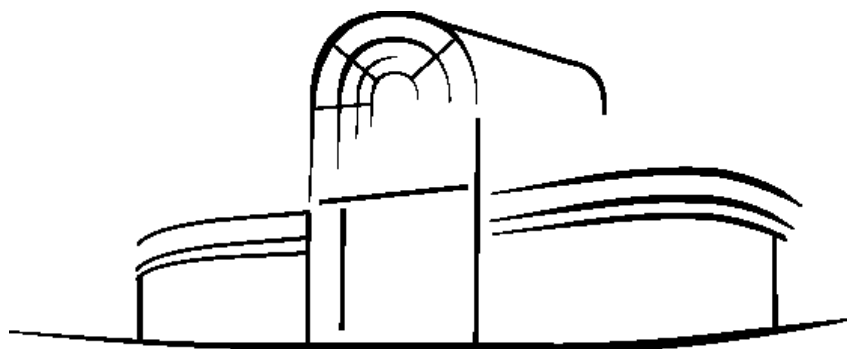


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(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3617/2002 – C5-0138/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 260²),
 - having regard to the amended Commission proposal (COM(2001) 268³),
 - having regard to its position at second reading⁴ on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 42 - C5-0042/2002),
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0171/2002),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

¹ OJ C 267, 21.9.2001, p. 41.

² OJ C 337 E, 28.11.2000, p. 138.

³ OJ C 213 E, 31.7.2001, p. 296.

⁴ Texts Adopted, 29.11.2001, Item 2.

⁵ OJ C 301, 26.10.2001, p. 39.

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

P5_TAPROV(2002)0259

Community Environment Action Programme (2001-2010) *III**

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council decision on the Sixth Community Environment Action Programme (PE-CONS 3618/1/2002 – C5-0171/2002 – 2001/0029(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3618/1/2002 – C5-0171/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 31²),
 - having regard to its position at second reading³ on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 84 - C5-0057/2002),
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0170/2002),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 47 E, 21.2.2002, p. 113.

² OJ C 154 E, 29.5.2001, p. 218.

³ P5_TA(2002)0007.

⁴ OJ C 4, 7.1.2002, p. 52.

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Two and three-wheel motor vehicles *III**

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the reduction of the level of pollutant emissions from two and three-wheel motor vehicles and amending Directive 97/24/EC (PE-CONS 3615/2002 – C5-0136/2002 – 2000/0136(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3615/2002 – C5-0136/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 314²),
 - having regard to the amended proposal (COM(2001) 145³),
 - having regard to its position at second reading⁴ on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 58 - C5-0048/2002),
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0163/2002),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;

¹ OJ C 276, 1.10.2001, p. 135.

² OJ C 337 E, 28.11.2000, p. 140.

³ OJ C 240 E, 28.8.2001, p. 146.

⁴ Texts Adopted, 12.12.2001, Item 19.

⁵ OJ C 301, 26.10.2001, p. 43.

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

P5_TAPROV(2002)0261

Processing of personal data and the protection of privacy in the electronic communications sector *II**

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive concerning the processing of personal data and the protection of privacy in the electronic communications sector (15396/2/2001 – C5-0035/2002 – 2000/0189(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position¹ (15396/2/2001 – C5-0035/2002),
 - having regard to its position at first reading² on the Commission proposal to Parliament and the Council (COM(2000) 0385³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0130/2002),
1. Amends the common position as follows;
 2. Requests the Commission to examine how a coherent approach towards the protection of privacy and the preservation, interception and processing of personal data could be achieved and to submit an appropriate proposal to the European Parliament within one year of the entry into force of the Directive at the latest;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 113 E, 14.5.2002, p. 39.

² Texts Adopted, 13.11.2001, Item 6.

³ OJ C 365 E, 19.12.2000, p. 223.

Amendment 47

Recital 11

(11) Like Directive 95/46/EC, this Directive does not address issues of protection of fundamental rights and freedoms related to activities which are not governed by Community law. Therefore it does not alter the existing balance between the individual's right to privacy and the possibility for Member States to take such measures, as are referred to in Article 15(1) of this Directive, necessary for the protection of public security, defence, State security (including the economic well-being of the State when the activities relate to State security matters) and the enforcement of criminal law. Consequently, this Directive does not affect the ability of Member States to carry out lawful interception of electronic communications or take other measures, if necessary for any of these purposes and in accordance with the European Convention of Human Rights and Fundamental Freedoms. Such measures must be appropriate, strictly proportionate to the intended purpose and necessary within a democratic society.

(11) Like Directive 95/46/EC, this Directive does not address issues of protection of fundamental rights and freedoms related to activities which are not governed by Community law. Therefore it does not alter the existing balance between the individual's right to privacy and the possibility for Member States to take the measures referred to in Article 15(1) of this Directive, necessary for the protection of public security, defence, State security (including the economic well-being of the State when the activities relate to State security matters) and the enforcement of criminal law. Consequently, this Directive does not affect the ability of Member States to carry out lawful interception of electronic communications, or take other measures, if necessary for any of these purposes and in accordance with the European Convention of Human Rights and Fundamental Freedoms, *as interpreted by the rulings of the European Court of Human Rights*. Such measures must be appropriate, strictly proportionate to the intended purpose and necessary within a democratic society *and should be subject to adequate safeguards in accordance with the European Convention on Human Rights and Fundamental Freedoms*.

Amendment 26

Recital 25

(25) However, such devices, for instance so-called "cookies", can be a legitimate and useful tool, for example, in analysing the effectiveness of web-site design and advertising, and in verifying the identity of users engaged in on-line transactions. Where such devices, for instance cookies, are intended for a legitimate purpose, such

(25) However, such devices, for instance so-called "cookies", can be a legitimate and useful tool, for example, in analysing the effectiveness of web-site design and advertising, and in verifying the identity of users engaged in on-line transactions. Where such devices, for instance cookies, are intended for a legitimate purpose, such

as to facilitate the provision of information society services, their use should be allowed on condition that clear and precise **prior** information about the purposes of cookies or similar devices **is provided by the operator of a website sending such devices or allowing third parties to send them via his website. The website operator should also give** users **at least** the opportunity to refuse to have a cookie or similar device stored on their terminal equipment. Information and the right to refuse may be offered once for the use of various devices to be installed on the user's terminal equipment during the same connection and also covering any further use that may be made of those devices during subsequent connections. The methods for giving information, offering a right to refuse or requesting consent should be made as user friendly as possible. Access to specific website content may still be made conditional on the well-informed acceptance of a cookie or similar device, if it is used for a legitimate purpose.

as to facilitate the provision of information society services, their use should be allowed on condition that **users are provided with** clear and precise information **in accordance with Directive 95/46/EC** about the purposes of cookies or similar devices **to ensure that users are made aware of information being placed on the terminal equipment they are using.** Users **should have** the opportunity to refuse to have a cookie or similar device stored on their terminal equipment. **This is particularly important where users other than the original user have access to the terminal equipment and thereby to any data containing privacy-sensitive information stored on such equipment.** Information and the right to refuse may be offered once for the use of various devices to be installed on the user's terminal equipment during the same connection and also covering any further use that may be made of those devices during subsequent connections. The methods for giving information, offering a right to refuse or requesting consent should be made as user friendly as possible. Access to specific website content may still be made conditional on the well-informed acceptance of a cookie or similar device, if it is used for a legitimate purpose.

Amendment 29
Recital 41

(41) **However**, within the context of an existing customer relationship, it is reasonable to allow the use of electronic contact details for the offering of similar products or services **as those originally purchased by the customer**, but only by the same company that has obtained the communication details **directly from the customer**. When contact details are obtained, the customer should be informed about their further use for direct marketing in a clear manner, and be given the opportunity to refuse such usage. This

(41) Within the context of an existing customer relationship, it is reasonable to allow the use of electronic contact details for the offering of similar products or services, but only by the same company that has obtained the communication details **in accordance with Directive 95/46/EC**. When contact details are obtained, the customer should be informed about their further use for direct marketing in a clear **and distinct** manner, and be given the opportunity to refuse such usage. This opportunity should continue to be

opportunity should continue to be offered with each subsequent direct marketing message, free of charge, except for any costs for the transmission of this refusal.

offered with each subsequent direct marketing message, free of charge, except for any costs for the transmission of this refusal.

Amendment 9
Recital 44

(44) Direct marketing activities carried out by political, charity or other organisations, for instance activities aimed at recruiting new members, fund raising or lobbying for votes, are included in the concept of direct marketing as established by Directive 95/46/EC. Messages by political organisations or others for purposes other than direct marketing, for example the expression of views, thoughts and ideas, are not covered by the provisions on unsolicited communications of this Directive.

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Amendment 45
Recital 44 a (new)

(44a) Certain electronic mail systems allow subscribers to view the sender and subject line of an electronic mail, and also to delete the message without having to download the rest of the electronic mail's content or any attachments, thereby reducing costs which could arise from downloading unsolicited electronic mails or attachments. These modalities may continue to be useful in certain cases as an additional tool to the general obligations established in this Directive.

Amendment 25
Article 5, paragraph 3

3. Member States shall ensure that the use of electronic communications networks to store information or to gain access to

3. Member States shall ensure that the use of electronic communications networks to store information or to gain access to

information stored in the terminal equipment of a subscriber or user is only allowed on condition that the subscriber or user concerned **receives in advance** clear and comprehensive information, inter alia about the purposes of the processing, in accordance with Directive 95/46/EC, and is offered the right to refuse such processing by the data controller. This shall not prevent any technical storage or access for the sole purpose of carrying out or facilitating the transmission of a communication over an electronic communications network, or as strictly necessary in order to provide an information society service explicitly requested by the subscriber or user.

information stored in the terminal equipment of a subscriber or user is only allowed on condition that the subscriber or user concerned **is provided with** clear and comprehensive information in accordance with Directive 95/46/EC, inter alia about the purposes of the processing and is offered the right to refuse such processing by the data controller. This shall not prevent any technical storage or access for the sole purpose of carrying out or facilitating the transmission of a communication over an electronic communications network, or as strictly necessary in order to provide an information society service explicitly requested by the subscriber or user.

Amendment 13
Article 12, paragraph 1

1. Member States shall ensure that subscribers are informed, free of charge, about the purpose(s) of printed or electronic directories of subscribers available to the public or obtainable through directory enquiry services, in which their personal data can be included and of any further usage possibilities based on search functions embedded in electronic versions of the directory.

1. Member States shall ensure that subscribers are informed, free of charge **and before they are included in the directory**, about the purpose(s) of a printed or electronic directory of subscribers available to the public or obtainable through directory enquiry services, in which their personal data can be included and of any further usage possibilities based on search functions embedded in electronic versions of the directory.

Amendments 24 and 36
Article 12, paragraph 3

3. Member States **shall ensure** that for any purpose of a public directory other than the search of contact details of persons on the basis of their name and, where necessary, a minimum of other identifiers, additional consent of the subscribers **is required**.

3. Member States **may require** that for any purpose of a public directory other than the search of contact details of persons on the basis of their name and, where necessary, a minimum of other identifiers, additional consent **be asked** of the subscribers.

Amendment 44
Article 13, paragraph 2

2. Notwithstanding paragraph 1, where a natural or legal person obtains electronic contact details for electronic mail **directly from its customers**, in the context of the **purchase** of a product or a service, in accordance with Directive 95/46/EC, the same natural or legal person may use these electronic contact details for direct marketing of its own similar products or services, provided that customers clearly and distinctly are given the opportunity to object, free of charge and in an easy manner, such use of electronic contact details when they are collected and on the occasion of each message in case the customer has not initially refused such use.

2. Notwithstanding paragraph 1, where a natural or legal person obtains **from its customers their** electronic contact details for electronic mail, in the context of the **sale** of a product or a service, in accordance with Directive 95/46/EC, the same natural or legal person may use these electronic contact details for direct marketing of its own similar products or services provided that customers clearly and distinctly are given the opportunity to object, free of charge and in an easy manner, such use of electronic contact details when they are collected and on the occasion of each message in case the customer has not initially refused such use.

Amendment 28
Article 13, paragraph 3

3. Member States shall take appropriate measures to ensure that, free of charge, unsolicited communications for purposes of direct marketing, **by means** other than those referred to in **paragraph 1**, are not allowed either without the consent of the subscribers concerned or in respect of subscribers who do not wish to receive these communications, the choice between these options to be determined by national legislation.

3. Member States shall take appropriate measures to ensure that, free of charge, unsolicited communications for purposes of direct marketing, **in cases** other than those referred to in **paragraphs 1 and 2**, are not allowed either without the consent of the subscribers concerned or in respect of subscribers who do not wish to receive these communications, the choice between these options to be determined by national legislation.

Amendment 18
Article 13, paragraph 6

6. The Commission shall submit to the European Parliament and the Council, not later than three years after the date of application of this Directive referred in Article 17(1) by Member States, a report on the effects on consumers and economic operators of this Article, taking into account the international environment. Where appropriate, the Commission shall submit proposals for the amendment of this provision to take account of the results of the

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abovementioned report and any changes in the sector and any other proposal it may deem necessary.

Amendment 38
Article 14, paragraph 3

3. Where required, ***the Commission shall adopt*** measures to ensure that terminal equipment is constructed in a way that is compatible with the right of users to protect and control the use of their personal data, in accordance with Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity⁽¹⁾ and Council Decision 87/95/EEC of 22 December 1986 on standardisation in the field of information technology and communications.

3. Where required, measures ***may be adopted*** to ensure that terminal equipment is constructed in a way that is compatible with the right of users to protect and control the use of their personal data, in accordance with Directive 1999/5/EC and Council Decision 87/95/EEC of 22 December 1986 on standardisation in the field of information technology and communications.

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

Amendment 46
Article 15, paragraph 1

1. Member States may adopt legislative measures to restrict the scope of the rights and obligations provided for in Article 5, Article 6, Article 8(1)(2)(3) and (4), and Article 9 of this Directive when such restriction constitutes a necessary measure to safeguard national security, (i.e. State security) defence, public security or the prevention, investigation, detection and prosecution of criminal offences or of unauthorised use of the electronic communications system, as referred to in Article 13(1) of Directive 95/46/EC. To this end Member States may inter alia ***provide*** for the retention of data for a limited period justified on the grounds laid down in this paragraph, in accordance with

1. Member States may adopt legislative measures to restrict the scope of the rights and obligations provided for in Article 5, Article 6, Article 8(1)(2)(3) and (4), and Article 9 of this Directive when such restriction constitutes a necessary, ***appropriate and proportionate*** measure ***within a democratic society*** to safeguard national security, (i.e. State security) defence, public security, the prevention, investigation, detection and prosecution of criminal offences or of unauthorised use of the electronic communication system, as referred to in Article 13(1) of Directive 95/46/EC. To this end Member States may inter alia ***adopt legislative measures providing*** for the retention of data for a

the general principles of Community law.

limited period justified on the grounds laid down in this paragraph. **All the measures referred to in this paragraph shall be** in accordance with the general principles of Community law, **including those referred to in Article 6(1) and (2) of the Treaty on European Union.**

Amendment 37
Article 16, paragraph 2

2. Where the personal data of subscribers to fixed public voice telephony services have been included in a public subscriber directory in conformity with the provisions of Article 11 of Directive 97/66/EC before the national provisions adopted in pursuance of this Directive enter into force, the personal data of such subscribers may remain included in this public directory in its printed or electronic versions, unless subscribers indicate otherwise, after having received complete information about purposes and options in accordance with Article 12 of this Directive.

2. Where the personal data of subscribers to fixed **or mobile** public voice telephony services have been included in a public subscriber directory in conformity with the provisions of **Directive 95/46/EC and of** Article 11 of Directive 97/66/EC before the national provisions adopted in pursuance of this Directive enter into force, the personal data of such subscribers may remain included in this public directory in its printed or electronic versions, **including versions with reverse search functions,** unless subscribers indicate otherwise, after having received complete information about purposes and options in accordance with Article 12 of this Directive.

Amendment 48
Article 17, paragraph 1, subparagraphs 1 and 2

1. Before * Member States shall **adopt and publish** the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

1. Before * Member States shall **bring into force** the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply these provisions from *

* [] **months** after the date of entry into force of this Directive.

* **15 months** after the date of entry into force of this Directive.

Amendment 49
Article 17 a (new)

Article 17a

Review

The Commission shall submit to the European Parliament and the Council, not later than three years after the date of application of this Directive, a report on its implementation and its impact on economic operators and consumers, in particular as regards the provisions on unsolicited communications, taking into account the international environment. For this purpose, the Commission may request information from the Member States which shall be supplied without undue delay. Where appropriate, the Commission shall submit proposals to amend this Directive, taking account of the results of that report, any changes in the sector and any other proposal it may deem necessary in order to improve the effectiveness of this Directive.

Amendment 50
Article 18, paragraph 1

Directive 97/66/EC is hereby repealed with effect from the date *of application* referred to in Article 17(1).

Directive 97/66/EC is hereby repealed with effect from the date referred to in Article 17(1).

P5_TAPROV(2002)0262

Public access to environmental information *II**

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive on public access to environmental information and repealing Council Directive 90/313/EEC (11878/1/2001– C5-0034/2002 – 2000/0169(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (11878/1/2001 – C5-0034/2002¹),
 - having regard to its position at first reading² on the Commission proposal to Parliament and the Council (COM(2000) 402³),
 - having regard to the Commission's amended proposal (COM(2001) 303⁴),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0136/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 113 E, 14.5.2002, p. 1.

² OJ C 343, 5.12.2001, p. 165.

³ OJ C 337 E, 28.11.2000, p. 156.

⁴ OJ C 240 E, 28.8.2001, p. 289.

Amendment 1
Recital 2

(2) Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment initiated a process of *openness in relation to* public access to environmental information which should be *fostered* and continued.

(2) Council Directive 90/313/EEC of 7 June 1990, on the freedom of access to information on the environment initiated a process of *change in the manner in which public authorities approach the issue of openness and transparency, establishing measures for the exercise of the right of* public access to environmental information which should be *developed* and continued. *This Directive improves the existing access granted under Directive 90/313/EEC.*

Amendment 2
Recital 9

(9) It is also necessary to *promote the widest possible systematic availability and dissemination to the public of environmental information, where available by electronic means.*

(9) It is also necessary *to ensure that public authorities make available and disseminate environmental information to the general public as a matter of course by means in particular of modern information and communications technologies. The future development of these technologies should also be taken into account and additional provisions implemented accordingly.*

Amendment 3
Recital 10

(10) The definition of environmental information should be clarified so as to encompass information in any form *on* the state of the environment, on factors, measures or activities affecting *or* likely to affect the environment *or* designed to protect it, *on* cost-benefit and economic analyses used within the framework of such measures or activities and *also information on* the state of human health and safety, conditions of human life,

(10) The definition of environmental information should be clarified so as to encompass *specifically* information in any form *relating directly or indirectly to* the state of the environment, *to* factors, measures or activities affecting, likely to affect *or having already affected* the environment *and to those* designed to protect it, *to emissions, discharges and other releases into the environment, to the* cost-benefit and economic analyses used

cultural sites and built structures in as much as they are, *or may be, affected by* any of those matters.

within the framework of such measures or activities, and **to** the state of human health and safety, conditions of human life, cultural sites and built structures in as much as they are *affected or likely to be affected by* any of those matters.

Amendment 4
Recital 15

(15) Member States should determine the practical arrangements under which such information is effectively made available, ***bearing in mind the benefits for the environment.***

(15) Member States should determine the practical arrangements under which such information is effectively made available. ***These arrangements should include publicly accessible lists of public authorities and registers or lists of environmental information held by or for public authorities.***

Amendment 5
Recital 16

(16) The right ***of access to environmental*** information means that the disclosure of information should be the general rule and that public authorities should be ***able*** to refuse a request for environmental information in specific and clearly defined cases. ***Grounds for refusal should be interpreted in a restrictive way, taking into account for the particular case the public interests served by disclosure.*** The reasons for a refusal must be provided to the applicant within ***an appropriate*** time-limit ***and in writing or electronically if the request was in writing or if the applicant so requests.***

(16) The right ***to*** information means that the disclosure of information should be the general rule and that public authorities should be ***permitted*** to refuse a request for environmental information ***only*** in specific and clearly defined ***exceptional*** cases. ***The public interest served by disclosure should be weighed against the interest served by the refusal to disclose and access to the information requested should be granted if the public interest served by disclosure outweighs the specific interest protected by the non-disclosure.*** The reasons for a refusal must be provided to the applicant within ***the*** time-limit ***laid down in this Directive.***

Amendment 6
Recital 16a (new)

(16a) Information on emissions, discharges and other releases into the environment should not be withheld by virtue of the protection of commercial,

industrial or other information referred to in Article 4.

Amendment 7
Recital 18

(18) Public authorities should be able to make a charge for supplying environmental information but such a charge should ***not exceed a reasonable amount***. A schedule of charges should be published and made available to applicants.

(18) ***The right to environmental information is best served by free access to the information requested, e.g. the right to consult it either in situ or via electronic databases.*** Public authorities should be able to make a charge for supplying environmental information ***in copied or transcribed form*** but such a charge should ***be reasonable, should not exceed the actual cost and should not include the cost of staff time spent on searches.*** ***In this connection,*** a schedule of charges should be published and made available to applicants, ***together with information on the circumstances in which payment may be required or waived. Advance payments should not be required.***

Amendment 8
Recital 19a (new)

(19a) The public authorities should seek to improve the quality of information made available upon request, or disseminated at their own initiative, in the interest of making the information comprehensible, accurate and comparable. The method used in compiling the information should be disclosed together with the actual information requested, as this is an important factor in assessing the quality of the information supplied and determining whether it is misleading.

Amendment 9
Recital 21

(21) This Directive should be ***subject to a review in the light of experience and on***

(21) This Directive should be ***evaluated every four years, after submission of the***

the basis of reports on the application of the Directive provided by the Member States.

relevant reports by the Member States, and be subject to a review on the basis of such evaluation. The evaluation report should be submitted to the European Parliament and the Council.

Amendment 10
Article 1, point (a)

(a) *to grant a* right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of its exercise; *and*

(a) *to guarantee the* right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of, *and the practical arrangements for*, its exercise;

Amendment 11
Article 1, point (b)

(b) *to promote*, as a matter of course, *the widest possible systematic availability and dissemination to the public of environmental information.*

(b) *to ensure that*, as a matter of course, *environmental information is made available and disseminated to the public, in particular, by means of modern information and communications technologies, taking account of future developments in such technologies.*

Amendment 12
Article 2, point 1, point (b)

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(b) factors, such as substances, energy, *including nuclear fuel and energy*, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

Amendment 13
Article 2, point 1, point (c)

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, *reports on the implementation of environmental legislation*, and activities

referred to in (a) and (b) as well as measures or activities designed to protect those elements;

affecting or likely to affect ***directly or indirectly*** the elements and factors referred to in (a) and (b), as well as measures or activities designed to protect those elements;

Amendment 14
Article 2, point 1, point (d)

(d) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(d) cost-benefit and other ***financial and*** economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

Amendment 15
Article 2, point 1, point (e)

(e) the state of human health and safety, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

(e) the state of human health and safety, ***food safety***, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

Amendment 16
Article 2, point 2, point (a)

(a) government or other public administration at national, regional or local level;

(a) government or other public administration, ***including advisory bodies***, at national, regional or local level;

Amendment 17
Article 2, point 2, point (c)

(c) any natural or legal person having public responsibilities or functions, or providing public services, ***in relation*** to the environment under the control of a body or person falling within (a) or (b).

(c) any natural or legal person having public responsibilities or functions, or providing public services, ***relating directly or indirectly*** to the environment under the control of a body or person falling within (a) or (b).

Amendment 18
Article 2, point 2, subparagraph 2

This definition shall not include bodies or institutions acting in a judicial or legislative capacity.

Member States may provide that, in applying the provisions of this Directive concerning access to justice, the definition of 'public authority' does not include bodies when and to the extent that they act in a judicial or legislative capacity.

Amendment 19
Article 2, point 2a (new)

2a. "Information held by a public authority" shall mean environmental information which has been received or produced by a public authority.

Amendment 20
Article 3, paragraph 2, point (a)

(a) as soon as possible *and*, at the latest, within **one month** after the receipt by the public authority referred to in paragraph (1) of the applicant's request; *or*

(a) as soon as possible *or*, at the latest, within **15 working days** after the receipt by the public authority referred to in paragraph (1) of the applicant's request;

Amendment 21
Article 3, paragraph 2, point (b)

(b) within two months after the receipt of the request by the public authority if the volume and the complexity of the information is such that the one-month period referred to in (a) cannot be complied with. In such cases, the applicant shall be informed as soon as possible, and in any case before the end of **that one-month period**, of any such extension and of the reasons for it.

In exceptional cases, for example in the event of an application relating to a very large volume of documents or to a complex searching or compiling, the time-limit provided in point (a) may be extended by 15 working days. In such cases, the applicant shall be informed as soon as possible, and in any case before the end of **the first period of 15 working days**, of any such extension and of the reasons for it.

Amendment 22
Article 3, paragraph 4, point (a)

(a) it is already publicly available in

(a) it is already publicly available in

another form or format, in particular under Article 7, which is easily accessible; or

another form or format, in particular under Article 7, which is easily accessible **by the applicant**; or

Amendment 23

Article 3, paragraph 5, subparagraph 1, introduction

5. For the purposes of this Article, Member States shall define the practical arrangements ***under which environmental information shall be made available***. These practical arrangements ***may*** include:

5. For the purposes of this Article, Member States shall define the practical arrangements ***for ensuring that the right of access to environmental information can be effectively exercised***. These practical arrangements ***shall*** include ***at least the following***:

Amendment 24

Article 3, paragraph 5, subparagraph 1, point (c)

(c) publicly accessible lists of public authorities and registers or lists of the environmental information held by such authorities and by information points;

(c) publicly accessible lists of public authorities and registers or lists of the environmental information held by ***or for*** such authorities and by information points, ***with transparent and clear indications of what information is available and where it can be found; these lists shall also be put on the Internet and made public***;

Amendment 25

Article 3, paragraph 5, subparagraph 2

Member States shall ensure that public authorities inform the public adequately of the rights they enjoy as a result of this Directive.

Member States shall ensure that public authorities inform the public adequately of the rights they enjoy as a result of this Directive ***and to an appropriate extent provide information, guidance, advice and other such assistance for individuals on matters concerning the authority's sphere of activity***.

Amendment 26

Article 4, paragraph 1, point (b)

(b) the request is manifestly unreasonable or formulated in too general a manner;

(b) the request is manifestly unreasonable or formulated in too general a manner. ***In so doing, the authority must have given***

the applicant appropriate instructions on how an application should be formulated and on what research he should conduct to be successful with his request;

Amendment 27

Article 4, paragraph 1, point (c)

(c) the request concerns material in the course of completion, *internal communications or unfinished documents and data, taking into account the public interest served by the disclosure.*

(c) the request concerns material in the course of completion. *In each such case the public interest served by the disclosure shall be weighed against the interest served by the refusal. Access to the requested information shall only be refused if the public interest does not outweigh the latter interest.*

Where a request is refused on the basis of point (c), the statement of refusal must state the name of the person or authority preparing the material and the estimated time needed for completion.

Amendment 28

Article 4, paragraph 2, point (a)

(a) the confidentiality of the proceedings of public authorities;

(a) the confidentiality of the proceedings of public authorities, *where such confidentiality is required by national or Community law;*

Amendment 29

Article 4, paragraph 2, point (b)

(b) *international relations*, public security *or* national defence;

(b) public security *and* national defence *and vital interests in international relations;*

Amendment 30

Article 4, paragraph 2, point (d)

(d) the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate

(d) the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate

economic interest, including the public interest to maintain statistical confidentiality and tax secrecy. ***Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed;***

economic interest, including the public interest to maintain statistical confidentiality and tax secrecy;

Amendment 31
Article 4, paragraph 2, point (e)

(e) intellectual property rights;

Deleted

Amendment 32
Article 4, paragraph 2, point (g)

(g) the interests of any person who supplied the information ***requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented*** to the release of the information concerned;

(g) the interests ***or protection*** of any person who supplied the information ***without being under, or capable of being put under, a legal obligation to do so, where that person has expressly refused his or her consent*** to the release of the information concerned;

Amendment 33
Article 4, paragraph 2, subparagraph 2

The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure ***and whether the information requested relates to emissions into the environment.***

The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. ***Member states may not, by virtue of this paragraph, provide for a request to be refused where the request relates to information on emissions, discharges or other releases into the environment.***

Amendment 34
Article 4, paragraph 2a (new)

2a. Where a Member State provides for exceptions, it shall draw up a publicly accessible list of criteria on the basis of which the authority concerned may decide how to handle requests.

Amendment 35

Article 5

1. Public authorities may make a charge for supplying any environmental information but such charge may not exceed a reasonable amount. No additional charge shall be made for consulting the requested information in situ.

2. Public authorities intending to make such a charge for supplying information shall publicise and make available to applicants a schedule of charges which may be levied, indicating the circumstances in which they may be levied or waived and when the supply of information is conditional on the advance payment of such a charge.

3. Access to any public registers or lists established and maintained as mentioned in Article 3(5)(c) shall be free of charge.

1. Access to any public registers or lists established and maintained as mentioned in Article 3(5) shall be free of charge. Examination in situ of the information requested shall also be free of charge.

2. Public authorities may make a charge for supplying any environmental information but such a charge shall be reasonable and shall not exceed the actual cost of reproducing the material requested.

3. Where charges are made, public authorities shall publish and make available to applicants a schedule of such charges as well as information on the circumstances in which a charge may be levied or waived.

Amendment 36

Article 6, paragraph 2a (new)

2a. The exceptions listed in Article 4 shall not confer a right to refuse information to the court of law or other body referred to in paragraphs 1 and 2, if that court or other body wishes to inspect information to which the pending review relates.

Amendment 37

Article 7, paragraph 1, subparagraphs 2a and 2b (new)

To that end Member States shall require the authorities:

(a) to create publicly accessible databases on data networks or elsewhere;

(b) to place the registers referred to in Article 3(5) on these databases;

(c) to make reasonable efforts to place on these databases the environmental documents which they hold, and

(d) to provide the databases with search aids and other forms of help software in order to assist the public to locate the information.

Member States shall, as far as possible, require the authorities to cooperate with each other in the creation of these databases.

Amendment 38

Article 7, paragraph 2, point (c)

(c) progress reports on the implementation of the items referred to in (a) and (b) *when prepared by public authorities;*

(c) progress reports on the implementation of the items referred to in (a) and (b);

Amendment 39

Article 7, paragraph 2, point (ea) (new)

(ea) authorisations with an impact on the environment and applications for such authorisations, together with environmental agreements;

Amendment 40

Article 7, paragraph 2, point (eb) (new)

(eb) environmental impact studies and risk assessments concerning the environmental elements referred to in Article 2(1)(a).

Amendment 41

Article 7, paragraph 5

5. Member States shall, so far as is practicable, ensure that any information made available or disseminated, or reports

Deleted

published, in accordance with this Article are clear and comprehensible.

Amendment 42
Article 7, paragraph 6

6. The exceptions in *Article 4(1) and (2)* **shall** apply in relation to the duties imposed by this Article.

6. The exceptions in *Article 4(1) to (3)* **may** apply in relation to the duties imposed by this Article.

Amendment 43
Article 7, paragraph 6, subparagraph 1a (new)

Where exceptions apply to the documents mentioned in paragraph 1, the public authorities shall include a reference to the document and to the exception that applies.

Amendment 44
Article 7a (new)

Article 7a

Quality of environmental information

1. Public authorities shall, so far as is within their power, ensure that any information made available upon request or disseminated, or reports published, in accordance with this Directive are:

(a) up to date;

(b) clear and comprehensible;

(c) scientifically sound in terms of accuracy and comparability;

2. Public authorities shall reply to requests for information pursuant to Article 2(1)(b), stating the measurement procedures, including methods of analysis, sampling, and pre-treatment of samples, used in compiling the information.

Amendment 45

Article 8, paragraph 1, subparagraph 1

1. Not later than ...*, Member States shall report on the experience gained in the application of this Directive.

* **Nine years** after the entry into force of this Directive.

1. Not later than ...*, Member States shall report on the experience gained in the application of this Directive.

* **Four years** after the entry into force of this Directive

Amendment 46

Article 8, paragraph 1, subparagraph 2

They shall communicate the report to the Commission not later than ...*.

* **Nine years** and six months after the entry into force of this Directive.

They shall communicate the reports to the Commission not later than ...*.

* **Four years** and six months after the entry into force of this Directive.

Amendment 47

Article 9, paragraph 1

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...*. They shall forthwith inform the Commission thereof.

* **Two years** after the entry into force of this Directive.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...*. They shall forthwith inform the Commission thereof.

* **One year** after the entry into force of this Directive.

P5_TAPROV(2002)0263

SAB 2/2002 modified by the Council

European Parliament resolution on Draft supplementary and amending budget No 2/2002 of the European Union for the financial year 2002 (8605/2002 - C5-0218/2002 - 2002/2043(BUD))

The European Parliament,

- having regard to Article 272 of the EC Treaty, Article 78 of the ECSC Treaty and Article 177 of the Euratom Treaty,
- having regard to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities, as last amended by Regulation (EC, ECSC, Euratom No 762/2001¹, and particularly Article 15,
- having regard to the general budget of the European Union for the financial year 2002, as finally adopted on 13 December 2001²,
- having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure³,
- having regard to Preliminary draft supplementary and amending budget No 2/2002 of the European Union for the financial year 2002, which the Commission presented on 27 February 2002 (SEC(2002) 222),
- having regard to Draft supplementary and amending budget No 2/2002, which the Council established on 12 March 2002 (7033/2002 – C5-0131/2002),
- having regard to its resolution of 25 April 2002 on Draft supplementary and amending budget No 2/2002 of the European Union for the financial year 2002⁴,
- having regard to the Council's amendments to the amendments adopted by Parliament to Draft supplementary and amending budget No 2/2002 (8605/2002 - C5-0218/2002),
- having regard to the explanatory memorandum of the Council on the outcome of its discussions on the amendments adopted by Parliament,
- having regard to Rule 92 of and Annex IV to its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A5-0179/2002),

¹ OJ L 111, 20.4.2001, p. 1.

² OJ L 29, 31.1.2002.

³ OJ C 172, 18.6.1999, p.1.

⁴ P5_TA(2002)0201.

- A. whereas the Council has rejected the amendments adopted by Parliament at first reading,
- B. whereas the Commission has indicated that it is unable to make efficient use, at this stage, of the payment appropriations contained in the amendments adopted by Parliament at first reading,
- C. whereas it is nonetheless important to evaluate the outstanding payments situation before 30 September 2002 and, if necessary, the Commission will have to submit the appropriate adjustments either under the omnibus transfer procedure or by means of a supplementary budget,
 - 1. Confirms that it is concerned at the build-up of outstanding payments, above all following the cancellation of payment appropriations in 2001, and that it wishes to achieve a more balanced relationship between commitments and payments;
 - 2. Invites the Commission to evaluate the outstanding payments situation before 30 September 2002 and, if necessary, to submit the appropriate adjustments either under the omnibus transfer procedure or by means of a supplementary budget;
 - 3. Approves Draft supplementary and amending budget No 2/2002 unamended;
 - 4. Instructs its President to declare that the budget has been finally adopted and arrange for its publication in the Official Journal of the European Communities;
 - 5. Instructs its President to forward this resolution to the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions, the Ombudsman and the other institutions and bodies of the Union.

P5_TAPROV(2002)0264

Trans-European transport network *I**

European Parliament legislative resolution on the proposal for a European Parliament and Council decision amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network (COM(2001) 544 – C5-0478/2001 – 2001/0229(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 544¹),
 - having regard to Article 251(2) of the EC Treaty and Articles 156 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0478/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on the Environment, Public Health and Consumer Policy (A5-0135/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 363 E, 18.12.2001, p. 205.

Amendment 1

RECITAL 1

(1) The growth in traffic, in particular due to the growing share of heavy goods vehicles, has resulted in increased congestion and bottlenecks on international transport corridors. In order to ensure the mobility of goods and passengers, it is therefore necessary to optimise the capacity of the trans-European transport network, as referred to in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network, as amended by Decision No 1346/2001/EC.

(1) The growth in traffic, in particular due to the growing share of heavy goods vehicles, has resulted in increased congestion and bottlenecks on international transport corridors. In order to ensure the **international** mobility of goods and passengers, it is therefore necessary to optimise the capacity of the trans-European transport network, as referred to in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network, as amended by Decision No 1346/2001/EC.

Amendment 2

RECITAL 1 a (new)

(1a) Pursuant to Article 154 of the Treaty, policy on the trans-European networks (TEN) should help to strengthen economic and social cohesion within the Union. In order to achieve this objective, efforts should be made to ensure greater consistency between the guidelines for the TEN, the programming of the Structural Funds and Cohesion Fund, and the guidelines for the European Spatial Development Perspective.

Amendment 3

RECITAL 2

(2) Requirements for the protection of the environment must be integrated into the definition and implementation of policy in the field of the *trans-European networks* in accordance with Article 6 of the Treaty. This entails the promotion of modes that cause

(2) Requirements for the protection of the environment must be integrated into the definition and implementation of policy in the field of the *TEN* in accordance with Article 6 of the Treaty. This entails the promotion **as a priority** of modes that cause

¹ OJ C 362 E, 18.12.2001, p. 205

less damage to the environment, namely rail transport, short sea shipping and inland waterways shipping.

less damage to the environment, namely rail transport, short sea shipping and inland waterways shipping.

Amendment 4
RECITAL 3 a (new)

(3a) The strategic environmental assessment pursuant to European Parliament and Council Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment⁽¹⁾ should in future be carried out for all TEN projects before they receive Community funding.

⁽¹⁾ *OJ L 197, 21.7.1997, p. 30.*

Amendment 53
RECITAL 3 b (new)

(3b) When the list of priority TEN projects was last revised in 1996, the European Parliament expressed its wish to be able to decide on the specific projects listed in the Annex via the co-decision procedure; the provisions of the Treaty now offer the European Parliament that opportunity.

Amendment 5
RECITAL 3 c (new)

(3c) It is necessary to implement the central objective of decoupling transport growth significantly from growth in GDP in order to reduce congestion and other negative side-effects of transport, as proposed by the Commission in its communication⁽¹⁾ on the European Union strategy for sustainable development.

⁽¹⁾ *COM(2001) 264.*

Amendment 6
RECITAL 4

(4) The Commission White Paper on the European transport policy calls for an integrated approach combining inter alia measures to revitalise the rail sector, in particular for freight services, to promote short sea shipping, to encourage greater complementarity between high speed rail and air transport, to promote the development of interoperable intelligent transport systems to ensure increased network efficiency and safety.

(4) The Commission White Paper on the European transport policy calls for an integrated approach combining inter alia measures to revitalise the rail sector, in particular for freight services, to promote ***inland waterways shipping and*** short sea shipping, to encourage greater complementarity between high speed rail and air transport, to promote the development of interoperable intelligent transport systems to ensure increased network efficiency and safety.

Amendment 48
RECITAL 4 a (new)

(4a) In the abovementioned White Paper, the Commission also states that the current Community guidelines for the development of the trans-European transport network represent the first stage, and that this stage will be radically reviewed and completed in 2004 to take full account of the priorities of the future Member States, so as to avoid bottlenecks and develop the motorways carrying coast-bound traffic as part of the major corridors.

Amendment 7
RECITAL 5 a (new)

(5a) The TEN should be one of the instruments of an ambitious European maritime policy aimed at promoting the development of short sea shipping, as advocated in the Commission White Paper. It should also enable all the continent's sea basins to be fully included in world trade flows by encouraging middle- and long-distance maritime transport.

Amendment 44
RECITAL 6

(6) The second Pan-European Transport Conference in Crete in 1994 and the third Pan-European Transport Conference in Helsinki in 1997 identified ten Pan-European transport corridors and four Pan-European areas as priorities for cooperation between the European Community and the third countries concerned.

(6) The second Pan-European Transport Conference in Crete in 1994 and the third Pan-European Transport Conference in Helsinki in 1997 identified ten Pan-European transport corridors and four Pan-European areas as priorities for cooperation between the European Community and the third countries concerned. ***The results of such cooperation will be taken into account at the time of the next review. The main objective of that review will be to reflect the development of the Union's political priorities, including enlargement and the need to strengthen the north-south development axis.***

Amendment 8
RECITAL 7

(7) Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic, Slovenia, and Turkey have concluded association and Europe agreements and applied for membership in the European Union. The transport administrations of 11 of those countries, with the support of the Commission, performed a transport infrastructure needs assessment.

(7) Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic, Slovenia, and Turkey have concluded association and Europe agreements and applied for membership in the European Union. The transport administrations of 11 of those countries, with the support of the Commission, performed a transport infrastructure needs assessment ***in preparation for extending the TEN, bearing in mind the need to ensure that the infrastructure projects of candidate countries are coordinated and compatible with those of the EU.***

Amendment 9
RECITAL 8 a (new)

(8a) The transport infrastructure needs assessment in 11 candidate countries requires a strategic environmental assessment reflecting the principles and procedures of Directive 2001/42/EC. Funding for transport infrastructure development in these countries through the European Investment Bank (EIB) and Instrument for Structural Policies for Pre-Accession (ISPA) should be compatible

with the provisions of Community environmental legislation, in particular Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁽¹⁾, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna⁽²⁾ and Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁽³⁾.

(1) OJ L 59, 8.3.1996, p. 61.

(2) OJ L 206, 22.7.1992, p. 7.

(3) OJ L 175, 5.7.1985, p. 40.

Amendment 10

RECITAL 11

(11) Galileo, a European project for satellite-based radio navigation for civilian purposes, offers a strong potential for the development of navigation, positioning and traffic management applications and services for all modes of transport, as well as for the development of value-added mobility services.

(11) Galileo, a European project for satellite-based radio navigation for civilian purposes, offers a strong potential for the development of navigation, positioning and traffic management applications and services for all modes of transport, as well as for the development of value-added mobility services. ***However, costs and benefits should be regularly assessed so as not to divert resources unnecessarily from existing terrestrial projects.***

Amendment 47

RECITAL 13

(13) The growth of international traffic on the west-east route between Stuttgart and Vienna, in particular along the Danube corridor, requires efficient infrastructure.

(13) The growth of international traffic on the west-east route between Stuttgart and Vienna, in particular along the Danube corridor, requires efficient infrastructure ***complementing, and not as an alternative to, the Lyon-Trieste route, which should be extended to the countries of central and eastern Europe and should remain the west—southeast connecting route.***

Amendment 11
RECITAL 16 a (new)

(16a) In order to comply with the objectives of the trans-European transport network and meet the transport policy challenges of enlargement, a considerable increase in appropriations for the networks is needed in the next financial perspective.

Amendment 12
ARTICLE 1, POINT -1 (new)
Article 2, paragraph 2 (new) (Decision No 1692/96/EC)

-1. Article 2, paragraph 2 is replaced by the following:

'2. The network must:

(a) ensure the sustainable mobility of persons and goods within an area without internal frontiers under the best possible social and safety conditions, while helping to achieve the Community's objectives, particularly in regard to the environment and competition, and contribute to strengthening economic and social cohesion;

(b) be fully compatible with Community environmental legislation in force;

(c) contribute to decoupling economic growth from transport growth and therefore to reducing the latter;

(d) offer users high-quality infrastructure on acceptable economic terms;

(e) include all modes of transport, taking account of their comparative advantages;

(f) allow the optimal use of existing capacities;

(g) be, insofar as possible, interoperable within modes of transport and encourage intermodality between the different modes of transport;

(h) be, insofar as possible, economically viable;

(i) cover the whole territory of the Member States so as to facilitate access in general,

link island, landlocked and peripheral regions to the central regions and interlink without bottlenecks the major conurbations and regions of the Community;

(j) be capable of being connected to the networks of the European Free Trade Association (EFTA) States, the countries of central and eastern Europe and the Mediterranean countries, while at the same time promoting interoperability and access to these networks, insofar as this proves to be in the Community's interest."

Amendment 49

ARTICLE 1, POINT 1

Article 5, point (a) (Decision No 1692/96/EC)

(a) establishment and development of the key links and interconnections needed to eliminate bottlenecks, fill in missing sections, notably their cross-border parts, and improve interoperability on major routes;

(a) establishment and development of the key links and interconnections needed to eliminate bottlenecks, fill in missing sections, notably their cross-border parts **and intersections between multimodal corridors, divert goods traffic flows from major conurbations** and improve interoperability on major routes;

Amendment 50

ARTICLE 1, POINT 1

Article 5, point (a a) (new) (Decision No 1692/96/EC)

(aa) identification of all the major corridors which already have some links listed as common interest projects in Annex III, e.g. the east-west corridor south of the Alps, and for each one, drawing up of a list of the priority projects to be defined at the time of the next review of the guidelines scheduled for 2004;

Amendments 52 and 14

ARTICLE 1, POINT 1

Article 5, point (b) (Decision No 1692/96/EC)

(b) establishment and development of infrastructure **making it possible to link**

(b) establishment and development of infrastructure **to improve access of islands**

island, landlocked, peripheral and outermost regions *with* the central regions of the Community;

or areas similar to islands as well as landlocked, peripheral and outermost regions *to the network and to* the central regions of the Community, *in particular to reduce the high transport costs of these areas caused by factors such as frozen seas and severe weather conditions and to promote the balanced and polycentric development of Community territory; links between the EU's neighbouring countries and the Member States shall also be developed;*

Amendment 15

ARTICLE 1, POINT 1

Article 5, point (c) (Decision No 1692/96/EC)

(c) the necessary measures for the gradual achievement of an interoperable rail network giving priority to freight transport, including measures in intermodal terminals;

(c) the necessary measures for the gradual achievement of an interoperable rail network giving priority to freight transport, including measures in intermodal terminals *and in integrated logistical platforms which contribute to modal diversification, without adversely affecting local passenger traffic;*

Amendment 16

ARTICLE 1, POINT 1

Article 5, point (d) (Decision No 1692/96/EC)

(d) establishment of rail infrastructures to ensure connections to ports in order to foster short sea and inland shipping services;

(d) establishment of rail infrastructures to ensure connections to *sea and inland waterway* ports in order to foster *long-distance*, short sea and inland shipping services;

Amendment 17

ARTICLE 1, POINT 1

Article 5, point (e) (Decision No 1692/96/EC)

(e) measures to link rail and air transport, including rail access to airports and the infrastructure and facilities required for air and rail transport services;

(e) measures to link rail and, *where appropriate, sea transport to* air transport, including rail *and sea* access to airports and the infrastructure and facilities required for air, *sea* and rail transport services;

Amendment 18
ARTICLE 1, POINT 1
Article 5, point (g) (Decision No 1692/96/EC)

(g) integration of safety **and environmental** concerns in the design and implementation of the trans-European transport network.

(g) integration of safety concerns **and the guaranteeing of the full application of Community environmental law as well as health protection requirements** in the design and implementation of the trans-European transport network.

Amendment 19
ARTICLE 1, POINT 1
Article 5, point (g a) (new) (Decision No 1692/96/EC)

(ga) development of sustainable mobility of persons and goods in accordance with the objectives of the European Union on sustainable development (Article 6 of the Treaty, and the conclusions of the Gothenburg European Council of 15 and 16 June 2001).

Amendments 20, 41 and 42
ARTICLE 1, POINT 2
Article 8 (Decision No 1692/96/EC)

1. When projects are developed and carried out, environmental protection must be taken into account by the Member States through execution of environmental impact assessments of project of common interest which are to be implemented pursuant to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment and by applying Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna.

Where necessary, an environmental impact assessment of the plans and programmes leading to such projects, in particular those financed by the Community, **is** implemented by Member States, pursuant to Directive 2001/42/EC of the European Parliament and

1. When projects are developed and carried out, environmental protection must be taken into account by the Member States through execution of environmental impact assessments of projects of common interest which are to be implemented pursuant to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment and by applying **Directive 79/409/EEC and** Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna.

The Commission shall carry out immediately strategic assessments of transport corridors in such a manner as to reflect the principles and procedures of Directive 2001/42/EC and utilising the methodologies developed for that purpose.

of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

2. If new routes or other important nodal infrastructure developments are proposed for inclusion in this Decision, an environmental evaluation of the proposed changes, *in line with* the principles *of the Strategic Environmental Assessment*, shall be *initiated by the Committee established under Article 18.2.*

An environmental assessment of the plans and programmes leading to such projects, in particular those financed by the Community, *shall be* implemented by Member States, pursuant to Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

Where the candidate countries have not already done so, the Commission shall carry out strategic environmental assessments pursuant to Directive 2001/42/EC for those transport corridors which have been established for the candidate countries in the context of the transport infrastructure needs assesment.

2. If new routes or other important nodal infrastructure developments are proposed for inclusion in this Decision, an environmental evaluation of the proposed changes, *reflecting* the principles *and procedures of Directive 2001/42/EC*, shall be *undertaken immediately prior to inclusion of the proposals in this Decision.*

3. On the entry into force of European Parliament and Council Decision No .../.../EC of ... [amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network], the Commission and the other committees established by that decision shall apply the strategic environmental assessment pursuant to Directive 2001/42/EC to TEN projects. The results of the strategic environmental assessment shall to be taken into account in the specific implementation procedures.

4. The Commission shall continue to develop improved methods of analysis for strategically evaluating the environmental and economic impact of the whole network, including common and improved methods to assess the costs and benefits of transport corridors and networks taking account of potential market distortions and the particular characteristics of the different locations served.

Amendment 21
ARTICLE 1, POINT 4
Article 10, paragraph 2, point (c) (Decision No 1692/96/EC)

(c) specially upgraded high speed lines which have special features as a result of topographical, relief or town planning constraints, on which the speed must be adapted to each case or lines which provides access to airports of common interest.

(c) specially upgraded high speed lines which have special features as a result of topographical, relief or town planning constraints, on which the speed must be adapted to each case or lines which provides access to airports of common interest. ***In this regard, particular attention shall be paid to the development of regional airports and inter-regional air services.***

Amendments 22 and 51
ARTICLE 1, POINT 4
Article 10, paragraph 4 (Decision No 1692/96/EC)

4. The network shall:

- play an important role in long distance passenger traffic,
- permit interconnection with airports,
- permit access to regional and local rail networks,

- facilitate freight transport by identifying and developing trunk routes dedicated to freight or routes on which freight trains have a priority,

- play an important role in combined transport,
- permit interconnection with ***short sea shipping*** and inland waterways.

4. The ***rail*** network shall:

- play an important role in long distance passenger traffic,
- permit interconnection with airports,
- permit access to regional and local rail networks; ***it must also include measures for the expansion and improvement of facilities for linking all modes of transport to the existing TEN projects,***

- facilitate freight transport by identifying and developing trunk routes dedicated to freight or routes on which freight trains have a priority, ***and the terminals intended for intermodal transport, as well as the links with the main production centres,***

- play an important role in combined transport,
- permit interconnection with ***ports*** and inland waterways.

Amendment 23
ARTICLE 1, POINT 4
Article 10, paragraph 5 (Decision No 1692/96/EC)

5. The network shall offer users a high level of quality and safety, owing to its continuity and to gradual implementation of its interoperability, brought about in particular by technical harmonisation and the ERTMS harmonised command and control system recommended for the European railway network. To this end, a deployment plan shall be established by the Commission.

5. The network shall offer users a high level of quality and safety, owing to its continuity and to gradual implementation of its interoperability, brought about in particular by technical harmonisation and the ERTMS harmonised command and control system recommended for the European railway network. To this end, a deployment plan ***including interconnection with traffic management systems of other modes of transport (intermodality)*** shall be established by the Commission ***in consultation with the Member States.***

Amendment 24

ARTICLE 1, POINT 4

Article 10, paragraph 6 (Decision No 1692/96/EC)

6. The network shall include the infrastructures and the facilities allowing the integration of rail and air transport services.

6. The network shall include the infrastructures and the facilities allowing the integration of rail and air transport services ***and, where appropriate, sea transport services.***

Amendment 25

ARTICLE 1, POINT 5

Article 11, paragraph 3 b (Decision No 1692/96/EC)

5. ***In*** Article 11, the following paragraph 3b ***shall be*** inserted:

"3b. The inland ports of the network equipped with transshipment facilities for intermodal transport ***and*** with an annual freight traffic volume of at least 500 000 tonnes are shown in Annex I."

5. Article 11 ***is amended as follows:***

(a) the following paragraph 3b ***is*** inserted:

"3b. The inland ports of the network equipped with transshipment facilities for intermodal transport ***or*** with an annual freight traffic volume of at least 500 000 tonnes are shown in Annex I."

Amendment 26

ARTICLE 1, POINT 5

Article 11, paragraph 4 (Decision No 1692/96/EC)

(b) ***paragraph 4 is replaced by the following:***

"4. The network includes the traffic

management infrastructure. This shall include in particular the establishment of an inter-operable, intelligent traffic and transport system known as the RIS (River Information System) seeking to optimise the existing capacity and safety of the inland waterways network and to improve interoperability with other modes of transport. To that end the Commission shall draw up a development plan in cooperation with the Danube Commission, the Central Committee for Rhine Navigation and UN-ECE.”

Amendment 27

ARTICLE 1, POINT 6

Article 13, paragraph 3 (Decision No 1692/96/EC)

3. International and Community connecting points shall be gradually linked to the high-speed lines of the rail network, where appropriate. The network shall include the infrastructures and the facilities allowing the integration of air *and* rail transport services.

3. International and Community connecting points shall be gradually linked to the high-speed lines of the rail network, where appropriate. The network shall include the infrastructures and the facilities allowing the integration of air, rail transport services *and, where appropriate, sea transport services.*

Amendment 28

ARTICLE 1, POINT 7, POINT (c)

Article 18, paragraph 3 (Decision No 1692/96/EC)

3. The Commission shall report *regularly* to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of the guidelines described in this Decision. The Committee referred to in paragraph 2 shall assist the Commission with drawing up the report. The report shall be accompanied where necessary by legislative proposals to revise the guidelines.

3. The Commission shall report *every two years* to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of the guidelines described in this Decision. The Committee referred to in paragraph 2 shall assist the Commission with drawing up the report.

This report shall contain detailed information on the progress of projects of common interest (in accordance with Article 7) and on the specific projects listed in Annex III. It shall also contain detailed information on the breakdown by mode of transport of appropriations allocated to the trans-European networks from the

*different financial instruments available:
TEN budget line, Cohesion Fund,
Structural Funds, European Investment
Bank appropriations, ISPA and other
public and private programmes.*

The report shall be accompanied where necessary by legislative proposals to revise the guidelines.

Amendment 29

ARTICLE 1, POINT 9

Articles 20 and 21 (Decision No 1692/96/EC)

9. *Articles 20 and 21 are* deleted.

9. *Article 20 is* deleted.

Amendment 46

ARTICLE 1, POINT 9 a (new)

Article 21 (Decision No 1692/96/EC)

9a. Article 21 is replaced by the following:

"Article 21

Revision of Annex III

On the basis of the evaluation foreseen in the report provided for in Article 18(3), the Commission shall review projects contained in the list of specific projects of Annex III every fifteen years after their inclusion in the annex with a view to their being taken off the list in cases where they are not substantially complete. The Commission shall submit appropriate proposals including new projects to be incorporated."

P5_TAPROV(2002)0265

Private security (networks of contact points) *

Initiative of the Kingdom of Spain with a view to adopting a Council decision setting up a network of contact points of national authorities responsible for private security (5135/2002 – C5-0052/2002 – 2002/0802(CNS))

The initiative was rejected.

European Parliament legislative resolution on the initiative of the Kingdom of Spain with a view to adopting a Council decision setting up a network of contact points of national authorities responsible for private security (5135/2002 – C5-0052/2002 – 2002/0802(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Spain (5135/2002¹),
 - having regard to the Treaty on European Union, and in particular to Articles 29, 30(1)(a) and 34(2)(c) thereof,
 - having been consulted by the Council pursuant to Article 39(1) of the Treaty on European Union (C5-0052/2002),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs and the Internal Market on the proposed legal basis,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0168/2002),
1. Rejects the initiative of the Kingdom of Spain;
 2. Calls on the Kingdom of Spain to withdraw its initiative;
 3. Instructs its President to forward its position to the Council, the Commission and the government of the Kingdom of Spain.

¹ OJ C 42, 15.2.2002, p. 15.

P5_TAPROV(2002)0266

European Institute of Police Studies *

Initiative of the Kingdom of Spain with a view to adopting a Council decision establishing a European Institute of Police Studies (5133/2002 – C5-0055/2002 – 2002/0803(CNS))

The initiative was rejected.

Legislative resolution of the European Parliament on the initiative of the Kingdom of Spain with a view to adopting a Council decision establishing a European Institute of Police Studies (5133/2002 – C5-0055/2002 – 2002/0803(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Spain (5133/2002¹),
 - having regard to the Treaty on European Union, in particular Article 30(1), Article 30(2)(d), Article 31(c) and (e), Article 32, Article 34(1) and Article 34(2)(c),
 - having been consulted by the Council pursuant to Article 39(1) of the Treaty on European Union (C5-0055/2002),
 - having regard to Rule 106 and Rule 67 of its Rules of Procedure,
 - having regard to the opinion on the legal basis of the Committee on Legal Affairs and the Internal Market,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0166/2002),
1. Rejects the initiative of the Kingdom of Spain;
 2. Calls on the Kingdom of Spain to withdraw its initiative;
 3. Instructs its President to forward this opinion to the Council, the Commission and the government of the Kingdom of Spain.

¹ OJ C 42, 15.2.2002, p. 16.

P5_TAPROV(2002)0267

Protection of public figures *

European Parliament legislative resolution on the initiative of the Kingdom of Spain with a view to adopting a Council decision setting up a European network for the protection of public figures (5361/2002 – C5-0051/2002 – 2002/0801(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Spain (5361/2002¹),
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having been consulted by the Council pursuant to Article 39(1) of the EU Treaty (C5-0051/2002),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs and Internal Market on the legal basis of the initiative,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0167/2002),
1. Approves the initiative of the Kingdom of Spain as amended;
 2. Calls on the Council to alter the text accordingly;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again if the Council intends to amend the initiative of the Kingdom of Spain substantially;
 5. Instructs its President to forward its position to the Council and Commission, and the government of the Kingdom of Spain.

¹ OJ C 42, 15.2.2002, p. 14.

Amendment 1
Citation 1

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the Treaty on European Union, and in particular Article 29, **Article 30(1) and Article 34(2)(c)** thereof,

Amendment 2
Recital 1

(1) No European Union legislation, standards or manuals of a general nature exist to govern the protection of public figures, whether they be national public figures or those of Community or foreign origin.

(1) The organisation of protective measures and movements by public figures in the Member States is subject to different criteria and procedures. Nonetheless, close cooperation already exists between the departments responsible for guaranteeing the freedom of persons internationally granted official protection to pursue public and private activities.

Amendment 3
Recital 2

(2) Dignitaries and public figures have been assassinated or attacked on a number of occasions and, although it is improbable, there is nothing to prevent such incidents recurring in future,

(2) Without adding to the existing structures for cooperation between national intelligence, security and police services, a European network for the protection of public figures could facilitate the exchange of officials, information and experience,

Amendment 4
Recital 2 a (new)

(2a) Such cooperation should be subject to adequate political and judicial control in the Member States.

Amendment 5

Article 2, paragraph 1

The Network shall consist of contact points *of* the national police *departments* with responsibility for the protection of public figures, *designated by each Member State*.

The Network shall consist of contact points, *designated by each Member State from* the national *intelligence, security and police services and other relevant agencies*, with responsibility for the protection of public figures.

Amendment 6 Article 3

In addition to furthering cooperation and collaboration between the *police departments* with responsibility for the protection of public figures, the Network shall have the following objectives:

(a) *exchanging* information, officials and experience concerned with the protection of public figures;

(b) *standardising* criteria for selecting and training appropriate staff with responsibility in each Member State for the protection of public figures;

(c) setting up a database on, in particular, assaults and attacks on public figures, case studies and methods used;

(d) *approximating the existing rules and regulations in each Member State*.

In addition to furthering cooperation and collaboration between the *relevant agencies* with responsibility for the protection of public figures, the Network shall have the following objectives:

(a) *facilitating the exchange of* information, officials and experience concerned with the protection of public figures;

(b) *facilitating the exchange of information regarding the* criteria for selecting and training appropriate staff with responsibility in each Member State for the protection of public figures;

(c) setting up a database on, in particular, assaults and attacks on public figures, case studies and methods used, *which shall be made available to all relevant agencies*;

Amendment 7 Article 4

In order to achieve the proposed objectives, the Network shall *be competent to*:

(a) *simplify* the procedures *by drawing up a standard form in all* Member States;

(b) *determine the maximum number of armed officials according to the public figure involved and the resources to be*

In order to achieve the proposed objectives, the Network shall:

(a) facilitate the *simplification of* procedures by *exchanging best practice between* Member States;

deployed;

(c) outline the conditions for provision of service by officials with responsibility for the protection of a public figure of one Member State when they are in or enter another Member State;

(d) study common methods of action to prevent assaults and attacks;

(e) adopt joint protocols on the priority granted to the protected public figure during movements of delegations;

(f) collaborate with other police forces and other *departments*;

(g) establish common rules to be observed in connection with accreditation and media access to the public figure involved.

(d) study common methods of action to prevent assaults and attacks;

(f) collaborate with other police forces and other *relevant agencies*;

Amendment 8
Article 4 a (new)

Article 4 a

1. Information or documents obtained under this Decision shall be used only for the purposes laid down in Articles 3 and 4.

2. The information transmitted shall be protected by at least the same degree of confidentiality and protection of personal data as that guaranteed by the national legislation applicable to the requesting contact point.

Amendment 9
Article 5

Article 5

Deleted

The Network shall, each year, draw up its operating budget, which will be approved by the Council.

Amendment 10
Article 6, paragraph 1 a (new)

The European Parliament shall be informed of this evaluation during the annual debate pursuant to Article 39 of the EU Treaty.

P5_TAPROV(2002)0268

European Police Office (Europol Convention) *

Initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (5455/2002 – C5-0053/2002 – 2002/0804(CNS))

The initiative was rejected.

European Parliament legislative resolution on the initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol (5455/2002 – C5-0053/2002 – 2002/0804(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Belgium and the Kingdom of Spain (5455/2002)¹,
 - having been consulted by the Council pursuant to Article 39(1) of the EU Treaty (C5-0053/2002),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0173/2002),
1. Rejects the initiative of the Kingdom of Belgium and the Kingdom of Spain;
 2. Asks, therefore, the Kingdom of Belgium and the Kingdom of Spain to withdraw their initiative and to submit a new one with a view to the adoption of Council decision pursuant to Article 34(2)(c) of the TEU to replace the current Europol Convention;
 3. Instructs its President to forward its position to the Council and Commission and to the governments of the Kingdom of Belgium and of the Kingdom of Spain.

¹ OJ C 42, 15.2.2002, p. 8.

Future development of Europol

European Parliament recommendation to the Council on the future development of Europol and its automatic incorporation into the institutional system of the European Union

The European Parliament,

- having regard to Article 39(3) of the EU Treaty,
 - having regard to Articles 29 and 30 of the EU Treaty,
 - having regard to the Council Act of 26 July 1995 drawing up the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention)¹ and to the protocols annexed and the changes made thereto,
 - having regard to the initiative of the Kingdom of Belgium and the Kingdom of Spain with a view to adopting a Council Act drawing up a Protocol amending the Convention on the establishment of a European Police Office (Europol Convention), the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol²,
 - having regard to the Commission communication to the European Parliament and the Council - Democratic Control over Europol (COM(2002) 95),
 - having regard to Rule 107 of its Rules of Procedure,
 - having regard to the proposal for a recommendation of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0173/2002),
- A. whereas Europol must become an effective tool in the fight against organised crime in the European Union, in particular by maintaining close cooperation with Eurojust, and whereas, in a constantly changing international environment, that implies that Europol must be able to operate in a flexible manner so that it may make an effective contribution to the fight against the manifold forms of serious crime,
- B. whereas the current procedure for amending the Convention, which requires ratification by all the Member States in accordance with their respective constitutional rules, is excessively lengthy and cumbersome and, consequently, entirely inappropriate,

¹ OJ C 316, 27.11.1995, p. 1.

² OJ C 42, 15.2.2002, p. 8.

- C. whereas, by proposing that, henceforth, amendments to the Europol Convention should be adopted by the Council, the initiative of the Kingdom of Belgium and the Kingdom of Spain seems to be taking a step in the right direction, but whereas it actually has three major shortcomings:
- (a) it restricts Europol, in law, within the ambit of simple intergovernmental cooperation, contrary to the express requests repeatedly submitted by the European Parliament and at a time when the Council is entrusting to Europol an increasing number of tasks to be carried out on behalf of the Union;
 - (b) after enlargement of the Union, it may well make the decision-making procedure excessively slow, or even result in an impasse, given that all decisions relating to Europol must be taken by the Council acting unanimously;
 - (c) it confirms the marginal role to be played by the European Parliament with regard to everything relating to Europol, while depriving it of the legal means and institutional framework which might enable it in the future to exercise genuine democratic control,
- D. whereas an alternative route does exist, one which would provide an appropriate response to the major shortcomings set out above: application of Article 34(2)(c) of the EU Treaty would enable the Council to replace the Convention with a decision,
- E. whereas replacement of the Convention with a Council decision pursuant to Article 34 of the EU Treaty would have the direct effect of integrating Europol into the third pillar and, consequently, into the Community legal order, with the following three considerable advantages:
- (a) improvement of Europol's operational capacities, since, pursuant to Article 34 of the EU Treaty, all implementing measures are to be adopted by the Council acting by a qualified majority (with no derogation possible), which would enable the Union to react more rapidly in an emergency;
 - (b) better parliamentary scrutiny, since, firstly, Parliament must be consulted before the Council adopts any implementing measures (Article 39 of the EU Treaty) and, secondly, Parliament may bring an action before the Court of Justice should its rights not be respected;
 - (c) automatic application of the rules governing the jurisdiction of the Court of Justice (Article 35 of the EU Treaty) to all the decisions adopted by the Council pursuant to Article 34 of the EU Treaty (and, therefore, to the Convention itself, in the event that it is replaced with a Council decision),
- F. whereas it is imperative and a matter of urgency to strengthen democratic control over Europol,
- G. whereas the extension of powers and responsibilities envisaged by the initiative of the Kingdom of Belgium and the Kingdom of Spain, through the introduction of joint investigation teams, reinforces the current imbalance between the executive and the

legislative bodies, and whereas, as a European body, Europol must be monitored by another European body – the European Parliament – and not by national parliaments,

H. whereas the opportunities for parliamentary control open to the European Parliament would be considerably increased if a part of Europol's budget were to be incorporated in the Community budget,

1. Addresses the following recommendations to the Council:

Recommendation 1: legal basis

- Calls on the Council to replace:
 - the Convention on the establishment of a European Police Office (Europol Convention)
 - the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office
 - and the Protocol on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol

with a Council decision or decisions taken pursuant to Article 34(2)(c) of the Treaty on European Union, and in so doing to ensure due respect for the EU institutions' own competences and, accordingly, to take action pursuant to Articles 30 and 31 of the TEU to recast the Europol Convention provisions governing police and judicial cooperation in criminal matters, with particular regard to the basic elements of the criminal acts for which Europol is competent;

Recommendation 2: budget

- Calls on the Council, as part of that decision, to amend the arrangements for the funding of Europol by replacing part of the contributions of Member States with funding from the EU budget, while respecting the prerogatives of the budgetary authorities;

Recommendation 3: tasks

- Calls on the Council, as part of that decision, to adopt the provisions required to:
 - regulate Europol participation in joint investigation teams,
 - enable Europol to ask the competent Member State authorities to conduct investigations in specific cases,
 - equip Europol with more effective means to combat money-laundering and to improve its capacity to assist the Member States in that respect (Council Act of 30 November 2000 drawing up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) of a Protocol amending Article 2 and the Annex to that Convention¹);

Recommendation 4: parliamentary control

- Calls on the Council, as part of that decision, to strengthen the European Parliament's democratic power of control over Europol and, to that end, to adopt:
 - a provision amending Article 34 of the Europol Convention and laying down that one single annual activity report shall be forwarded to the Council and to the European Parliament,
 - a provision amending Article 34 of the Europol Convention and conferring on the European Parliament the formal right to hold an exchange of views with the Council Presidency on the annual activity report,
 - a provision amending Article 34 of the Europol Convention and conferring on the European Parliament the formal right to invite the Director of Europol to appear before the competent committee,
 - a provision amending Article 24(6) of the Europol Convention and requiring the joint supervisory authority responsible for data protection to draw up an annual activity report, to forward it to the European Parliament and to give an account thereof before the competent committee;
 - a provision amending Article 28 of the Europol Convention and altering the composition of the Europol Management Board to include two representatives of the Commission and two of the European Parliament, in addition to one representative of each Member State,
 - a provision amending Article 29 of the Europol Convention and laying down that the European Parliament shall be involved in the procedure for the appointment and dismissal of the Director of Europol, jointly with the Council,

Recommendation 5: data protection

¹ OJ C 358, 13.12.2000, p. 1.

- Calls on the Council to adopt, as part of the decision replacing the Convention, a provision which guarantees that the data protection provided and the supervision of compliance with these standards are equivalent to those guaranteed under the first pillar (European Parliament and Council Directive 95/46/EC¹);

Recommendation 6: cooperation

- Calls on the Council, as part of that decision, to take the measures required to ensure close cooperation between Europol, Eurojust and OLAF in order to strengthen the operational efficiency of those bodies in the fight against organised crime and terrorism.
2. Instructs its President to forward this recommendation to the Council, and, for information, to the Commission and to the governments and parliaments of the Member States.

¹ OJ L 281, 23.11.1995, p. 31.

P5_TAPROV(2002)0270

Adjusting the basic salaries and allowances of Europol staff *

Initiative of the Kingdom of Belgium with a view to adopting a Council Decision adjusting the basic salaries and allowances applicable to Europol staff (14628/2001 – C5-0682/2001 – 2001/0830(CNS))

The initiative was rejected.

European Parliament legislative resolution on the initiative of the Kingdom of Belgium with a view to adopting a Council Decision adjusting the basic salaries and allowances applicable to Europol staff (14628/2001 – C5-0682/2001 – 2001/0830(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Belgium (14628/2001¹),
 - having been consulted by the Council pursuant to Article 39 of the EU Treaty (C5-0682/2001),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Budgets (A5-0165/2002),
1. Rejects the initiative of the Kingdom of Belgium;
 2. Calls on the Kingdom of Belgium to withdraw its initiative and submit a fresh initiative;
 3. Instructs its President to forward its opinion to the Council, Commission and the government of the Kingdom of Belgium.

¹ OJ C 374, 29.12.2001, p. 70.

P5_TAPROV(2002)0271

State aid to the coal industry *

Proposal for a Council regulation on State aid to the coal industry (COM(2001) 423 – C5-0438/2001 – 2001/0172(CNS))

The proposal was approved.

European Parliament legislative resolution on the proposal for a Council regulation on State aid to the coal industry (COM(2001) 423 – C5-0438/2001 – 2001/0172(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2001) 423¹),
 - having been consulted by the Council pursuant to Article 87(3)(e) and Article 89 of the EC Treaty (C5-0438/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, External Trade, Research and Energy and the opinion of the Committee on Economic and Monetary Affairs (A5-0162/2002),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 304 E, 30.10.2001, p. 202.

Motor vehicle industry

European Parliament resolution on the draft Commission regulation on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle industry (2002/2046(INI))

The European Parliament,

- having regard to the draft Commission regulation on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle industry¹),
 - having regard to the Commission report on the evaluation of Regulation (EC) No 1475/95 on the application of Article 85(3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements (COM(2000) 743),
 - having regard to the most recent Commission report, of 25 February 2002, on motor vehicle prices in the European Union,
 - having regard to the hearing of 11 September 2001 of the Committee on Economic and Monetary Affairs,
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0144/2002),
- A. whereas an internal market for motor vehicle distribution and services de facto does not exist in the European Union,
- B. whereas there continue to be substantial price differences on motor vehicles within the European Union, and whereas those differences may be as much as 40% between Member States on certain models,
- C. whereas the introduction of the euro has made those price differences obvious and will thus contribute to price convergence,
- D. whereas vertical distribution agreements, unlike virtually any other restriction on competition, may simultaneously have effects with the potential to both boost and hamper competition,
- E. whereas the future EU competition policy relating to vertical distribution agreements must be framed so as to take appropriate account of the unequal economic power wielded by manufacturers and distributors,

¹ OJ C 67, 16.3.2002, p. 2.

- F. whereas any opening-up of motor vehicle distribution and services to competition must in no circumstances lead to traffic safety being jeopardised,
- G. whereas an immediate total liberalisation of this sector would be unjustified, but whereas a continuation of the existing system would be equally harmful,
- H. whereas the sector has for some time been undergoing comprehensive structural change and a process of concentration,
1. Welcomes the general approach taken by the Commission, which is to build on the block exemption regulation instead of completely abandoning it or leaving it in place as it stands;
 2. Wishes, in the interests of fair competition, that this Regulation should take into account in particular the interests of smaller and medium-sized undertakings as the weaker trading partner so that a kind of liability is established for the stronger trading partner in respect of substantial investments which benefit the latter;
 3. Reminds the Commission that, to be effective, regulations must be clear, unambiguous and enforceable; is very concerned that the draft proposal is too complicated and unclear in its intentions; is surprised that further guidelines, not yet available, will also be required to interpret these proposals;
 4. Considers that over-complex regulation, and uncertainties over its interpretation, works against the interest of consumers and SMEs and favours players with large resources; insists that the Commission must re-evaluate its proposals if the real benefits for consumers are to be delivered quickly and effectively;
 5. Considers that the explanatory statements in the draft regulation - particularly those suggesting that car manufacturers can keep control over the size, density and composition of their dealer networks - are inconsistent with the regulatory proposals to disallow any form of 'location clause'; calls on the Commission to align its regulatory strategy statement with its legislative proposals;
 6. Calls on the Commission to make an early report on car sales tax discrepancies between EU Member States, their impact on car prices and the means of creating a true internal market;
 7. Calls on the Convention and the Intergovernmental Conference to ensure that regulations such as this are subject to the codecision procedure in future;
 8. Calls on the Commission to take account of the suggested modifications:

Commission draft

Modifications by Parliament

Modification 1
Recital 8

(8) It can be presumed that, where a suppliers share of the relevant market does not exceed the thresholds provided for in the general conditions for the application of this Regulation, vertical agreements which do not contain certain types of severely anti-competitive restraints generally lead to an improvement in production or distribution and allow consumers a fair share of the resulting benefits. This sector specific Regulation contains stricter rules than those provided for by Commission Regulation 2790/99, and it can therefore in particular be presumed that in general distribution agreements have such advantages where the supplier concerned has a market share *of up to 30%, or of up to 40% in case of quantitative selective distribution for the sale of new motor vehicles*. In the case of vertical agreements containing exclusive supply obligations, it is the market share of the buyer which is relevant for determining the overall effects of such vertical agreements on the market.

(8) It can be presumed that, where a suppliers share of the relevant market does not exceed the thresholds provided for in the general conditions for the application of this Regulation, vertical agreements which do not contain certain types of severely anti-competitive restraints generally lead to an improvement in production or distribution and allow consumers a fair share of the resulting benefits. This sector specific Regulation contains stricter rules than those provided for by Commission Regulation 2790/99, and it can therefore in particular be presumed that in general distribution agreements have such advantages where the supplier concerned has a market share of up to 40%. In the case of vertical agreements containing exclusive supply obligations, it is the market share of the buyer which is relevant for determining the overall effects of such vertical agreements on the market.

Modification 2
Recital 10

(10) To prevent a supplier from terminating a contract because a distributor or a repairer engages in pro-competitive behaviour, such as active or passive sales to foreign consumers, multi-branding or subcontracting of after sales services, which may not be restricted under this Regulation, *every notice of termination must clearly state the reasons for the termination. Furthermore, a period of notice, normally of two years is introduced in order to strengthen the independence of distributors from their suppliers*.

(10) To prevent a supplier from *announcing an exceptional notice of termination* because a distributor or a repairer engages in pro-competitive behaviour, such as active or passive sales to foreign consumers, multi-branding or subcontracting of after sales services, which may not be restricted under this Regulation, *such notices of termination by the supplier should not be legally valid. In order to strengthen the independence from distributors and authorised repairers of their suppliers, the Regulation should provide for a minimum period of notice of two years in the case of regular terminations and liability to pay compensation in the event that the distributor or authorised repairer has made substantial investments at the instigation of the supplier which have not yet been amortised when the notice of termination*

comes into effect and the distributor or authorised repairer in question cannot put them to any other reasonable commercial use or can only do so with great difficulty.

Modification 3

Recital 14 a (new)

(14a) In order to safeguard the functioning of the European internal market, suppliers may choose between a selective and an exclusive distribution system, provided that they use the same system within the European Union.

Modification 4

Recital 17

(17) If the supplier were to limit the distributor's sales to end users in other Member States, for instance by making the distributor's remuneration or the purchase price dependent on the destination of the vehicles or on the place of residence of the end users, this would amount to an indirect restriction of sales. Other examples of indirect restrictions on sales include supply quotas based on a sales territory other than the common market, whether or not these are combined with sales targets, or sales targets based on a sales territory other than the common market. Bonus systems based on the destination of the vehicles or any form of discriminatory product allocation, whether in the case of shortage of the production output or otherwise, *may* also amount to indirect restrictions on sales.

(17) If the supplier were to limit the distributor's sales to end users in other Member States, for instance by making the distributor's remuneration or the purchase price dependent on the destination of the vehicles or on the place of residence of the end users, this would amount to an indirect restriction of sales. Other examples of indirect restrictions on sales include supply quotas based on a sales territory other than the common market, whether or not these are combined with sales targets, or sales targets based on a sales territory other than the common market. Bonus systems based on the destination of the vehicles or any form of discriminatory product allocation, whether in the case of shortage of the production output or otherwise, also amount to indirect restrictions on sales.

Modification 5

Recital 21

(21) Motor vehicles are expensive and technically complex mobile goods which require repair and maintenance services at regular and irregular intervals. However, it is not indispensable for distributors of new motor vehicles to also carry out repair and

(21) Motor vehicles are expensive and technically complex mobile goods which require repair and maintenance services at regular and irregular intervals. However, it is not indispensable for distributors of new motor vehicles to also carry out repair and

maintenance services. The legitimate interest of suppliers and consumers can be fully satisfied if the distributor subcontracts these services, including the honouring of warranties, free servicing and recall work, to a repairer or to a number of repairers within the distribution system of the supplier and if the consumer is duly informed about the location of the official repairer in case of subcontracting. Nor is it necessary, in order to adequately provide for repair and maintenance services, for repairers to also sell new motor vehicles. This Regulation therefore does not cover vertical agreements containing any direct or indirect obligation or incentive which leads to the linking of sales and after sales service activities or which makes the performance of one of these activities dependent on the performance of the other; this is in particular the case where the remuneration of the distributors or authorised repairers relating to the purchase or sale of goods or services necessary for one activity is made dependent on the sales of goods or services relating to the other activity, or where all such goods are indistinctly aggregated into a single remuneration or discount system.

maintenance services. The legitimate interest of suppliers and consumers can be fully satisfied if the distributor subcontracts these services, including the honouring of warranties, free servicing and recall work, to a repairer or to a number of repairers within the distribution system of the supplier ***one of which must operate in the immediate vicinity or else the distributor must organise access to service and repair work locally*** and if the consumer is duly informed ***about the location of the official repairer*** in case of subcontracting. Nor is it necessary, in order to adequately provide for repair and maintenance services, for repairers to also sell new motor vehicles. This Regulation therefore does not cover vertical agreements containing any direct or indirect obligation or incentive which leads to the linking of sales and after sales service activities or which makes the performance of one of these activities dependent on the performance of the other; this is in particular the case where the remuneration of the distributors or authorised repairers relating to the purchase or sale of goods or services necessary for one activity is made dependent on the sales of goods or services relating to the other activity, or where all such goods are indistinctly aggregated into a single remuneration or discount system.

Modification 6
Recital 25

(25) In order to protect effective competition on the market for repair and maintenance services and to prevent foreclosure of independent repairers, manufacturers must allow interested independent operators to have full access to all technical information, diagnostic and other equipment, tools, including all relevant software, and training required for the repair and maintenance of motor vehicles. Independent operators who must be allowed such access include independent repairers, manufacturers of repair equipment or tools, publishers of technical

(25) In order to protect effective competition on the market for repair and maintenance services and to prevent foreclosure of independent repairers, manufacturers must allow interested independent operators to have full access to all technical information, diagnostic and other equipment, tools, including all relevant software, and training required for the repair and maintenance of motor vehicles. Independent operators who must be allowed such access include independent repairers, manufacturers of repair equipment or tools, publishers of technical

information, automobile clubs, roadside assistance operators, operators offering inspection and testing services and operators offering training for repairers. The conditions of access should in particular not discriminate between authorised and independent operators; access should be given in due course upon request; the price for the information should take account of the extent to which the independent operator uses it. A manufacturer should give independent repairers access to technical information on new motor vehicles at the same time as such access is given to its authorised repairers and should not oblige an independent repairer to purchase more than the necessary information needed for the type of repair or maintenance work to be executed. It is, however, legitimate and proper for suppliers to withhold access to technical information which might allow a third party to bypass or disarm on-board anti-theft devices. Moreover, the legitimate interest of the motor vehicle manufacturer to decide the mode of exploitation of its intellectual property rights and know-how has to be taken into account when granting licences to third parties. However, these rights must be exercised in a manner which avoids any type of abuse.

information, automobile clubs, roadside assistance operators, operators offering inspection and testing services and operators offering training for repairers. The conditions of access should in particular not discriminate between authorised and independent operators; access should be given in due course upon request; the price for the information should take account of the extent to which the independent operator uses it. A manufacturer should give independent repairers access to technical information on new motor vehicles at the same time as such access is given to its authorised repairers and should not oblige an independent repairer to purchase more than the necessary information needed for the type of repair or maintenance work to be executed. It is, however, legitimate and proper for suppliers to withhold access to technical information which might allow a third party to bypass or disarm on-board anti-theft devices *or to recalibrate the computers in a motor vehicle in order to change the standard engine program.* Moreover, the legitimate interest of the motor vehicle manufacturer to decide the mode of exploitation of its intellectual property rights and know-how has to be taken into account when granting licences to third parties. However, these rights must be exercised in a manner which avoids any type of abuse.

Modification 7 Recital 26

(26) In order to ensure access to or to prevent collusion on the relevant markets and to give distributors opportunities to sell vehicles of brands from two or more manufacturers, that are not connected undertakings, certain specific conditions are to be attached to the block exemption. To this end, non-compete obligations should *not* be exempted. In particular, this Regulation does not cover any prohibition on sales of competing makes. This is without prejudice to the ability of the manufacturer to *require the distributor to display the vehicles in*

(26) In order to ensure access to or to prevent collusion on the relevant markets and to give distributors opportunities to sell *passenger* vehicles of brands from two or more manufacturers, that are not connected undertakings, certain specific conditions are to be attached to the block exemption. To this end, non-compete obligations should *only* be exempted *to a limited degree.* In particular, this Regulation does not cover any prohibition on sales of competing makes. This is without prejudice to the ability of the manufacturer to *conclude with*

*brand-specific areas of the showroom in order to avoid brand confusion. However, further requirements, such as an obligation to employ brand specific sales personnel, are considered to be non-exempted indirect non-compete obligations. Similarly, an obligation to display the full range of motor vehicles constitutes a non-exempted indirect non-compete obligation if **it makes the sale or display of** vehicles manufactured by different undertakings **impossible or unreasonably difficult.***

*the distributor conditions for the separate representation of different brands, taking into account economic feasibility and market conditions in order to avoid brand confusion and inadvertently helping competing brands, to ensure that the brand image is maintained among customers and to guarantee a high quality of care and expertise by salesmen. An obligation to display the full range of motor vehicles constitutes a non-exempted indirect non-compete obligation if vehicles manufactured by different undertakings **are being sold. In the event of a dispute between the supplier and distributor on the conditions required for separate brand representation, independent arbitration on the contract terms should apply.***

Modification 8
Recital 26a (new)

(26a) In the commercial vehicle sector a ban on the separation of brands could lead to restrictions on competition between brands, since suppliers often intervene with support measures in finally determining the sales price. A number of different suppliers would therefore rapidly be apprised of the competitiveness and marketing strategies of their competitors and would make no attempt to be competitive beyond this point. Commercial vehicle distributors should therefore be permitted to agree on non-compete obligations with their suppliers.

Modification 9
Recital 28

(28) In addition, specific conditions are required to exclude certain restrictions in a selective distribution system from being covered by this Regulation. This applies in particular to obligations which have the effect of preventing the members of a selective distribution system from selling the brands of particular competing suppliers,

(28) In addition, specific conditions are required to exclude certain restrictions in a selective distribution system from being covered by this Regulation. This applies in particular to obligations which have the effect of preventing the members of a selective distribution system from selling the brands of particular competing suppliers,

which could easily lead to foreclosure of certain brands. Two further conditions are necessary in order to create opportunities for distributors who wish to seize market opportunities outside their place of establishment, for market integration and in order to increase price competition and choice of consumers where suppliers have a certain overall presence. To this end a restriction imposed on the authorised distributor of passenger cars as to its ability to establish itself in any Member State, is excluded from the cover of the Regulation. Moreover, for suppliers of new motor vehicles other than passenger cars, a condition limiting the duration of restrictions on the place of establishment of a distributor to five years is necessary in order to allow both parties to adapt their agreements to changing market conditions.

which could easily lead to foreclosure of certain brands. Two further conditions are necessary in order to create opportunities for distributors who wish to seize market opportunities outside their place of establishment, for market integration and in order to increase price competition and choice of consumers where suppliers have a certain overall presence. To this end a restriction imposed on the authorised distributor of passenger cars as to its ability to establish itself in any Member State, is excluded from the cover of the Regulation, ***provided that a review in 2005 shows that the conditions of Article 81(3) cannot be fulfilled without such an exclusion; an exclusion can therefore be considered, at the earliest, after the completion of the review.*** Moreover, for suppliers of new motor vehicles other than passenger cars, a condition limiting the duration of restrictions on the place of establishment of a distributor to five years is necessary in order to allow both parties to adapt their agreements to changing market conditions.

Modification 10
Recital 33

(33) In order to strengthen supervision of parallel networks of vertical agreements which have similar restrictive effects and which cover more than 50 % of a given market, the Commission may declare this Regulation inapplicable to vertical agreements containing specific restraints relating to the market concerned, thereby restoring the full application of Article 81 to such agreements.

Deleted

Modification 11
Article 1, point (b)

(b) "Non-compete obligation" means any direct or indirect obligation causing the buyer not to manufacture, purchase, sell or resell goods or services which compete with

(b) "Non-compete obligation" means any direct or indirect obligation causing the buyer not to manufacture, purchase, sell or resell goods or services which compete with

the contract goods or services, or any direct or indirect obligation on the buyer to purchase from the supplier or from another undertaking designated by the supplier more than **50 %** of the buyer's total purchases of the contract goods or services and their substitutes on the relevant market, calculated on the basis of the value of its purchases in the preceding calendar year. This does not ***include a requirement that the distributor sell motor vehicles from other suppliers in separate sales areas of the showroom in order to avoid confusion between the makes;***

the contract goods or services, or any direct or indirect obligation on the buyer to purchase from the supplier or from another undertaking designated by the supplier more than **30 %** of the buyer's total purchases of the contract goods or services and their substitutes on the relevant market, calculated on the basis of the value of its purchases in the preceding calendar year. This does not ***affect the freedom of the supplier to agree with the distributor on the separate representation of several makes, if this is commercially feasible.***

Modification 12

Article 1, point (q)

(q) "Original spare parts" are spare parts which are produced by the manufacturer of the components which are or were used for the assembly of the new motor vehicle and which are manufactured ***on*** the same production ***line*** as these components. It is ***for the spare part producer to prove*** that these ***spare parts match the quality of*** the components used for the assembly of the new motor ***vehicles***.

(q) "Original spare parts" are spare parts which are produced by the manufacturer of the components which are or were used for the assembly of the new motor vehicle and which are manufactured ***according to*** the same ***specifications and*** production ***processes*** as these components. ***In any case, measures must be taken to ensure that manufacturers of spare parts can be made accountable under civil law.***

Modification 13

Article 1, point (r)

(r) "Spare parts of matching quality" are spare parts which match the quality of the components which are or were used for the assembly of a new motor vehicle and which are produced by the producer of these components or another undertaking ***and for which the spare part producer can prove that they match the quality of those components.***

(r) "Spare parts of matching quality" are spare parts which match the quality of the components which are or were used for the assembly of a new motor vehicle and which are produced by the producer of these components or another undertaking. ***It is for the spare part producer to prove to the purchaser that these spare parts match the quality of the components used for the assembly of the new motor vehicles.***

Modification 14

Article 3, paragraph 1

1. Subject to paragraphs 2, 3, 4, 5, 6 and 7 of this Article, the exemption provided for in

1. Subject to paragraphs 2, 3, 4, 5, 6 and 7 of this Article, the exemption provided for in

Article 2 shall apply on condition that the supplier's market share on the relevant market on which it sells the new motor vehicles, spare parts for motor vehicles or repair and maintenance services does not exceed **30 %**.

Article 2 shall apply on condition that the supplier's market share on the relevant market on which it sells the new motor vehicles, spare parts for motor vehicles or repair and maintenance services does not exceed **40%**.

Modification 15
Article 3, paragraph 2

2. By way of exception to paragraph 1 the market share threshold for the application of Article 2 shall be 40 % for agreements establishing quantitative selective distribution systems for the sale of new motor vehicles

Deleted

Modification 16
Article 3, paragraph 4

4. In the case of vertical agreements containing exclusive supply obligations, the exemption provided for in Article 2 shall apply on condition that the market share held by the buyer does not exceed **30 %** of the relevant market on which it purchases the contract goods or services.

4. In the case of vertical agreements containing exclusive supply obligations, the exemption provided for in Article 2 shall apply on condition that the market share held by the buyer does not exceed **40 %** of the relevant market on which it purchases the contract goods or services.

Modification 17
Article 3, paragraph 5

5. The exemption provided for in Article 2 shall apply on condition that the vertical agreement concluded with a distributor or repairer provides that if a supplier wishes to give notice of termination, ***the notice must include detailed reasons for the termination in order to prevent a supplier*** to end a vertical agreement with a distributor because of practices which may not be restricted under this regulation, in particular those practices, restriction of which results in the misapplication of the exemption either to the vertical agreement as a whole, in accordance with Article 4, or to the restriction in

5. The exemption provided for in Article 2 shall apply on condition that the vertical agreement concluded with a distributor or repairer provides that if a supplier wishes to give ***exceptional*** notice of termination, ***he must do so in writing specifying detailed reasons justifying the termination; to be valid these reasons must be transparent, objective and non-discriminatory towards the other party. Such a notice of termination is, however, not legally valid if it is designed*** to end a vertical agreement with a distributor because of practices which may not be restricted under this regulation, in particular those practices, restriction of

question, in accordance with Article 5.

which results in the misapplication of the exemption either to the vertical agreement as a whole, in accordance with Article 4, or to the restriction in question, in accordance with Article 5.

Modification 18
Article 3, paragraph 6

6. The exemption provided for in Article 2 shall apply on condition that the vertical agreement concluded with a distributor or repairer provides that if a supplier wishes to give notice of termination, the period of notice for regular termination of the agreement has to be at least two years for both parties; ***this period is reduced to at least one year where:***

(a) the supplier is obliged by law or by special agreement to pay appropriate compensation on termination of the agreement; or

(b) the supplier terminates the agreement where it is necessary to reorganise the whole or a substantial part of the network.

6. The exemption provided for in Article 2 shall apply on condition that the vertical agreement concluded with a distributor or repairer provides that if a supplier wishes to give notice of termination, the period of notice for regular termination of the agreement has to be at least two years for both parties.

The supplier shall be liable to pay compensation if the distributor or authorised repairer has made substantial investments at the behest of the supplier which have not been amortised when the notification of termination enters into force and if the distributor or repairer whose contracts have been terminated cannot reasonably exploit these investments commercially in any other way or can only do so with great difficulty.

Modification 19
Article 3, paragraph 7

7. The exemption provided for in Article 2 shall apply on condition that the vertical agreement provides for the parties to refer disputes concerning the fulfilment of their contractual obligations to an independent expert third party or arbitrator. Such disputes may for instance arise over the application of agreed criteria to set sales targets, the attainment of sales targets or supply obligations, the implementation of stock requirements, the implementation of an obligation to provide or use demonstration vehicles, whether the prohibition to operate

7. The exemption provided for in Article 2 shall apply on condition that the vertical agreement provides for the parties to refer disputes concerning the fulfilment of their contractual obligations to an independent expert third party or arbitrator. Such disputes may for instance arise over the application of agreed criteria to set sales targets, the attainment of sales targets or supply obligations, the implementation of stock requirements, the implementation of an obligation to provide or use demonstration vehicles, whether the prohibition to operate

out of an unauthorised place of establishment limits the ability of the retailer's business to expand *or whether the termination of an agreement is justified by the reasons given in the notice*. This possibility is without prejudice to each party's right to apply to a national court.

out of an unauthorised place of establishment limits the ability of the retailer's business to expand, *the economic feasibility of a separate brand representation or the questions whether:*

(a) a notification of termination has been issued owing to conduct which, under the terms of this Regulation, may not be restricted;

(b) in the case of a regular notification of termination by the supplier, appropriate compensation shall be paid in accordance with Article 3(6) of this Regulation. This possibility is without prejudice to each party's right to apply to a national court.

Modification 20

Article 4, paragraph 1, point (a a) (new)

(aa) the introduction of a selective or exclusive distribution system in an area smaller than the entire common market;

Modification 21

Article 4, paragraph 1, point (f)

(f) the restriction of the distributor's ability to sell any *motor* vehicle which corresponds to a model within the contract range of the distributor;

(f) the restriction of the distributor's ability to sell any *passenger* vehicle which corresponds to a model within the contract range of the distributor;

Modification 22

Article 4, paragraph 1, point (g)

(g) the restriction of the ability of the distributor of motor vehicles to subcontract the provision of repair and maintenance services to authorised repairers on condition that the distributor duly informs the consumer before the conclusion of the sales contract about the location of the authorised repairer;

(g) the restriction of the ability of the distributor of motor vehicles to subcontract the provision of repair and maintenance services to authorised repairers, *one of which must operate in his immediate vicinity, failing which the distributor must arrange local access to after-sales services*, on condition that the distributor duly informs the consumer before the conclusion of the sales contract about the location of the authorised repairer;

Modification 23
Article 4, paragraph 1, point (k a) (new)

(ka) the restriction of the distributor's ability to choose the models it would like to order, sell and display within the range of models of a car manufacturer.

Modification 24
Article 4, paragraph 2

2. The exemption provided for in Article 2 shall not apply where the supplier of motor vehicles refuses to give independent operators access to any technical information, ***diagnostic and other equipment, tools, including any relevant software, and training*** required for the repair and maintenance of these motor vehicles or for the implementation of environmental protection measures. Access has to be given to independent operators in a non-discriminatory and proportionate way. If the relevant item is covered by an intellectual property right or constitutes know-how, access shall not be withheld in any abusive manner.

2. The exemption provided for in Article 2 shall not apply where the supplier of motor vehicles refuses to give independent operators access to any technical information required for the repair and maintenance of these motor vehicles or for the implementation of environmental protection measures. ***Such access shall include, but shall not be confined to, the unrestricted use of the electronic control and diagnostic systems of a motor vehicle, the programming of the systems in accordance with the specifications of the supplier, repair and training instructions and information required for the diagnostic and servicing tools and equipment to be made available.*** Access has to be given to independent operators in a non-discriminatory, ***prompt*** and proportionate way, ***in which connection the data shall be provided in usable form.*** If the relevant item is covered by an intellectual property right or constitutes know-how, access shall not be withheld in any abusive manner.

Modification 25
Article 5, point (a)

(a) any direct or indirect non-compete obligation relating to the sale of ***motor*** vehicles;

(a) any direct or indirect non-compete obligation relating to the sale of ***passenger*** vehicles;

Modification 26
Article 5, paragraph 1 a (new)

By way of derogation from paragraph 1(e), distributors should enjoy contractual freedom, as soon as economically feasible, to agree to separate brand displays with the supplier (motor vehicle manufacturer). This could include separate show rooms, separate staff, special brand displays etc. Economic feasibility may be examined by an arbitration board.

Modification 27
Article 9, paragraph 2, point (d)

(d) if the market share is initially not more than 30% or 40% respectively but subsequently rises ***above*** 35% or 45% respectively, the exemption provided for in Article 2 shall continue to apply for one calendar year following the year in which the level of 30% or 40% respectively was first exceeded;

(d) if the market share is initially not more than 30% or 40% respectively but subsequently rises ***to*** 35% or 45% respectively, the exemption provided for in Article 2 shall continue to apply for one calendar year following the year in which the level of 30% or 40% respectively was first exceeded;

Modification 28
Article 11 a (new)

Article 11a

Publication of general guidelines

The Commission shall draw up and publish as soon as possible a manual setting out general guidelines to provide greater legal certainty for the parties involved.

Modification 29
Article 12

The prohibition laid down in Article 81(1) of the EC Treaty shall not apply during the period from 1 October 2002 to 30 September 2003 in respect of agreements already in force on 30 September 2002 which do not satisfy the conditions for exemption provided for in this Regulation but which satisfy the conditions for exemption

The prohibition laid down in Article 81(1) of the EC Treaty shall not apply during the period from 1 October 2002 to 30 September 2003 in respect of agreements already in force on 30 September 2002 which do not satisfy the conditions for exemption provided for in this Regulation but which satisfy the conditions for exemption

provided for in Regulation (EC) No 1475/95.

provided for in Regulation (EC) No 1475/95.

Rights and obligations which result from a change in the system of the application of the exemption under this Regulation compared to Regulation (EC) No 1475/95 will only become enforceable on 1 October 2003.

By way of derogation from Article 14, the provisions of Article 5(f) shall enter into force no sooner than 1 October 2005, and after the Commission has established that the conditions in Article 81(3) of the Treaty will not be fulfilled unless the provisions become applicable.

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

P5_TAPROV(2002)0273

EU/Latin America Summit

European Parliament resolution on the outcome of the second EU-Latin America Summit

The European Parliament,

- having regard to its previous resolutions on Latin America and, in particular, its resolutions of 15 November 2001 on a global partnership and a common strategy for relations between the European Union and Latin America¹ and 15 May 2002 on the Second European, Latin American and Caribbean Summit²,
 - having regard to having regard to the political declaration included in the Madrid commitment adopted by the Second Summit of Heads of State and Government of the European Union, Latin America and the Caribbean,
 - having regard to the assessment report and the various working documents submitted to the above summit,
 - having regard to the regional strategic report on Latin America submitted to the summit by the Commission,
 - having regard to the joint communiqué issued following the 18th meeting of the Ministerial Conference of the San José dialogue in Madrid on 18 May 2002,
 - having regard to the meetings between the Community troika and the member countries of Mercosur, the countries of the Andean Community and the countries of the Central American region,
- A. whereas Parliament has repeatedly expressed its support for promoting and consolidating a joint bi-regional strategy between the European Union and Latin America through the establishment of a political agenda, including an effective and permanent coordination mechanism for all subjects of mutual interest,
- B. whereas this is the first time that the EU has agreed to the possibility of opening free trade talks with the Central American and Andean nations,
- C. having regard to Parliament's call for the establishment of a Euro-Latin American economic free trade zone as part of a Community strategy on Latin America geared towards a bi-regional partnership, which, without jeopardising the bilateral or regional agreements already concluded or under negotiation, would extend the contents of the bi-regional strategic partnership agreed in Rio to the whole geographical region,

¹ Texts Adopted, Item 11.

² P5_TA(2002)0242.

1. Welcomes the acknowledgement of values common to the two continents, with particular regard to the protection of fundamental rights, the development of multilateralism and the fight against terrorism;
2. Endorses the objectives laid down in the political declaration and in the Madrid commitment which are aimed at developing the bi-regional strategic partnership agreed in Rio and should give concrete form to this special relationship, involving a common approach to the major international issues;
3. Takes note in this regard of the views put forward by various delegations which correspond to Parliament's own position, expressing support for a bi-regional strategic partnership extending to the whole region, as decided at the Rio summit;
4. Welcomes, in particular, the summit's support for the swift establishment and functioning of the International Criminal Court and its rejection of all forms of terrorism as a threat to democratic systems; fully supports the specific reference to violations of human rights and international humanitarian law by illegal groups in Colombia, as well as the mention of the search for a negotiated solution to the conflict and the specific reference to the crisis in Argentina;
5. Welcomes Madrid's commitment to combating terrorism in all its forms and manifestations and to strengthening cooperation to combat the scourge of illicit drugs and related crimes, corruption and organised crime by improving coordination measures and, at the same time, preventing the profits from such activities from being used to finance terrorism and criminal activities;
6. Endorses the undertakings given in the above-mentioned political declaration in the various sectors concerned (political, economic, cultural, education, science and technology, social and human), but at the same time hopes that these objectives will be given genuine substance, enabling them to be implemented rather than merely remaining empty words;
7. Calls, therefore, on the Council and Commission to ensure that the new objectives and priorities agreed at the Madrid summit are properly reflected in the financial resources made available under the Community budget;
8. Requests the forthcoming EU presidencies to work continuously to ensure that these objectives are pursued and achieved;
9. Welcomes the conclusion of negotiations on the ambitious Association Agreement between the European Union and Chile, as called for by Parliament, supplementing the initial agreement with Mexico, and reiterates its desire for an agreement to be reached with Mercosur as soon as possible;
10. Acknowledges the progress made towards giving the countries of the Andean Community and Central America the opportunity to conclude viable association agreements with the EU by the end of 2004 at the latest, including free trade areas, and calls on the Commission to ensure that these commitments are met on time;

11. Commends the efforts made by the Commission to contribute to the summit, particularly in the field of culture, education and access to knowledge;
12. Stresses the Madrid Summit's commitment to strengthening the multilateral system, and welcomes its call for free trade against protectionism and its firm rejection of all measures of unilateral character and with extraterritorial effect;
13. Encourages the present efforts of the Argentinian authorities to complete a sound and comprehensive economic programme;
14. Welcomes the holding of the forthcoming EU-Latin America Summit in 2004 in Mexico;
15. Instructs its President to forward this resolution to the Council, the Commission, the governments of the countries taking part in the second European Union, Latin American and Caribbean Summit, the OAS and the Latin American Parliament.

Agenda 2000: reform of the COM

European Parliament resolution on the mid-term review of the reform of the common organisations of the market (COMs) in the context of Agenda 2000 (2001/2127(INI))

The European Parliament,

- having regard to the opinion of the Economic and Social Committee requested pursuant to Article 262 of the EC Treaty and pursuant to Rule 52 of the Rules of Procedure,
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A5-0169/2002),
- A. whereas it is essential for the European Union to maintain its longest-standing and most accomplished founding policy, namely the common agricultural policy (CAP), and this policy needs further development and updating,
- B. whereas the mid-term review of the CAP agreed at the Berlin European Council does not entail a general reform of that policy, but should be restricted to three aspects of Agenda 2000,
- C. whereas the CAP must achieve its objectives and be applied uniformly throughout the European Union, and whereas the principles and the objectives which are established in the Treaties in respect of that policy must continue to be pursued,
- D. whereas the objectives initially laid down in the Treaties, inter alia in Article 33 of the Treaty establishing the European Community, which seeks ‘thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture’, are still valid today,
- E. whereas it has become essential to reorient the export section of the CAP towards developing Community agricultural production by means of a coherent food and farming policy, to ensure the level of internal supply and combat farm price dumping at world level, whilst respecting the principle of food sovereignty and a steadfast defence of food security,
- F. having regard to the serious socio-economic consequences which will result from the progress of further liberalisation of agricultural trade in the context of the WTO,
- G. whereas for strategic, economic, social and cultural reasons it is important for the European Union, like the world’s other major agricultural regions, to have a public agricultural and rural policy; whereas that policy must be supported by the whole of society in exchange for what it expects of it and obtains from it; whereas the policy must be in keeping with the domestic and foreign context; whereas it must be able to offer clear

prospects for its future development and to allow sufficient time for adjustments to be made to the changes required,

- H. whereas Europe's lack of self-sufficiency in food in the nineteen-sixties was one of the main reasons for the establishment of a production-oriented common agricultural policy which, by enabling Europe rapidly to achieve self-sufficiency in many production sectors, made it possible for it subsequently to export to increasingly competitive world markets,
- I. whereas the reforms undertaken since 1992 have changed the basic approach of the CAP, but whereas the way in which it operates needs to be further extended so as to promote a sustainable European agricultural model which takes account of the principle of multifunctionality and is capable of meeting society's new requirements,
- J. whereas the CAP should be recast along new, more modern lines that will ensure its continued existence; this policy must be multifunctional and capable of carrying out economic, social, environmental and land-use tasks simultaneously,
- K. whereas, therefore, the CAP must continue to ensure that production develops in a rational manner and that markets are supplied with a wide range of high-quality, healthy products within a competitive market context,
- L. whereas it must at the same time foster the development of environment-friendly agronomic practices, generate new jobs in rural areas and provide remuneration for services which farmers provide to the community but which are not remunerated by the market (environmental amenities, animal welfare, etc.),
- M. whereas the recast policy must ensure that agricultural activities are spread evenly throughout the territory of the Union and that public aid is shared fairly between farmers and between regions,
- N. whereas the development of agriculture throughout the Union requires rural policy to be strengthened by means both of the allocation of more resources to the second pillar of the CAP and the redeployment of resources released by means of compulsory modulation or the phased reduction of first-pillar aids,
- O. whereas market policy and rural development policy are indissociable in that they both contribute to the development of a multifunctional agricultural system based on a large number of holdings spreading throughout the Union's territory which pursues the whole range of objectives set for it,
- P. whereas the achievement of these objectives is dependent first and foremost on maintaining prices which give producers a proper rate of return, which is the purpose of the common organisations of the market,
- Q. whereas the distinction between compulsory and non-compulsory expenditure should be abolished as soon as possible and the European Parliament granted full codecision rights in the agricultural and budgetary sphere,

- R. whereas the prevailing drive towards harmonisation within the Union and the opening-up of European agricultural markets imposed by the WTO are having a destabilising effect on sensitive products such as bananas, sugar and rum,
- S. whereas the CAP should satisfy both the legitimate expectations of European farmers, as well as the just demands of Union citizens, who are calling for a dynamic agriculture sector capable of ensuring an adequate rate of self-sufficiency in quality agricultural products and, among the many functions which it is called up to carry out (including those of an environmental nature), of continuing to ensure an economically viable agri-foodstuffs system,
- T. whereas the experience acquired to date as a result of Agenda 2000 has shown that a European common agricultural policy is only viable in the medium to long term if it is directed more towards
- (a) meeting the overall needs of society
 - (b) combining the requirements of production which guarantees a sufficient income for farmers and of preserving the environmental function of the countryside
 - (c) becoming a common policy for agriculture and for the structural promotion of rural areas,
- all of which presupposes that a large part of the funds set aside to support the markets will be redeployed towards rural development and the environment,
- U. whereas the prime objective of the reforms proposed (in the framework of both the 2003 mid-term review and the future 2006 reform) should be to create a CAP for 2007 and beyond which addresses such issues as enlargement, budget limitations, WTO negotiations and sustainability,
- V. whereas, in view of the repeated crises which have undermined consumer confidence in the products on offer, there is an increasingly urgent need to establish within the common agricultural policy a third pillar covering all policies aimed at ensuring food quality and safety, to complement the first pillar, which covers market management, and the second pillar, which covers rural development,
- W. whereas the CAP cannot be concerned solely with funding but must also satisfy public expectations regarding food safety, environmental conservation, land management and, in particular, the preservation of the social fabric in rural areas; whereas the markets policy is an essential means of achieving such objectives and whereas the focal point of initiatives should be the family-run farm,
- X. whereas maintaining the Stability Pact cannot depend upon the achievement of additional agricultural savings, and whereas the practice carried out annually in the implementation of the CAP cannot provide a basis for lasting reforms,
- Y. whereas all budget margins available within the limits set in accordance with the agricultural expenditure guideline and still underused should be used to support the agricultural and rural sector,

- Z. whereas the funds allocated to the first pillar account for nearly 90% of the Union's agricultural budget,
- AA. whereas a review of agricultural expenditure cannot be accepted in view of the fact that the financial perspective (which has been firmly consolidated until 2006) cannot in any way be challenged,
- AB. whereas a genuine review of Agenda 2000 is impossible in the absence of accurate data on agricultural incomes by product and by country which enable the proportion of those incomes accounted for by market earnings and that accounted for by public support to be clearly established,
- AC. whereas the Agenda 2000 mid-term review should enable CAP aid to be redirected and whereas, in this connection, the modulation of the total amount of direct aid received by farmers should be applied comprehensively and uniformly throughout the European Union,
- AD. whereas the modulation of direct aid incorporated in the last reform of the CAP fell somewhat short of what was needed in order to re-establish a balance in aid and ensure greater support for small and medium-sized holdings and family farming,
- AE. whereas a phased reduction in direct aid would help to consolidate the rural pillar,
- AF. whereas the preservation of family farms is dependent upon modulation of the penalties stemming from the use of the budget stabilisers in the various COMs,
- AG. whereas it is necessary to develop further the system of direct payments in order to simplify the premium system, while continuing to provide additional compensation for the particular problems facing disadvantaged hill and mountain farming areas,
- AH. whereas, with the end of Agenda 2000, the granting of direct payments will have to be further decoupled from production and geared to financial compensation for the efforts made to strengthen environmental and health standards in European agriculture and to preserve the countryside,
- AI. whereas the payment of direct support should be made conditional upon compliance with common EU standards of good farming practice and area-based livestock production,
- AJ. whereas direct payments will in future be of increasing importance as external costs stemming from multifunctionality cease to be factored in when prices are set and will therefore have to be paid by society,
- AK. whereas the possibility of granting payments which are not linked to production would also make it possible to simplify the management system and, above all, to adopt support mechanisms included in the 'green box' of rules on international trade (and hence exempt from reduction) so that in future farmers' incomes are made up of market earnings, standard compensation tied to common EU-wide standards and accepted by the WTO (green box compliant) and payment for structural measures and special environmental services,

- AL. whereas implementation of this new agricultural policy will require the adjustment of existing regulatory and financial tools or the introduction of new tools in order, first and foremost, to establish a genuine incomes policy aimed which will ensure the continued existence of agricultural holdings throughout the Union and, subsequently, a food safety and security of supply policy,
- AM. whereas a degree of market guidance and regulation will therefore remain necessary in order to diminish the risk of agricultural prices becoming highly volatile which might result from excessive discrepancies between supply and demand,
- AN. whereas the question as to whether support is compatible with WTO rules could be an issue when the 'boxes' which identify the various forms of support are redesigned, in view inter alia of the most recent decisions taken by the USA with regard to policies on income support for farmers,
- AO. whereas the efforts made by producers to take account of new societal requirements will lead to an increase in production costs which should be offset mainly by means of market prices,
- AP. whereas a possible link between direct payments of any kind and social, environmental and land-management objectives would constitute a major change in all production sectors,
- AQ. whereas the experience acquired in these first two years of application as regards the national financial frameworks has had positive aspects, even when adopted in a sector affected by a totally anomalous market situation caused by the BSE crisis,
- AR. whereas this instrument makes sense only in sectors in which the various Member States' production methods differ substantially since it allows an adequate degree of flexibility in the execution of the COMs, on the clear understanding that any distortion of competition between the Member States and all dangerous forms of renationalisation which would harm the consistency of the COMs in question must be avoided,
- AS. whereas Regulation (EC) No 952/97 regulated the establishment and the running of producer associations and whereas, under Agenda 2000, it was repealed in favour of a specific regulation to be applied in each COM; whereas the Commission has since refused to apply the regulation in the cotton sector and whereas the regulation performs inadequately in other sectors such as fruit and vegetables,
- AT. whereas the CAP urgently needs to restore greater transparency to the allocation of public funds from the EU budget to agriculture in order to demonstrate where, how much and with what effect funds are spent in this sector and this information must be made available in good time to the democratically legitimate institutions at European level,
- AU. whereas, in its resolution of 24 May 1996¹ and in its positions of 17 December 1999² and of 5 September 2000¹ on improving agricultural statistics, Parliament called unanimously

¹ OJ C 166, 10.6.1996, p. 265.

² OJ C 296, 18.10.2000, p. 380.

for information derived from payments under the EAGGF Guarantee Section to be used for statistical purposes; whereas Parliament's recommendations have not been followed; whereas the Commission should have submitted a feasibility study by 31 December 2001 but did not do so; whereas such information would have been very useful when Agenda 2000 was being drawn up and for the purposes of the direct-aid simplification regulation, the mid-term review and the enlargement negotiations,

- AV. whereas cereal intervention stocks have fallen to historic lows and are being exported virtually without refunds; whereas at its current value the intervention price does not guide the market but constitutes a scarcely used safety net; whereas certain efforts should be made to regulate the market in rye; whereas the supplement should be maintained in the case of durum wheat, and whereas the shortfall in vegetable protein has reached a point at which it constitutes a strategic issue which needs to be resolved,
- AW. whereas on account of the possible effects of the Everything But Arms initiative, any repeal of regulatory instruments and any reduction in support to producers under the COM in rice would be ill-advised,
- AX. whereas, in the run-up to enlargement, deregulation in the dairy sector could give rise to serious social and economic problems, both in the existing Member States and in the candidate countries; whereas steps should be taken to prevent reforms to the COMs from causing problems which the second pillar of the CAP, with its limitations, would be unable to solve,
- AY. whereas in respect of certain sectors which are not included in Agenda 2000 (such as fruit and vegetables, olive oil and dried fruit), Parliament has put forward recommendations which have not been taken up by the Commission in its successive reports and proposals; whereas certain problems should not be allowed to become chronic and the reforms recommended by Parliament on numerous occasions should be implemented,
- AZ. whereas the principle of social and economic cohesion must feature in all EU policies and whereas the CAP's cohesion deficit (in particular in market initiatives) must be made good,
- BA. whereas the common agricultural policy must gradually adjust to its new multifunctional and sustainable model without its founding principles being called into question,
- BB. whereas, for the reasons stated above, a number of proposals to adapt and improve the principal COMs need to be put forward,
- BC. whereas the adjustments to be made during the mid-term review must:
- be in keeping with the financial undertakings into which the European Union entered at the Berlin European Council,
 - prefigure to a large extent the action to be taken after Agenda 2000,

¹ OJ C 135, 7.5.2001, p. 61.

- BD. whereas young farmers have an important role to play in the agriculture of the future and whereas without them, any discussion on the future of the CAP is meaningless,
- BE. whereas, in fact, the number of young farmers is continually decreasing, as confirmed in the working document ‘the future of young farmers in the European Union, drawn up by the European Parliament’s Directorate-General for Research,
- BF. whereas the compulsory co-financing of the CAP may increase the resources available for new measures which are of value as regards quality and meet the needs of consumers and firms which intend to improve the level of food security,
1. Calls for any reform of the CAP to be such as to help ensure that European agriculture meets society's expectations as regards the quality and safety of food, environmental protection, land use, spatial planning, employment and animal welfare, these being elements of the multifunctional nature of European agriculture;
 2. Calls for the second pillar of the CAP and rural development to be strengthened so as to secure the future of rural areas, to ensure that programmes designed to promote the development of rural regions are continued and enhanced and to help safeguard and create jobs;
 3. Considers it essential to encourage an incomes policy in order to keep farmers on the land throughout the Union;
 4. Considers that the CAP should constitute the basis for a European model for sustainable, multifunctional agriculture practised in all EU regions, and that steps should be taken to prevent this from resulting in a renationalisation of the CAP;
 5. Considers that budget discipline has recently been applied with excessive rigour and that agricultural expenditure falls well below the ceilings imposed at Berlin;
 6. Considers that any change in the assumptions made at the Berlin European Council (such as an increase in the number of new Member States) should be reflected in appropriate changes to the budget ceilings, in accordance with the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure¹;
 7. Calls for the Community preference principle to be reaffirmed and updated in the light of society’s new expectations as regards higher standards of food safety, the traceability of foodstuffs and economic and social sustainability;
 8. Wishes, however, the European market to be opened to agricultural products from the poorest (least developed) countries and these countries to receive help in fulfilling prevailing requirements in the EU with regard to food safety, animal welfare and environmental protection;
 9. Calls for the CAP to take account of consumers’ concerns about quality and food safety as well as environmental requirements;

¹ OJ C 172, 18.6.1999, p. 1.

10. Calls for all the requirements which contribute to food safety and which are based on rules on hygiene, traceability and the precautionary principle to be enforced with equal rigour in respect of imports from third countries;
11. Hopes that particular attention will be devoted to the COM in bananas, since it is of immense importance to the social and economic balance of certain EU regions;
12. Calls for balanced development of support, divorced from the production targets;
13. Asks the Commission to draft proposals for the post-2006 period aimed at making direct income support payments a part of rural development policy and linking these payments to environment, nature and landscape conditions in accordance with European legislation;
14. Proposes that, in connection with the Agenda 2000 mid-term review, the obligatory modulation of CAP first-pillar aid, be approved;
15. Considers that environmental protection policies cannot be formulated only within the framework of rural development and that consideration should also be given to strengthening the eco-conditionality of market management-related direct aid;
16. Suggests that the principle of eco-conditionality, that is already incorporated in some areas of the CAP, be systematically extended to all production sectors, given that all economic sectors should be involved in protecting and improving the environment;
17. Considers that modulation of the penalties stemming from the application of the budget stabilisers in the various COMs should be studied with a view to preserving family farms as a characteristic feature of the European agricultural model;
18. Notes that the national financial frameworks granted to the Member States are another CAP instrument which exists within certain common organisations of the market but which should not be extended to all such organisations;
19. Calls, in the beef and veal sector, for the financial packages allocated to Member States to be maintained, although this must not have the effect of disrupting the balance between the Member States;
20. Considers that the system of national financial frameworks should be applicable only in sectors in which production structures differ substantially from one Member State to another— a reason for not making the system universal;
21. Hopes to see better use made of the financial frameworks assigned to Member States in connection with the revision of the various common organisation of the markets;
22. Calls for an annual flexibility reserve to be established so that immediate measures can be taken in the event of crisis;
23. Calls on the Commission to study, in the course of the debate on the future reform of the CAP, the effects of a suitable link between the granting of direct payments and the provision of services relating to multifunctionality;

24. Calls for a policy to support producer organisations, either by means of a new universally applicable regulation or by means of the explicit inclusion of such arrangements in each COM;
25. In order to counter the steady fall in the number of young people who choose farming as an occupation, calls for existing start-up measures to be made mandatory and for each common organisation of the market to include comprehensive provisions to encourage young farmers to set up in business;
26. Calls on the Commission to give priority to young farmers in any future project, as requested in its resolution of 17 January 2001 on the situation of, and prospects for, young farmers in the European Union¹ and reiterated on 6 December 2001 in a joint declaration of the European Parliament, the Economic and Social Committee and the Committee of the Regions;
27. Considers it desirable to make greater use of compulsory co-financing of the CAP and support measures by the Member States, even outside the sphere of rural development;
28. Points out that European agriculture should not focus solely on products but that it also has a role to play vis-à-vis society as a whole; considers therefore that closer coordination between the CAP and the other Community policies is necessary in order to strengthen the Union's territorial cohesion; expresses the hope that full account will be taken of social, environmental and territorial factors in the coming reforms of the COMs;
29. Calls for part of the funds allocated to support of the markets to be reallocated to rural development in order to enable European agriculture to become multifunctional, which will require the provision of compensation to European farmers; considers furthermore that the Union's farmers should be ensured the long-term legal certainty they require in order to invest in qualitative and quantitative production improvements;
30. Deplores the fact that, although the reform has given direct aid a larger role to play in the support system, large agricultural holdings continue to be the main beneficiaries of the CAP, to the detriment of small and medium-sized holdings, despite the central role they play not just in the socio-economic fabric of some areas but also in land management within the European Union as a whole;
31. Calls for EU external protection for agricultural products to be subject to social and environmental conditions, to be negotiated with our trading partners, the relevant criteria should be devised in accordance with internationally binding conventions on social standards, management of natural resources and food safety (ILO, CBD, UNDP, FAO);
32. Calls for the European Union to make major efforts to lessen its dependency on imports of vegetable proteins by introducing an eco-conditionality measure which rewards producers who introduce oilseed crops as break crops in their rotation systems, since over recent years there has been a tendency to practise single-crop farming, which is detrimental to the structure, biological integrity and fertility of soil and to efforts to combat parasites and plant diseases;

¹ OJ C 262, 18.9.2001, p.153.

33. Considers that the market will require increased vegetable protein supply following the ban on meat-and-bone meal; stresses that specific policies to enhance oil seed production are expected to be extremely costly, but underlines that protein by-products of bio-fuel production will become an important source;
34. Considers that there should be no further reduction in the cereals intervention price on account of the fact that cereal intervention stocks have fallen to historic lows and that at its current value the intervention price does not guide the market but, rather, has the effect of deploying a scarcely used safety net;
35. Calls for the payments for durum wheat and other products for which market instabilities have arisen to be evaluated and adjusted when necessary, in order to avoid seriously jeopardising the profitability of crops in traditional growing areas, which should, however, not be extended to new regions;
36. Calls for a review of the cereal yields used to calculate payments, since they are often unrealistic, thus making a technical adjustment of average national yields necessary;
37. Calls for the introduction of specific aid for land used to grow grass crops for non-food purposes, distinct from the opportunities offered hitherto for set-aside areas;
38. Recognises the need to promote area-based livestock farming in particular, for example by introducing a pasture premium; and the system for granting of premiums should be reformed in the livestock farming sector in particular and any resources saved should be used primarily to promote extensive farming and rural areas as a whole;
39. Calls for the introduction of a per-hectare grass premium to support the continued existence of production sectors that can promote natural feedingstuffs, the environment, local products and quality products;
40. Considers that changes should be made to the common organisation of the market in beef and veal, so as to ensure that the aid system takes appropriate account of the individual Member States' specific characteristics;
41. Recommends that hasty decisions should not be taken in the dairy sector and that all options for reform of the common organisation of the milk market should be thoroughly examined before a decision on fundamental changes is proposed;
42. Considers that the effects of the 'Everything But Arms' initiative should be carefully assessed before proposals are put forward for a reform of the COMs, particularly those in sugar and rice;
43. With reference to fruit and vegetables, recalls its position of 26 October 2000¹ and its resolution of 5 July 2001²; in particular, takes the view that, since COMs are based on producer organisations, the grouping level is worryingly low, and since this reduces the effectiveness of a COM it should be remedied as a matter of urgency;

¹ OJ C 197, 12.7.2001, p. 365.

² OJ C 65 E, 14.3.2002, p. 334.

44. Considers that certain products in the fruit and vegetable sector require intervention at certain stages in the economic cycle; in particular calls for a simplification of the procedures for supervising and administering support for processed fruit and vegetables and especially for additional incentives to be introduced for the integration of producers' organisations;
45. Calls on the Commission to submit a proposal for the creation of a permanent system of aid for nuts;
46. Notes that the COM in olive oil will remain in force until a reliable statistical basis is available, for which reason it would be premature to launch a debate on the next reform; points out, however, that, after the last reform, the problem of small producers arose and no solution was found to low-yield olive groves, and that agri-environmental aid has not been provided in such areas;
47. Calls, as regards the implementing rules for the COM in olive oil, for a strengthening of the concept of safeguarding the origin of oils, making the principle launched by Regulation (EC) No 2152/2001¹ compulsory, by virtue of which the origin of the olives and the oil, if different, must be indicated on the label, and the ban on mixing olive oil with other vegetable oils should be definitively sanctioned;
48. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.

¹ OJ L 288, 1.11.2001, p. 36.

P5_TAPROV(2002)0275

Agenda 2000: rural development

European Parliament resolution on rural development in the framework of Agenda 2000 – interim balance in the EU and the applicant countries (2001/2041(INI))

The European Parliament,

- having regard to the opinion of the Economic and Social Committee which it requested on the basis of Article 262 of the EC Treaty and pursuant to Rule 52 of its Rules of Procedure,
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A5-0164/2002),
- A. whereas the Berlin European Council created the second pillar within the common agricultural policy (CAP) and at the same time strengthened it substantially, and the mid-term review of Agenda 2000 must be seen as an opportunity to take further steps towards consolidating rural development,
- B. whereas the active and renewed support of the CAP and policy on economic and social cohesion is necessary in order to guarantee the restructuring of agriculture and fostering of rural development in the candidate countries,
- C. whereas rural development should strengthen multifunctional agriculture throughout the territory of the enlarged Union, thus lending substance to the successive Council declarations in favour of the European agricultural model,
- D. whereas it is necessary to enshrine rural development as one of the European Union's priorities in order to provide rural areas with a space for the future, based on the objectives of effectiveness, credibility, regional fairness, sustainability and the multiplication of social capital in rural areas,
- E. whereas the second pillar of the CAP should be transformed into a genuine policy for sustainable rural development as defined in November 1995 in the Cork Declaration, adopting the principles defined at the European Councils in Helsinki, Göteborg and Barcelona, and must be consistent with the successive multilateral environmental agreements deriving from the Rio Summit,
- F. whereas the first and second pillars are two indissociable components of the common agricultural policy which must complement each other and be geared to a multifunctional form of agriculture that will enable a large number of holdings to remain in business to the benefit of the rural environment as a whole; whereas greater consistency between them should prevent the emergence in Europe of a two-tier system of agriculture, with one tier solely dependent on the markets and the other solely on direct aid decoupled from

production, and should enable market management and land management to be combined harmoniously within a policy of genuine sustainable development,

- G. whereas a model of sustainable rural development should be based on a strictly environmental perspective, strengthening farm practices which are compatible with the environment, and on a socio-economic perspective involving the promotion of entrepreneurship and the consolidation of viable production systems which will guarantee the continued existence of family farms so as to prevent depopulation and maintain a living social and economic fabric in rural areas,
- H. whereas, following the latest epidemics, consumer confidence in the safety of agricultural products and food needs to be boosted,
- I. whereas, since young people have an important role to play in meeting the challenges of tomorrow's farming sector, they should be made a priority in any future planning, as called for in a joint declaration drawn up in December 2001 by representatives of the European Parliament, the Economic and Social Committee and the Committee of the Regions; whereas, furthermore, action should be taken as a matter of urgency in accordance with its resolution of 17 January 2001 on the situation and perspectives of young farmers in the European Union¹,
- J. whereas the rural world needs harmonised cooperation between a range of policies, and instruments under the second pillar must therefore be accompanied by actions which go beyond the agricultural sector,
- K. whereas the principle of economic and social cohesion must play a part in all Union policies and whereas it is necessary to eliminate the cohesion deficit affecting the CAP both in rural development activities and above all in market activities, where this deficit is greater,
- L. whereas farm production needs to be linked to local/regional supply as a way of promoting local/regional development in many of the least-favoured rural areas, keeping value added in the region and fostering stronger ties between farmers and consumers; whereas mechanisms need to be created to support the production and marketing of especially high-quality regional products,
- M. whereas a report on the use made of public support for rural activities under the CAP should be obtained from the Commission, with a view to assessing the impact of that support on both agricultural and non-agricultural activities in rural areas,
1. Deplores the fact that, despite the creation of the second pillar at the Berlin European Council, that pillar has not been allocated adequate funding and rural development still accounts for barely 10% of the Community agricultural budget; calls accordingly for that proportion to be increased in order to enable all the environmental, territorial and social challenges of rural development to be met;
 2. Notes that the national allocations to the second-pillar budget are based on out-of-date criteria and calls for urgent reassessment;

¹ OJ C 62, 18.9.2001, p. 153.

3. Considers it worrying that differences in the application of rural development measures correspond more to the co-financing capacity of State or regional authorities than to the need for rural development actions - a situation which may deepen existing regional imbalances;
4. Highlights the unequal application by the Member States of the rural development measures in force, which do not always provide an adequate response for the most remote rural areas and those most likely to be affected by depopulation, in which connection the use of Regulation (EC) No 1257/1999¹ is often very one-sided and full benefit is not taken of all the opportunities which it affords; this situation may become worse with the forthcoming enlargement, for which reason measures intended to promote rural areas should be strengthened throughout the territory of the existing and the enlarged EU;
5. Proposes that, insofar as rural policy requires the action of various social and economic policies in order to bring about real development in rural areas, there should be greater coordination between EAGGF rural development programmes and actions carried out under the Structural Funds;
6. Takes the view that, without prejudice to the ability of internal authorities (state or regional) to define their priorities, and with due regard to the subsidiarity principle, the second pillar of the CAP must continue to define a core of priority actions at Community level which will guarantee sustainable rural development and the maintenance of multifunctional family-based agriculture throughout the territory of the enlarged Union;
7. Invites the Commission to define a new typology of rural areas on the basis of objective socio-economic, environmental and climatic criteria; this typology should be helpful in establishing priority measures for each region which will guide future rural development programmes and ensure that 'human-scale' agricultural holdings are promoted, that public and private local services continue to be provided and that new jobs are created;
8. Calls, in the context of developing and extending further policies on rural areas, for products of particular quality and origin to be covered also;
9. Proposes that in the implementation of this new typology, which will enable different cofinancing percentages to be applied in line with the various rural problems to be found within the Union, Community rules should be established which will prevent any illegal distortion of competition within the internal market;
10. Considers that, in investment under European policy on rural areas, the emphasis should be on, and it should directly stimulate, economic activity, which is often not the case, for example, for purchases of nature areas by the public authorities;
11. Considers that rural development policy will need to encourage the continued presence in rural areas of essential public services and social facilities as a way of strengthening their development and combating depopulation;

¹ OJ L 160, 26.6.1999, p. 80.

12. Considers it vital to improve the current forms of programming and partnership, making use of the experience gained from the Leader initiatives, particularly as regards their ability to revive local areas and their clear target of developing social and human potential in rural areas, and also to strengthen dialogue and coordination between producer organisations and other local/regional economic players; if these objectives are to be achieved, significant additional resources must be made available, over and above the amounts currently available under the Leader initiative;
13. Takes the view that rural development policy must support the creation of local/regional marketing infrastructure and promote direct sales as a way of improving the local/regional marketing of production and securing more profitable prices for that production; calls on the Commission to submit proposals aimed at supporting the production and marketing of especially high-quality regional products;
14. Calls for the general adoption of a contractual focus in rural development programmes which takes account of the various groups for whom they are intended (young farmers, professional farmers, employees, etc.); considers that the beneficiaries of aid should therefore be required to produce multiannual plans which lay down as conditions for the application of those programmes criteria such as the mobilisation of the largest possible number of human and material resources at local level, the maintenance of multifunctional family-based agriculture, the sustainability of the regions concerned and coherence with the actions being implemented in the same areas within the first pillar of the CAP;
15. Notes that the multifunctionality of agriculture, food safety and sustainable development should be reflected in practical measures within the CAP and appropriately represented in rural development measures;
16. Calls for the introduction of a transitional-cost funding measure for holdings (particularly in livestock areas) which decide to change their farming methods to meet, for example, animal health and welfare requirements, since the impact which meeting such standards currently has on production costs and, thereby, incomes is not taken into account by Regulation (EC) No 1257/1999; considers that the provision of degressive transitional compensatory aid would encourage large numbers of small livestock holdings to comply with standards without being faced with the risk of a loss of income, and would be in the interest of consumers and animal welfare campaigners;
17. Notes that, owing to structural constraints (surface area, production volumes, self-financing capacity), many smallholdings do not have sufficient resources and cannot obtain a sufficient amount of aid to stay in business and/or be passed on to a successor; emphasises that, while the existing Community measures provide support for commercial and non-commercial activities of such holdings that are geared to quality and environmental requirements, they do not enable them to stay in business despite their non-commercial role of protecting the social fabric in rural areas and managing the land; considers that thought should be given to amending Article 33 of Regulation (EC) No 1257/1999, covering the adaptation and development of rural areas, so as to authorise support for this type of small holding, with a view to curbing the trend towards the economic and social devitalisation and depopulation of many of the Union's rural areas;

18. Takes the view that coherence must be ensured between the first and second pillars of the CAP, through complementarity between the two, and that multifunctional and competitive agriculture must be preserved, which means that environmental measures and measures relating to food safety and quality must be strengthened;
19. Calls on the Commission to continue to pursue an integrated approach and to consider policy on rural areas in all its aspects in order to take due account of the principle of multifunctionality;
20. Observes that the two pillars of the CAP form a single whole, and considers that in future, greater emphasis needs to be placed on the second pillar - rural development - and the appropriate measures to promote it need to be adopted both at European and at national level;
21. Calls for compulsory and gradually increasing modulation within the first pillar with the intention of reducing disparities in area payments between regions in the EU as part of the review of Agenda 2000 and thus creating an aid system which distorts competition less and which can be defended (in future trade negotiations) as a necessary instrument to support the European model of agriculture; the money saved from the first pillar shall be used for rural development in all areas of the European Union; considers in this connection that measures aimed at young people entering the industry and holdings wishing to invest should be given support over and above that provided for in Regulation (EC) No 1259/1999¹, as is the case for early-retirement measures, measures for disadvantaged areas and areas subject to environmental constraints, and agri-environmental and afforestation measures;
22. Calls on the Commission, with a view to the Agenda 2000 review in 2006, to submit fresh proposals for the compulsory, uniform modulation of first-pillar aid for the purpose of covering and strengthening the wide range of initiatives which the Commission itself intends to implement by means of rural development; calls for conditionality between the disbursement of direct payments and the provision of services within a multifunctional system and calls on the Commission to extend eco-conditionality measures in favour of sustainable development;
23. Draws attention to the fact that making direct income support part of rural policy would place it in the WTO Green Box, for which reason it calls upon the Commission to consider such a possibility with a view to devising a support scheme which creates as little distortion to competition as possible and which helps to maintain a viable, sustainable rural environment;
24. Considers it vital for the Union to make additional efforts towards rural development in the candidate countries and welcomes the fact that the Commission guidelines provide for a substantial increase in co-financing percentages for programmes being applied in those countries;
25. Takes the view that the range of different funding arrangements currently used to implement the second pillar of the CAP, some being charged to the EAGGF Guarantee

¹ OJ L 160, 26.6.1999, p.113.

Section and others to the EAGGF Guidance Section, is inappropriate and stands in the way of efficient uniform management throughout EU territory;

26. Recommends to the Commission that the current Community support framework for rural development be simplified with a view to the creation, on the basis of the two current sections of the EAGGF, of a single Agri-Rural Fund for the whole of the CAP, which would establish a single financing system for measures under the second pillar allowing more time between the commitment and payment of appropriations and enabling co-financing to be differentiated according to areas, whilst leaving open the ERDF and ESF to complement it with other actions in favour of rural areas;
27. Considers that the EC Treaty should be revised so that the European Parliament can be allocated full codecision powers in respect of the agricultural sector and the agricultural budget should be initiated prior to the accession of the candidate countries;
28. Considers that Member States must be urged to provide cofinancing under the second pillar for rural development in order to apply the principle of multifunctionality more fully throughout Europe;
29. Points out that the intended purpose of funds generated by modulation or eco-conditionality is laid down in Regulation (EC) No 1259/1999 and they must be used exclusively for agri-environmental aid, early retirement, the afforestation of farmland and compensatory payments; calls for the possibilities relating to the scope of aid under the second pillar to be widened so as to allow Member States greater flexibility in the intended use of such funds;
30. Calls for the principle of good agricultural practice to be recognised in all Member States and draws attention to the existing regulations which provide for the possibility of environmental conditions and take account of the ecological aspects of agriculture;
31. Considers that Member States should only be able to use first-pillar resources released through modulation or eco-conditionality to be used only if national cofinancing is available, and stresses that cofinancing also has the express aim of increasing the involvement and responsibility of national or regional authorities;
32. Asks that it should be possible for first-pillar resources released through modulation or eco-conditionality to be used, if the Member States consider it advisable, as additional Community co-financing for measures already included in the rural development programmes in force, with the emphasis being placed on those parts of the production process that are of relevance to consumer protection within the framework of the European agricultural model and Regulation (EC) No 178/2002¹ on traceability and food safety;
33. Warns of the danger of gradual renationalisation and stresses that the Agenda review is purely an interim assessment of the reform set in train in accordance with the Agenda;
34. Notes that European agriculture is characterised by a wide variety of production conditions, with marginal rural areas lying alongside flourishing production areas, a

¹ OJ L 31, 1.2.2002, p. 1.

situation which results in major disparities between regions which should be addressed by promoting the countryside and securing a degree of diversification of the activities in rural areas in order to enhance their appeal;

35. Considers it advisable not to hold a joint debate on the mid-term review of the Agenda and the enlargement negotiations;
36. Considers it advisable, with a view to the forthcoming enlargement, to continue to pursue a policy on rural areas, which should be stepped up, further developed and amply financed, for the whole EU, with sufficient decentralised responsibilities;
37. Notes that, two and a half years after Regulation (EC) No 1257/1999 was first implemented, procedures are still as lengthy and complex as before, and that this acts as an unwanted brake on the new impetus provided by many projects put forward by local actors; notes furthermore that this situation makes it more difficult for rural development to take on greater importance within the CAP; calls accordingly for appropriate action in the form of a clarification of the rules governing the implementation of the rural regulation and a simplification of procedures;
38. Instructs its President to forward this resolution to the Council and Commission.

P5_TAPROV(2002)0276

Plant protection products

European Parliament resolution on the Commission report entitled: ‘Evaluation of the active substances of plant protection products (submitted in accordance with Article 8(2) of Council Directive 91/414/EEC on the placing of plant protection products on the market)’ (COM(2001) 444 – C5-0011/2002 – 2002/2015(COS))

The European Parliament,

- having regard to the Commission report (COM(2001) 444 – C5-0011/2002),
- having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market¹, and having regard to Council Directives 76/895/EEC², 86/362/EEC³, 86/363/EEC⁴ and 90/642/EEC⁵ on the fixing of maximum levels for pesticide residues in and on fruit and vegetables, cereals, and foodstuffs of animal origin,
- having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁶,
- having regard to Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption⁷,
- having regard to the Commission’s White Paper entitled: ‘Strategy for a future Chemicals Policy’(COM(2001) 88),
- having regard to its resolution of 15 November 2001 on the Commission’s White Paper entitled: ‘Strategy for a future Chemicals Policy’⁸,
- having regard to Directive 96/56/EC of the European Parliament and of the Council of 3 September 1996 amending Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁹,
- having regard to Directive 1999/43/EC of the European Parliament and of the Council of 25 May 1999 amending for the 17th time Directive 76/769/EEC on the approximation of

¹ OJ L 230, 19.8.1991, p. 1.

² OJ L 340, 9.12.1976, p.26.

³ OJ L 221, 7.8.1986, p.37.

⁴ OJ L 221, 7.8.1986, p. 43.

⁵ OJ L 350, 14.12.1990, p. 71.

⁶ OJ L 327, 22.12.2000, p. 1.

⁷ OJ C 330, 5.12.1998, p. 32.

⁸ Text Adopted, Item 9.

⁹ OJ L 236, 18.9.1996, p. 35.

the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations¹,

- having regard to its resolution of 17 January 2002 on the recommendation for second reading of the European Parliament relating to the European Parliament and Council Decision laying down the Sixth Community Environment Action Programme²,
 - having regard to the international treaties signed by the European Union (OSPAR, etc.),
 - having regard to the ‘Draft Guidance document on relevant metabolites’³,
 - having regard to the opinions delivered by the Scientific Committee on Plants in the course of the evaluation of active substances,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Agriculture and Rural Development (A5-0155/2002),
- A. whereas, 10 years after the adoption of Directive 91/414/EEC, no more than 31 of the 834 existing active substances to be evaluated have completed the full procedure, whereas it will not be possible to evaluate the remaining substances by July 2003, and whereas, unless there is a change in policy, there can be no guarantee of compliance with the new timetable proposed by the Commission,
- B. whereas the application to new and existing substances of totally similar procedures, evaluation standards and decision-making criteria has led to ‘pointless’ evaluations of existing active substances, given that, with regard to some of them, the extensive scientific literature already available would have led to the conclusion, long before any evaluation had been carried out, that they would not satisfy the requirements of Directive 91/414/EEC, and whereas the existence of unfavourable scientific information should be sufficient grounds for not including an active substance without carrying out an evaluation process, unless the notifier has submitted research which adequately rebuts that information,
- C. having regard to the late publication of the various implementing regulations connected with Directive 91/414/EEC and to the excessive flexibility introduced into the procedure for the evaluation of active substances on the first list,
- D. whereas certain important events involving the problems caused by pesticides should have prompted a change in priorities as regards evaluation and/or an acceleration of that procedure,
- E. whereas the pesticides listed in Annex I may not be genuinely regarded as ‘safe’, because of

¹ OJ L 166, 1.7.1999, p. 87.

² P5_TA(2002)0007.

³ Doc. Sanco/221/2000 rev. 2.

- the restrictions accompanying the inclusion of an active substance in Annex I,
 - the absence of any clear criteria for the inclusion of an active substance in Annex I and of any data relating to the actual usage of existing active substances,
 - the definition given to the concept of ‘relevant metabolite’,
 - the absence of any evaluation based on the criterion of ‘drinking water produced from surface water’,
 - the aspects not covered by evaluation (endocrine disrupters, synergistic additives, the additive and synergistic effects of several pesticides, etc.),
 - the absence of any decision not to include a pesticide on the list on grounds connected with human health,
- F. whereas the procedure for the application of the Directive is highly complex and requires the involvement of scientists, specialists and interested parties with a thorough knowledge of the various substances under evaluation,
- G. whereas the cost involved in the evaluation procedure is such that some low-toxicity active substances which account for no more than a small percentage of the market will not be defended by the manufacturers and may well, therefore, not be listed in Annex I to the Directive,
- H. whereas active substances are in general being withdrawn from the market not because of their intrinsic properties but because of low profitability and/or according to the ability of producers to meet the costs of evaluation,
- I. whereas, with regard to ‘essential uses’, Article 15 of Regulation (EC) No 451/2000 has made possible the submission of a large number of applications for derogations,
- J. whereas, in July 2003, more than 300 active substances will be withdrawn from the EU market, and whereas the short-term result of the withdrawal of so many active substances should be investigated and measures taken with regard to certain substances which have been shown to be indispensable,
- K. whereas Commission reports on the evaluation of the control systems relating to the placing on the market and use of plant protection products and to residues in foodstuffs of plant origin have revealed severe shortcomings in the control systems of the Member States,
- L. whereas the WTO rules currently in force (for example, the Codex alimentarius) may well totally nullify the efforts being made under European legislation with a view to securing a high level of protection of human health and of the environment,
- M. whereas a study by the European Environment Agency in 1995 showed that concentrations of pesticides in groundwater exceeded the limit of 0.5 µg/l in 75% of

agricultural areas, and whereas the Commission recognises that the problem of the pollution of groundwater by pesticides is still increasing,

- N. whereas, with regard to plant protection products, it will not be possible to attain a high level of protection of human and animal health and of the environment simply by the application of Directive 91/414/EEC, particularly as that Directive is not capable of curbing the constant rise in the use of and dependence on pesticides, and whereas, since 1996, there has been a general increase in pesticide use in most of the Member States,
- O. whereas the implementation of the fifth Environmental Action Programme was a complete failure as regards the aim of significantly reducing the use of pesticides, and whereas publication of the Commission communication on sustainable pesticide use has constantly been postponed, despite the fact that, after a very extensive study in 1998, the Commission reached the general consensus that there was a need for additional European risk-reduction measures,
- P. whereas Parliament has not been duly informed of cases where industry has failed to meet deadlines or where the information provided by industry has been inadequate,
1. Agrees to an extension of the evaluation deadlines, subject to the following conditions:
- (i) no extension is to be granted in respect of the evaluation of the active substances set out in List 1,
 - (ii) the active substances set out in List 2 are to be evaluated no later than July 2005, those set out in Lists 3 and 4 no later than July 2008,
 - (iii) extensions of authorisations beyond 2003 with regard to the active substances set out in Lists 2 to 4 will be granted solely for substances in respect of which complete dossiers have been submitted by the prescribed date and of which a preliminary evaluation has shown that the requirements of the Directive may be satisfied, unless they are covered by the procedure under Article 15 of Regulation (EC) No 451/2000 and subject to at least the strict criteria laid down in the technical annex to the Commission report COM(2001) 444 or by the proposals put forward by the Commission pursuant to this resolution on active substances with low toxicity levels on priority Lists 3 and 4,
 - (iv) substances deemed to cause problems for health, the environment and drinking water sources are to be evaluated as a matter of priority in each list,
 - (v) the Commission is to report, before the end of December 2003, on the stage reached in the implementation of the review programme and the probable impact thereof and to include a list of fruit and vegetable crops, specifying for each one the pests and the diseases which affect it and the number of maximum Community residue limits established in respect of the use of plant protection products,
 - (vi) the Commission is to submit, before the end of June 2006, an update of the above report and an estimate of the number of substances included in Annex I to the Directive at the end of the programme, specifying how each one is used and whether its use is new or revised,
 - (vii) the Commission is to submit a proposal for the revision of the Directive before the end of 2002;

2. Notes that the technical annex to the Commission report clearly indicates a number of shortcomings in the current measures to implement Directive 91/414/EEC, including:
- a lack of monitoring and inspection measures to check that the Directive is being applied correctly: checks on the further use of banned substances and checks on the implementation of the required risk-reduction measures on which inclusion in Annex 1 was conditional,
 - limitation of the evaluation to active substances, and no systematic evaluation of the other, inert substances contained in product formulae,

and calls for these aspects to be tackled when the Directive is revised;

3. Agrees with the proposals for the amendment of Directive 91/414/EEC submitted by the Commission in the technical annex which accompanies its report and supports in particular the introduction of comparative assessments and of the substitution principle; believes that
- these two elements should be implemented in a structured way in the future authorisation system, so that active substances that represent the lowest toxicity are chosen and no authorisation is given in respect of an active substance when other less harmful agricultural techniques, methods and practices are available,
 - serious consideration must be given to issues such as resistance to plant protection products, integrated pest management and good viable alternative agricultural practice;

4. Calls, before an active substance is included in Annex I, for

- (i) the criteria for inclusion to be clarified and for them to constitute an integral part of the Directive and to be established in conformity with Community legislation, in particular the Water Framework Directive, and international treaties,
- (ii) the evaluation and authorisation procedure to consist of two stages:
 - exclusion of any active substance which presents - or of which the metabolites present - one of the following characteristics:
 - it is carcinogenic
 - it is toxic for reproduction
 - it is mutagenic
 - it is an endocrine disrupter (except for pheromones used in a non-dispersive way)
 - it is persistent
 - it is bioaccumulable

- it is on a priority list established under relevant international treaties ratified by the European Union, or on the list of priority hazardous substances for water policy annexed to Directive 2000/60/EC,
 - in the case of active substances not excluded, evaluation must take account of their incidence on the health of children and foetuses as well as any possible additive and synergetic effects linked to total exposure to certain pesticide products;
5. Calls on the Commission to take all appropriate steps to ensure that only one file is submitted per substance to avoid duplicate testing;
 6. Calls on the Commission not to authorise any active substances in connection with which strict but unenforceable conditions for use (risk-reduction measures) are required in order to comply with the uniform principles;
 7. Calls for the granting of authorisation to be conditional upon the producer providing information on the appropriate method of detecting the substance in respect of which authorisation is requested;
 8. Calls for the redefinition of the concept of ‘relevant metabolites’ and for the revision of the corresponding ‘Guidance document’, with a view to ensuring a complete toxicological evaluation of metabolites of active substances equivalent to the toxicological evaluation of the primary substances, as well as for the publication, at the earliest possible opportunity, of the Guidance document entitled ‘Drinking Water produced from surface water’;
 9. Calls for the rapid creation, at European Union level, of a publicly accessible database relating to the quantities of all pesticides produced and sold, the volumes used and the way in which they are used (including a breakdown by type of crop and class of product), the toxicological (including ecotoxicological) characteristics of pesticides and non-chemical alternatives to pesticides;
 10. Calls for the introduction of legally binding labelling requirements for produce treated with pesticides, so that the consumer is informed about all pesticides used during production, storage or marketing;
 11. Calls for the evaluation and decision-making procedure under Directive 91/414/EEC to be made more transparent and more democratic, in particular by allowing representatives of interest groups (e.g. consumers, NGOs and water producers) to participate therein and by ensuring that they have access to information, in particular to evaluation documents relating to the active substances produced by the Member States;
 12. Calls on the Commission, before the end of 2002, to propose a clear procedure for the essential use of certain active substances pursuant to Article 15 of Regulation (EC) No 451/2000, which should ensure that this article is used as sparingly as possible and only
 - temporarily,

- when the business in question uses them under the conditions laid down for integrated crop management,
- in cases which satisfy the restrictions laid down in the technical annex to the Commission proposal (COM(2001) 444),
- in cases which do not involve substances known to be of concern and/or a clear priority in regard to international obligations or environmental programmes;

requires the new procedure to be fully consistent with the principles laid down in the Directive and the protection of human health and the environment to take precedence over the requirements of agricultural production;

13. Calls for an end to the insecurity created by the differences which exist between the laws of the individual Member States relating to the maximum permitted pesticide residue limits and on the Commission to give priority to the harmonisation thereof in respect of all active substances which will continue to be placed on the market after 2003;
14. Calls on the Commission to devote special attention to the financing of research into alternative products;
15. Calls on the Commission to notify Parliament, before the end of the year, of the measures which it intends to take to ensure that useful substances which have low toxicity levels and appear on priority Lists 3 and 4, but which have not been notified because of a limited commercial interest or of high evaluation costs, may be evaluated with the help of an appropriate restricted data package that does not compromise their safety, so that they may continue to be marketed;
16. Calls for the publication, before July 2003, of a new proposal for a directive establishing a programme for a reduction in the use of pesticides, similar to the one introduced in some Member States, which lays down quantitative reduction targets, a time schedule and measures and means to achieve these targets; that directive should devote special attention to
 - compulsory training in integrated crop management methods and certification of farmers and professional users of pesticides,
 - national action plans for reducing the use of and dependence on pesticides, with specific objectives and target dates,
 - extra financial assistance for research into and application of non-chemical pest-control methods, integrated crop management and organic farming,
 - coordinated monitoring of and gathering of data concerning the impact of pesticide use on the environment and health,
 - the creation of a link to agricultural environmental programmes (both existing and new), so that the payment of subsidies is made conditional on the implementation of environmental measures;

17. Calls for the drawing up of a proposal for a directive regulating the establishment of a 'Code of Best Practice' for each crop with regard to the use of authorised pesticides, as is already customary in some Member States, to be based on integrated crop management methods, with priority assigned to non-chemical agricultural methods; this Code should also establish:
 - a system of spraying licences,
 - a system for the recording of the products used and their quantities,
 - a system of cultivation-free zones along watersides,
 - a system of application of the best available techniques;
18. Calls, further, on the Commission to give priority to the strict enforcement and monitoring of residue levels in food products; each year, the European Food Safety Authority should carry out representative checks on all agricultural products produced in the various Member States and on agricultural products from third countries which are sold on the European market; reports on the checks carried out by the food authority should take the EU rules on food-product residue levels as a benchmark;
19. Calls on the Commission, before the end of 2003, to report on possible ways of promoting mutual recognition of product registration between Member States and introducing zones within which the requirements for mutual recognition of product authorisation should be met, provided that the system:
 - is used only in those Member States with similar agri-environmental characteristics, including climate,
 - is not used in the case of active substances which are registered in a Member State for essential use;
20. Calls on the European Union to work within the WTO to ensure that WTO rules do not weaken standards at European level in the field of public health and environmental protection;
21. Emphasises that maximum residue levels (MRLs) will in principle be set at an extremely low level (analytical determination limit) unless the notifier can prove that even the best available techniques (treatment frequency, dosage, waiting period before harvesting, etc.) cannot prevent a certain residue level;
22. Calls on the Commission to ensure that the plant-protection product evaluation criteria explicitly include assessment of the impact which the active substances have on domestic bee populations and the views of professional beekeepers organisations regarding those substances;
23. Instructs its President to forward this resolution to the Council and to the Commission.

P5_TAPROV(2002)0277

Shipbuilding

European Parliament resolution on the situation of the shipbuilding industry

The European Parliament,

- having regard to its position of 15 November 2001¹ and its resolution of 14 December 2000²,
 - having regard to the fifth report from the Commission to the Council on the situation in world shipbuilding of 30 April 2002 (COM(2002) 205),
 - having regard to the proposal for a Council regulation concerning a temporary defensive mechanism for shipbuilding (COM(2001) 401) and Council Regulation (EC) No 1540/98 establishing new rules on aid to shipbuilding,
 - having regard to Rule 42(5) of its Rules of Procedure,
- A. whereas the world market in container ships, product and chemical tankers and natural gas tankers remains in crisis and market shares have altered in favour of Korea and to the detriment of the EU and other States,
- B. whereas, following a recent inquiry into the situation in the Republic of Korea, the Commission concluded that international competition in this sector is still being distorted by dumping and that this unfair competition is seriously endangering the European shipbuilding industry,
- C. having regard to the seriousness of the situation in the shipbuilding industry following the closure of many industrial sites and the loss of a great many jobs,
- D. whereas the European shipbuilding industry has been kept in a situation of uncertainty since 31 December 2000 and has an urgent need for equal terms of competition to be established as quickly as possible,
- E. whereas the negotiations begun by the Commission with South Korea did not succeed in reestablishing conditions of fair and transparent competition on the world market,
- F. whereas on 14 May 2001 the Council authorised the Commission to initiate WTO proceedings against the Republic of Korea,
- G. whereas the Council has not taken a decision on the adoption of the defensive trade measures proposed by the Commission and approved by Parliament, and whereas a further inquiry has been requested,

¹ Texts Adopted, Item 4.

² OJ C 232, 17.8.2001, p. 362.

1. Recalls that, as early as November 2001, it approved the Commission proposal for a Council regulation concerning a temporary defensive mechanism for shipbuilding;
2. Recalls that it asked the Commission to amend its proposal to include other market segments, namely gas tankers (LNG and LPG carriers), ferries and ro-ro vessels, as these ship types are also referred to in the complaint lodged with the WTO;
3. Reiterates its demand that the proposed temporary defensive mechanism should accompany the Community's actions against Korea in the WTO and that it should apply only for the duration of the WTO proceedings;
4. Supports the Commission in its 'two-track approach' in combining the WTO proceedings with the adoption of the temporary defensive mechanism;
5. Calls on the Council to adopt the regulation, taking due account of the requested amendments, at its next meeting;
6. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.

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Corporate social responsibility

European Parliament resolution on the Commission Green Paper on promoting a European framework for corporate social responsibility (COM(2001) 366 – C5-0161/2002 – 2002/2069(COS))

The European Parliament,

- having regard to the Commission Green Paper (COM(2001) 366 – C5-0161/2002),
- having regard to the Final Report of the High Level Group on the economic and social implications of industrial change, 1998, and the Commission communication to the social partners on special restructuring,
- having regard to the Conclusions of the European Council of Göteborg, 15 and 16 June 2001 (SN200/1/01/REV1),
- having regard to its resolution of 15 January 1999 on EU standards for European Enterprises operating in developing countries: towards a European Code of Conduct¹,
- having regard to its resolution of 25 October 2001 on openness and democracy in international trade²,
- having regard to its resolution of 13 November 2001 on the Commission communication "Services of General Interest in Europe"³,
- having regard to the Commission communication of 15 May 2001 on "A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development" COM(2001) 264,
- having regard to the Commission Recommendation of 30 May 2001 on the recognition, measurement and disclosure of environmental issues in the annual accounts and annual reports of companies (notified under document number C(2001) 1495)⁴,
- having regard to the Commission staff working paper of 27 March 2001 "Consultation Paper for the preparation of a European Strategy for Sustainable Development" SEC(2001) 517,
- having regard to its decision of 14 November 2000 approving the draft Charter of Fundamental Rights of the European Union⁵,

¹ OJ C 104, 14.4.1999, p. 180.

² OJ C 112 E, 9.5.2002, p. 326.

³ Texts Adopted, Item 12.

⁴ OJ L 156, 13.6.2001, p. 33.

⁵ OJ C 223, 8.8.2001, p. 74.

- having regard to its resolution of 25 October 2000¹ on the Commission communication on the social policy agenda,
- having regard to Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of laws, regulations and administrative provisions of the Member States concerning misleading advertising²,
- having regard to the Commission communication of 20 June 2001 on employment and social policies: a framework for investing in quality (COM(2001) 313),
- having regard to its resolution of 31 May 2001³ on the Commission communication on bringing our needs and responsibilities together: integrating environmental issues with economic policy,
- having regard to its resolution of 17 January 2002 on the Commission Green Paper on integrated product policy⁴,
- having regard to Regulation 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)⁵,
- having regard to the Commission communication of 18 July 2001 on promoting core labour standards and improving social governance in the context of globalisation (COM(2001) 416),
- having regard to the 1968 Brussels Convention as consolidated in Council Regulation (EC) No 44/2001 of 26 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters⁶,
- having regard to the two most authoritative internationally agreed standards for corporate conduct adopted by the ILO: the "Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy" and the OECD: "Guidelines for Multinational Enterprises", and to codes of conduct agreed under the aegis of international organisations such as the FAO, WHO and World Bank and efforts under the auspices of UNCTAD with regard to the activities of enterprises in developing countries,
- having regard to the ILO Declaration on Fundamental Principles and Rights at Work, 18 June 1998, and its agreement of universal core labour standards: Abolition of forced labour (Conventions 29 and 105), Freedom of association and the right to collective bargaining (Conventions 87 and 98), Abolition of child labour (Convention 138 and Convention 182), and non-discrimination in employment (Conventions 100 and 111),

¹ OJ C 197, 12.7.2001, p. 180.

² OJ L 250, 19.9.1984, p. 17.

³ OJ C 47 E 21.2.2002, p. 218.

⁴ P5_TA(2002)0014.

⁵ OJ C 114, 24.4.2001, p. 1.

⁶ OJ L 12, 16.1.2001, p. 1.

- having regard to the United Nations Universal Declaration of Human Rights and in particular its article where every individual and every organ of society is called upon to play its part in securing universal observance of human rights, the 1966 International Covenant on Civil and Political Rights, the 1966 Covenant on Economic, Social and Cultural Rights, the 1979 Convention of the Elimination of All Forms of Discrimination Against Women, the 1994 Draft United Nations Declaration on the Rights of Indigenous Peoples, 1989 UN Convention on the Rights of the Child,
 - having regard to the OECD Anti-Bribery Convention (1997),
 - having regard to the European Commission communication of 11 April 2001 on conflict prevention (COM(2001) 211), the U.S.-U.K. voluntary principles on security and human rights and the development of international certification schemes such as those for diamonds to link trade with conflict prevention,
 - having regard to the decision of the European social partners to contribute to the implementation of actions aimed at eradicating all forms of child labour exploitation and to promote the rights of these children throughout the world,
 - having regard to the EU framework policy on quality of work, including the elements of gender equality, diversity and non-discrimination, lifelong learning, and career development, worker involvement, and health and safety,
 - having regard to the Commission staff working paper of 7 March 2002 on the Environmental Integration in the External Policies of the General Affairs Council (SEC (2002) 271),
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Industry, External Trade, Research and Energy and the Committee on Women's Rights and Equal Opportunities (A5-0159/2002),
- A. whereas all people throughout the world are entitled to work in an environment where their basic human rights, as set out by the Universal Declaration of Human Rights and the ILO Core Labour Standards are fully respected,
- B. whereas there is a clear basis in international law for extending obligations on companies to respect human rights,
- C. whereas global consensus is growing inside companies and in investors' circles, that they have a broader mission than only making profits, and that the challenge for success lies in combining profitability with sustainability and accountability; whereas major companies and investors have committed themselves to such broader missions and are engaged in initiatives like the Global Compact to elaborate on that mission,
- D. whereas European companies must constantly strive to maintain a gender balance, particularly at middle and senior management levels, with regard to the internal dimension of the branches of their business, not only in Europe but also in third countries where they have branches,

- E. whereas a company's stakeholders are defined as all actors that influence the company or are influenced by the company, and whereas employees remain the primary stakeholders in company activities,
- F. whereas it is widely recognised by the business community that companies are corporate citizens and need to act responsibly towards all stakeholders,
- G. whereas companies could play an important role in promoting sustainable development, especially to combat social exclusion and discrimination, reduce environmental impacts, and develop services and products meeting the criteria of design for all,
- H. whereas only one third of the voluntary codes of conduct on corporate social responsibility world-wide refer to international social standards of the ILO, according to an ILO survey in 1998,
- I. whereas the broad diversity of voluntary codes of conduct and labels with very different standards and verification mechanisms makes comparison of effective performances problematic, and whereas many of these codes of conduct have been adopted unilaterally by the management of the companies concerned,
- J. whereas there is increasing consensus that the starting point must be a voluntary approach, without removing the possibility of regulation where appropriate,
- K. whereas providing and using information on the social, environmental and economic impacts of companies in a format that is authoritative, accessible and transparent and as far as possible in a manner that facilitates inter-company comparisons of effectiveness, would be an effective foundation to promote corporate social responsibility throughout the European Union,
- L. whereas there is a growing need for the statistical and quantitative methods in this field to be complemented with the development of a more dynamic dialogue; companies in dynamic dialogue with their stakeholders can more easily and more effectively identify and resolve problems associated with corporate social responsibility,
- M. whereas an EU framework for corporate social responsibility should build on the experience of the EU EMAS regime, in particular its aim for continuous improvement and independent auditing and verification, but recognising that there can be no 'one-size-fits-all' approach to CSR,
 - 1. Welcomes the Green Paper on corporate responsibility, the corresponding consultation process and other Commission initiatives aimed at furthering the CSR debate and promoting corporate social responsibility;
 - 2. Welcomes the huge response to the Commission's consultation as well as voluntary initiatives by companies and employers' organisations, coalitions of NGOs and trade unions to promote corporate social responsibility; notes that although these initiatives remain subordinate to national and international legislation, voluntary initiatives promoting the business case for CSR should, nevertheless, be preferred to legislation as a more effective and efficient way of achieving measurable outcomes;

3. Points out that companies are required to implement fully statutory provisions concerning equal opportunities for men and women under the relevant international, European and national legislation; calls on companies to take voluntary measures to ensure a high level of equality between men and women (e.g. through positive action) in order to enhance female potential and guarantee that their subcontractors and suppliers uphold women's rights and provide equal opportunities for men and women;
4. Calls on the Commission to ensure that the practical implementation of its strategy does not detract from efforts to promote clarity in Community action; calls for the administrative requirements which the strategy entails for companies to take account of the Member States' efforts to simplify administration;
5. Emphasises the importance of social partnership of employers and employees and employee representatives both within the company at different levels, and in a broader local, regional, sectoral, national, European and global framework of social dialogue;

Codes of conduct and social reporting

6. Invites the Commission to bring forward a proposal in Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies¹ (the Fourth Company Law Directive) for social and environmental reporting to be included alongside financial reporting requirements;
7. Calls on the Commission to include in this proposal proactive encouragement for each company to present, in cooperation with workers' representatives, annual equal opportunities plans which provide information regarding the numbers of men and women at each of the company's organisational levels, possible measures to improve the situation in cooperation with employees' representatives, information for each sex regarding remuneration, promotion and training opportunities and proposals designed to ensure that work is better organised for the purpose of reconciling family and working life;
8. Calls for annual social and environmental impact assessment reports to be independently verified and include all levels of the company, its supply chain and business partners, where appropriate, and to consider proposals being formulated by Social Accountability International, the Clean Clothes Campaign, the Fairwear Foundation, the Ethical Trading Initiative and the Institute for Social and Ethical Accountability on monitoring and verification mechanisms;
9. Calls on the Commission to investigate within the limits of its own competencies and those of the Member States, how far information about companies' social and environmental performance already held by regulatory authorities could be better collated and published;
10. Calls on all European private and collective pension funds to state their ethical criteria in their investment policies;

¹ OJ L 222, 14.8.1978, p. 11.

11. Calls on the Commission to put forward a proposal on social labelling; it should as a minimum be based on criteria such as compliance with human and trade union rights, the work environment, training and development of employees, equal treatment, social and ethical consideration for employees and citizens in the surrounding community; also calls on the Commission to consider whether it is appropriate to introduce common social and environmental labelling;
12. Calls on the two sides of industry at European, national and company level to agree on codes of conduct that uphold women's rights particularly regarding (1) equal pay for work of equal value, (2) the quality of women's employment, (3) measures to combat discrimination on recruitment, (4) the adoption of innovative and effective measures to combine family and professional life, (5) the improvement of career opportunities for women, (6) basic and further training opportunities for women enabling them to adapt to technological and economic developments, thereby facilitating their professional reinstatement, (7) health and safety issues and (8) combating duress, mobbing and sexual harassment at the place of work;

An EU multi-stakeholder platform for corporate social responsibility

13. Calls for a proposal to be brought forward for the creation of an EU Multi-Stakeholder CSR Forum, comprising representation from business, trade unions, non-governmental organisations and public authorities including from developing countries; calls on the Commission to act as facilitator and convenor and supports the idea of a secretariat being provided by the European Foundation for the Improvement of Living and Working Conditions in Dublin;
14. Calls on the Council and Commission to ensure that the EU CSR Forum will offer the opportunity to register voluntary codes of conduct and similar initiatives and verify them against minimum applicable international standards such as the OECD Guidelines for Multinationals and the ILO Core Labour Standards;
15. Calls on the Council and Commission to ensure that their proposals stipulate that company annual environmental and social impact assessment reports are incorporated in the EU CSR Forum and that companies are encouraged to undertake initiatives based on international standards;
16. Urges the governments of the Member States and the candidate countries to set up their national contact points for the OECD Guidelines for Multinationals;
17. Observes that dialogue between the two sides of industry acting on their own responsibility is and remains one of the primary concerns of the EU;
18. Calls on the Council and Commission to ensure that information about the processes and requirements of annual reporting, the basic standards applicable to codes of conduct and sample annual reports and codes of conduct are made publicly available, including through a website of the EU Forum for CSR;

A better role for stakeholders

19. Calls at the next revision of the European Works Council Directive (Directive 94/45/EC¹), for a section to be inserted in the supplementary provisions of the directive requiring companies or groups of companies to provide information about the social and environmental impact of their operations; calls on the social partners in the sectoral dialogue to consider negotiating new agreements in this respect similar to those achieved in the food, commerce and textile sectors;
20. Considers that the European social dialogue at industry level is a useful instrument for tackling jointly problems associated with the social responsibility of businesses;
21. Calls for the EU CSR Forum on CSR to devise guidelines for wider stakeholder dialogue, drawing from the experience of companies, NGOs, trade unions, academics and governmental authorities in particular; recommends the adoption of existing guidelines such as AA1000;
22. Calls on the Commission to promote multi-stakeholder initiatives and pilot projects in the field of CSR in order to ensure dialogue leads to action; draws attention in this context to the importance of employee engagement in such initiatives and projects;
23. Recommends that in its proposal relating to annual social and environmental reporting, companies are asked to ensure board members are specifically made responsible for CSR, and to explore other changes to corporate governance rules at the European level to promote stakeholder dialogue and the rights of minority shareholders;
24. Urges that measures be adopted to ensure that SMEs can make use of instruments which are appropriate to their specific characteristics and which are genuinely accessible for them in practice;

Mainstreaming corporate responsibility issues in European policies

25. Calls on the Commission to ensure the basic principles of CSR are fully taken on board in all areas of Community competence, most notably company law, internal market, competition policy, financial market legislation, trade policy, the Common Foreign and Security Policy, and development cooperation policy;
26. Reaffirms its call to the Commission to set an example of CSR best practice in all of its own operations;
27. Welcomes the decision of the Dutch Government to link access to export credits to companies' compliance with the OECD Guidelines for Multinational Enterprise, calls on the Commission to link incentives for voluntary standards with public sector financial support;
28. Urges the Council to take into account the Parliament's position on the principle of corporate social responsibility in the directive on public procurement;

¹ OJ L 254, 30.9.1994, p. 64

29. Calls on the Commission and Council to take into account the stakeholder approach and other elements of CSR in the further debate on corporate governance and accountability of companies;
30. Calls on the Commission to support and assist corporate watch groups and other civil society initiatives aimed at monitoring corporate behaviour;
31. Calls on the Commission together with the European Parliament to strengthen the reporting requirements for corporate political activities at a European level through a corporate lobbyist public registration system and to ensure the accountability of all its policy-making committees relating to the corporate sector;
32. Calls on the Commission and the Council to develop Community assistance programmes to third countries in accordance with accepted international environmental and labour standards, and to draw up new projects aimed at facilitating the incorporation of CSR principles into national social and employment legislation by national governments and to include the social partners in this process, and work with labour and environment inspectorates to assure enforcement; furthermore calls on the Commission to support capacity building for southern verification of codes, southern adaptation of international codes to a local context, and southern commentary on corporate reporting and trends in CSR;
33. Calls on the Commission to enforce strong consumer protection measures to uphold the credibility of corporate information in relation to environmentally and socially responsible business practice, in particular applying provisions regarding misleading advertising;

A role for the European Parliament

34. Welcomes and encourages the annual hearings on European enterprises operating in developing countries held by its competent Committee and urges the Committee to continue with these hearings;
35. Calls for its competent Committee to establish a Working Group on CSR, which should regularly discuss the findings and recommendations at Committee meetings;

CSR issues specific to the European Union

36. Recommends to all companies to apply the provisions laid down in title III of the Council Regulation (EC) No 2157/2001 of 8 October 2001 on the statute for a European company¹ as well as in Council Directive 2001/86/EC of 8 October 2001 supplementing the statute for a European company with regard to the involvement of employees²;
37. Calls on the Commission to promote the application of corporate social responsibility throughout all services of general interest, and to promote the role of various services of general interest in combating social exclusion and ensuring minimum standards of service delivery;

¹ OJ L 294, 10.11.2001, p. 1.

² OJ L 294, 10.11.2001, p. 22.

38. Calls on the Commission to incorporate the notion and principles of corporate social responsibility in the annual Employment Guidelines and into the upcoming evaluation of the European Employment Strategy; and calls on Member States to integrate the principles and social objectives of corporate social responsibility into their bi-annual national plans for combating social exclusion; and in their annual National Action Plans on employment proceeding from the horizontal objective of high-quality work;
39. Calls for the Social Fund to be used to promote CSR in management training and for other employees, including support for certification procedures and for more socially responsible restructuring and for the Regional Fund to be made more accessible to companies wishing to pursue private investment opportunities in the most disadvantaged communities and regions, in particular promoting EU funding for 'community development finance institutions' that specifically support local employment initiatives that otherwise find it hard to access finance from commercial bank sources;
40. Emphasises that developing the knowledge and skills of all employees is a crucial part of corporate social responsibility; calls for action to be stepped up further to guarantee life-long learning both at Community and national levels; skills audits as part of company annual social and environmental reports as well as national skills audits are key factors here;
41. Points out that non-profit-making local public services play a vital role in meeting the needs of the victims of social exclusion and that social economy enterprises have accumulated a wealth of experience in the area of social responsibility;
42. In particular recommends that social economy enterprises and especially workers and social co-operatives explore the possibility to adopt the 'bilan sociétal', as a tool that allows the possibility to take account of social, economic and environmental aspects, as well as stakeholders', sub-contractors' and providers' behaviour;
43. Urges the social partners to reach agreement in response to the communication on restructuring;
44. Calls on all large companies – as proposed in the Gyllenhammar report on responding to change – to draw up in consultation with employees' representatives public annual social reports containing structured information about practices and policies relating to employment and working conditions;
45. Emphasises that companies have a responsibility for the health of their employees and preventing exclusion from the labour market; prevention through guaranteeing a healthy and safe physical and mental working environment must therefore play a central part in all initiatives to promote corporate social responsibility;

CSR issues specific to Europe's relations with third countries

46. Reiterates its request to the Commission and the Council and the Convention on the Future of Europe to make proposals, as a matter of urgency, to develop the right legal basis for establishing a multilateral framework for European companies' operations world-wide;

- 47 Welcomes the Commission's intention to support the active promotion of the OECD Guidelines for Multinational Enterprises, invites the Commission to swiftly implement contact points for the OECD Guidelines for Multinational Enterprises in all its delegations in third countries where EU-based companies operate – as provided for in the EU 2002 budget for Latin American, Asian and South African countries – , to ensure the presence of staff sufficiently trained in CSR matters, and to include the result of the work of those contact points in the regular reports of the Delegations to the EU institutions, including the EP; further calls on the Commission to implement the findings of its Conference held in May 2001 with regard to the OECD Guidelines, in particular to develop best practices amongst Member States (for example in relation to the conduct of National Contact Points); to convene meetings at EU level among NCPs with social partners and NGOs represented, to survey experience with the Guidelines among European companies, to coordinate European input to the OECD meetings on the Guidelines, and to assist candidate countries -both so they adhere to the Guidelines and to give support to new adherents like Estonia and Lithuania;
48. Calls on the Commission and the Council to take into account Parliament's position with respect to the implementation of core labour standards and the promotion of international social governance in all areas of Community external activity with particular attention to the application of labour and social standards in international multilateral and bilateral agreements;
49. Calls on the Council and the Commission not only to present a firm proposal for applying the human rights clause, to include, in particular, clear, precise and verifiable mechanisms for monitoring and assessing the human rights situation, in trade agreements with third countries by establishing appropriate compliance mechanisms, and by ensuring that all human rights, social rights, including the right to organise and the right to strike, and all actors are covered, including EU companies, but also systematically to require their application and to report publicly thereon; also asks that sustainability and gender impact assessments be established as part of the process of developing trade policy;
50. Draws attention to the fact that the 1968 Brussels Convention enables jurisdiction within the courts of Member States for cases against companies registered or domiciled in the EU in respect of damage sustained in third countries; calls on the Commission to compile a study of the application of this extraterritoriality principle by courts in the Member States; calls on the Member States to incorporate this extraterritoriality principle in legislation;
51. Asks the Commission to include a reference to CSR in all its proposals for the mandates governing negotiations of cooperation and trade agreements with third countries;
52. Considers that the objective of any WTO negotiations on multilateral framework for cross-border investment must be to ensure that such investment helps raise standards of living, provokes sustainable development, promotes respect for human rights and contributes to a fairer distribution of the benefits of the global economy;
53. Calls on the Commission and the Council to promote the adoption of equivalent measures outside the European Union by Governments, the United Nations and other multilateral

bodies, such as the Framework Convention on Corporate Accountability to be considered at the World Summit on Sustainable Development;

54. Calls on the Commission to bring forward specific proposals to promote the contribution of EU companies towards transparency and good governance world-wide, including through the setting up of a blacklist to prevent the tendering for public contracts by EU companies responsible for bribery, for corruption in an EU court of law, similar to that operated by the World Bank, and for non-compliance with minimum applicable international standards (ILO core labour standards, OECD guidelines for multinational companies);
55. Calls on the Commission to include in its White Paper on governance in the European Union specific proposals to address the role that business can play in relation to conflict prevention world-wide, including the extension of the voluntary principles on security and human rights within the European Union and the de-linking of arms purchases and natural resource sales, including the application of the certification schemes such as the Kimberly Process for conflict diamonds;
56. Calls on the EU, in countries with which it has established formal relations, through trade or cooperation agreements, in particular as part of the Cotonou Agreement, to seek to jointly include the subject of corporate social responsibility in their official agenda;
57. Reiterates its call in its resolution of 13 December 2001 on the Commission communication on conflict prevention¹, to address the question of the influence which private and public undertakings have in unstable regions by creating a legally binding framework with sanctions for companies that contribute to conflict;

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

¹ Texts Adopted, Item 15.