

## 1. Nordic Passport Union, EEA and Schengen Convention - Visby summit

(a) B4-0728, 0754 and 0761/96

### Resolution on free movement of persons within the Nordic Passport Union, the European Economic Area and the Schengen countries

#### The European Parliament,

- having regard to the 1954 Ministerial Agreement establishing a Nordic Passport Union, the 1986 Single European Act, and the 1990 Schengen Convention,
  - having regard to Article 7a of the EC Treaty,
  - having regard to the agreement on the European Economic Area, in force since 1994, which provides for the free movement of persons,
  - having regard to the final communiqué of the Schengen Executive Committee meeting in The Hague on 18 April 1996,
  - having regard to the first ministerial meeting of the Schengen member states and the member states of the Nordic Passport Union in The Hague on 18 April 1996,
- A. whereas the EC Treaty objective of achieving free movement of persons by 1993 has not been met and whereas there is at present no prospect of agreement thereon in the Council,
- B. whereas it is important both to maintain the integrity of the Nordic Passport Union and to consolidate the Schengen area,
- C. whereas in its resolution of 13 March 1996 embodying (i) Parliament's opinion on the convening of the Intergovernmental Conference, and (ii) an evaluation of the work of the Reflection Group and definition of the political priorities of the European Parliament with a view to the Intergovernmental Conference<sup>1</sup>, Parliament expressly called for a Community dimension to the external aspects of policy on justice and home affairs (visa, asylum and immigration policy, external borders, drug trafficking, fraud and judicial cooperation in civil matters) for greater recourse to Community procedures in respect of police cooperation and cooperation in criminal matters; whereas Parliament also expressly called for codecision to 'be extended to all legislation. Legislation should be dealt with by a qualified majority in the Council',
- D. whereas the Commission has submitted three draft directives with a view to marking a fresh stage in implementation of freedom of movement of persons,
- E. concerned that, given that not all EU Member States seem to intend to become full parties to the Schengen Agreement, internal obstacles to the free movement of persons may continue to exist within the Union,
- F. whereas the Commission takes part in all meetings of the Schengen Executive Committee,

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<sup>1</sup> OJ C 96, 1.4.1996, p. 77.

G. whereas the interparliamentary Schengen conference of 8 and 9 December 1995 took the initiative in creating a framework of cooperation between the national parliaments of the countries of the Schengen area, pending the introduction of efficient controls in a Union context,

1. Points out that the Treaty on European Union requires full implementation of free movement of persons and therefore urges the Council and the Commission to take the necessary steps to implement the relevant articles of the Treaty and adopt the relevant legislation; calls on the Council to take a decision as soon as possible, and in accordance with the opinion of the European Parliament, on the three new draft directives concerning freedom of movement of persons which have been submitted by the Commission;
2. Reaffirms that as free movement of persons is one of the four freedoms in the EC Treaty, it must be governed in an EC framework, with judicial review by the European Court of Justice and parliamentary control by the European Parliament;
3. Reiterates its belief that the date of 31 December 1992 was binding for the establishment of the free movement of persons just as it was for the free movement of goods, services and capital;
4. Points out that the entry into force of the so-called flanking measures cannot become a pretext for not implementing Article 7a;
5. Draws attention to the distortions that may arise, and the consequences they may have on the treatment of legal residents moving within the Union, due to the progressive implementation by certain EU Member States of the Schengen Agreement and the cooperation between the Schengen signatories and the Nordic Passport Union;
6. Deplores the lack of parliamentary and judicial scrutiny of the mechanisms governing the freedom of movement of persons currently being implemented;
7. Notes the agreement reached by the Schengen Executive Committee on the observer status granted to the states of the Nordic Passport Union which are also Members of the European Union, namely Denmark, Sweden and Finland, and the will expressed by these countries to become, in the near future, full members of Schengen;
8. Notes the decision taken by the Schengen Executive Committee providing for the signature of a cooperation agreement with Norway and Iceland in the near future, combined with full participation in all proceedings, as well as the will expressed by these two countries to comply with all the provisions of the Schengen Agreement;
9. Insists that the Council and Commission inform and consult Parliament on progress towards free movement of persons on an EU basis, in accordance with their obligations under the Treaties and, for the Commission, under the Code of Conduct of 15 March 1995 negotiated with the European Parliament<sup>1</sup>;
10. Stresses that integrating the Nordic Passport Union in the Schengen area must not jeopardise giving the requisite Community dimension to the area covered by the third pillar; calls for this problem to be resolved in a democratic way and in compliance with Community law;
11. Takes note of the decision of the interparliamentary Schengen conference of 8 and 9 December 1995 to coordinate parliamentary monitoring of the working of Schengen, pending integration of Schengen in the European Union; calls for members of the parliaments of all the countries

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<sup>1</sup> OJ C 89, 10.4.1995, p. 69.

of the Nordic Passport Union, and the European Parliament's delegation, to be admitted to this assembly with the status of full members;

12. Takes the view that the Commission, as the guardian of the Treaties and as a Schengen observer, should inform the European Parliament of all developments occurring within the framework of Schengen;
13. Calls on the Council and the Commission to make clear their views on the integration of the Schengen provisions into the Treaty on European Union, without either opening the door to further distortions or endangering the existing agreement with the Nordic Passport Union;
14. Expresses its intention to review these problems in the context of the forthcoming reports by its relevant committees on the abovementioned Commission proposals and on the incorporation of the provisions of the Schengen Convention into a Community framework;
15. Instructs its President to forward this resolution to the Council, the Commission, the Schengen Executive Committee and the governments and parliaments of the EU Member States, Norway and Iceland.

**Resolution on the results of the Visby Baltic Summit meeting**

The European Parliament,

- having regard to its resolution of 18 April 1996 on the Summit of the Council of the Baltic Sea States (CBSS)<sup>1</sup>,
  - having regard to the Commission communication of 10 April 1996 "Baltic Sea Region Initiative" (SEC(96)0608),
  - having regard to the Baltic Sea States Presidency Declaration on the results of the Visby Conference of 3/4 May 1996,
- A. emphasizing the importance of cooperation with and within the Baltic Sea Region not only for the States concerned, but also for the European Union and its relations with Russia,
  - B. noting with satisfaction that the "Baltic Sea Region Initiative" proposes actions in the following areas: democracy and stability; trade, investment and economic cooperation; infrastructure and transport; energy and nuclear safety; environment; tourism; regional development and cross-border facilitation,
  - C. emphasizing that special attention should be given to guaranteeing democracy, respect for human and minority rights and stability,
  - D. welcoming the fact that some States in the Baltic Sea Region have expressed the wish to become members of the European Union and that a timetable and a strategy for the accession of those countries has already been decided upon by the European Council,
  - E. highly concerned about the environmental situation of the area, where unsafe nuclear installations, both civilian and military, are present, tonnes of chemical munitions have been dumped in the Baltic Sea and outdated production technologies and inefficient use of energy resources are causing enormous potential risks,
1. Welcomes the success of the Visby Baltic Summit meeting in which the Heads of State and Government agreed to intensify cooperation in the areas of "cooperation between citizens and civil security", "development and economic integration" and "greater environmental protection", and to give the CBSS a more decisive role in furthering the aims of prosperity and solidarity in the region and in making it stable and secure;
  2. Encourages the Commission and the Council to take an active part in the follow-up of the Visby meeting, starting with the meeting of Foreign Ministers on 2/3 July 1996 in Kalmar;
  3. Proposes that the European Union and its Member States, together with the CBSS, arrange a conference on the Baltic Sea Region which would seek to address economic, social, environmental, cultural and citizens' rights issues and in this way provide a forum where security issues in the widest sense could be considered as well;

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<sup>1</sup> Minutes of that sitting, Part II, Item 6.



4. Takes note of the inclusion in the preparatory work of the Visby Summit of a businessmen's summit, bringing together leading business people from all participating States, which resulted in the adoption of "the Stockholm Declaration on Growth and Development in the Baltic Sea Region", presented by its President to the Summit;
5. Underlines in this context:
  - the importance of creating improved legal structures, allowing for full implementation of the rule of law, which is essential for consolidating further respect for human rights and democracy and for furthering private foreign investment which is indispensable for long-term economic growth,
  - the importance of promoting the full application of partnership and association agreements as a step towards preparing for the accession of the applicant States,
  - the decision taken at the Summit to implement close cooperation between the European Union and the countries of the Baltic Region in the fight against international crime, notably by the creation of a special committee, and the resolution of environmental and social problems,
  - that all the initiatives should support balanced economic and ecologically sustainable development in the Baltic region;
6. Calls on the Council and the Commission to ensure effective coordination and application of the PHARE, TACIS and INTERREG programmes with regard to the States of the Baltic region and to ensure permanent consultation with the European Parliament; underlines that the EU, as the biggest donor, allocated ECU 950 million between 1995 and 1999 under the PHARE and TACIS programmes and the EU Structural Funds for this region;
7. Proposes furthermore that the EU and its Member States, together with the CBSS, should consider ways and means of associating their Parliaments and the European Parliament with their deliberations;
8. Instructs its President to forward this resolution to the Commission, the Council, the Council of the Baltic Sea States and the Parliaments of the countries involved.

## 2. Crisis in fisheries sector

### (a) A4-0189/96

#### **Resolution on the communication from the Commission to the Council and the European Parliament on the crisis in the Community's fishing industry (COM(94)0335 - C4-0086/94)**

##### The European Parliament,

- having regard to the communication from the Commission to the Council and the European Parliament (COM(94)0335 - C4-0086/94),
  - having regard to the motion for a resolution by Mr David Martin on a sensible and sustainable Fisheries Policy (B4-0562/95),
  - having regard to the current crisis in the fishing industry and maritime regions, the crisis in fishery resources and human activities and the European Parliament's political will to tackle these issues,
  - having regard to the Commission proposals for reducing fishing effort, submitted at the Fisheries Council of 10 June 1996,
  - having regard to the report of the Committee on Fisheries (A4-0189/96),
- A. whereas the substance of the Commission's communication on the crisis in the Community's fishing industry coincides, to a large extent, with the views of Parliament's Committee on Fisheries,
- B. whereas the common fisheries policy, which is the European Union's second common policy, is the Community policy with the highest degree of integration since it covers the following policies: conservation and management of resources, structures (fleet sizes, multiannual guidance programmes (MGP)), monitoring, scientific research, markets (withdrawal price and reference price), health standards, flanking structural policies (FIFG, PESCA) including social provisions on early retirement, and fisheries agreements with third countries and multilateral organizations,
- C. whereas sea products, being linked to GATT and more especially to numerous contractual tariff reduction agreements or unilateral agreements between the EEC and third countries, are dependent on the world market, and are thus completely exposed to world pressure for lower prices, unlike agricultural products which come under the CAP,
- D. whereas the recent Commission proposals to reduce Community fishing effort, in some cases by as much as 40%, will put additional pressure on the fishery sector and the people who depend on it, since these measures will have direct adverse consequences for employment, in addition to an increased regional impact in regions which depend essentially on the fishing sector,
- E. whereas on the one hand the European Union must be able to compete effectively on the world market, whilst on the other hand the EU must have appropriate mechanisms to prevent severe disruption through unfair competition,

- F. whereas, as a result, those active in the sector consider the CFP to be unbalanced given, on the one hand, the constraints of an organized European policy and, on the other, the deregulation on a world market without any safety net,
- G. whereas the sector shows a history of conflicts between organizations of producers and industry, which harms the interests of all concerned,

- H. recognizing the importance of the fisheries sector and its long-term development for people whose incomes are directly or indirectly dependent on fisheries and related activities,
  - I. recognizing the importance of coastal fishing for some regions of the EU, owing to the large number of people who depend on it directly or indirectly, in addition to its importance in supplying local fish-processing industries and developing other local economic activities essential for guaranteeing the regional development of these regions and promoting economic and social cohesion,
  - J. whereas the crisis in the fisheries sector is affecting all branches of the industry: small producers, shipowners, industrialists, wholesale fish merchants, fishmongers and suppliers,
  - K. whereas this sector is of vital importance to the maritime regions concerned and the fishing industry should be treated with the dignity and importance it deserves,
  - L. whereas overfishing disrupts not only the marine ecosystem, but also affects the fishing industry itself, since it lowers prices and in the long term depletes existing resources,
  - M. whereas the attributed quotas have to be respected and should be based on reliable and regular studies of available resources,
  - N. whereas the material and human resources which are deployed for the inspection of the fishing industry are inadequate in most Member States, thereby allowing fraud and overfishing a chance to develop,
1. Reaffirms the need to act upon the concerns of fishermen and other economic operators connected with fisheries, by involving them more closely in policy making, to restore their confidence in the European Union's management of the CFP;
  2. Is certain that the prevailing concern in this sector is as much a result of the absence of clear prospects as of financial difficulties and, in certain cases, the lack of mutual understanding between fishermen and processing industries;
  3. Calls on the Commission and Council to clarify what importance they attach to the 'production' dimension in the common fisheries policy and, on that basis, to assess where the sector's future lies;
  4. Calls on the Commission to draw up conditions which can be legally applied by Member States to limit the procedure known as quota hopping and to encourage the Member States to apply these conditions to preserve as far as possible the principles of relative stability and historic rights;
  5. Calls on the Commission to consider in what way the management of resources could be improved, with particular regard to technical measures and taking account of the following factors: protection of areas in which young fish are concentrated (if necessary, by means of biological rest periods resulting in compensation), the influence of other marine predators, the improvement of working instruments and fishing methods and the improvement of water quality, and the use of a system of licences to make fishermen aware of their responsibilities and thus guarantee their future;

6. Reaffirms that the reduction in fishing effort must not depend on reducing the number of vessels, in accordance with the Commission proposals concerning MGP IV, but rather on active policies to protect fish resources;

7. Recognizing that it is impossible for the fisheries sector to emerge from its present crisis until the EU fleets have been brought into equilibrium with realistic assessments of the available and accessible resources both in EU waters and elsewhere;
8. Recognizes also the need to allow stocks to recover to the point where their conservation is ensured and they can support a viable fishing industry;
9. Urges the Council to implement a rigorous and equitable programme of fleet reduction, which will serve to reduce the over-exploitation of fish stocks, while providing adequate compensation for the fishermen thus affected;
10. Refers to Article 8 of the new Basic Regulation (EC No 3760/92) which allows innovations in management;
11. Calls for the adoption, for all major fish stocks, of long-term, stock-specific management objectives and the development and implementation of scientifically-based management strategies which will ensure the conservation of both the target stocks and other species dependent upon them;
12. Calls on the Commission and the Council to step up the Communitarization of 'prices and markets' by making the existing regulations more binding (compulsory withdrawal prices; reference prices to be more closely respected; unfair competition to be monitored as regards the health rules for imported products);
13. Calls for producers' organizations to be more closely involved in market policy;
14. Calls on the Commission to assess the effectiveness of the measures and instruments used so far in the context of the CFP. In particular it should study the effects of greater flexibility in the management of these instruments, as in the case of the premium which in some sub-sectors may be paid to the industry when it proves that it has paid a minimum price to the producer;
15. Calls on the Commission to encourage the drawing-up of inter-trade agreements and contractual relations between producers and processors;
16. Considers it essential to introduce a financial instrument to support prices in the event of market prices collapsing, especially those for fresh fish; notes that only 2% of the Union's fisheries budget is devoted to price support;
17. Considers that the promotion of fishery products and improvement of the quality thereof should be included among the priorities of a programme of action to be submitted by the Commission; in particular it should promote species of fish with a high nutritional value, but which for historical and cultural reasons are in less demand on the market;
18. Calls on the Commission to step up its monitoring of the origin of the raw materials of processed products covered by specific GSP agreements;
19. Calls for the monitoring system to combine the responsibility of the Member States and of the Union, for monitoring to be carried out in all fishing zones and for it to enable confidence in the sectors concerned to be restored. Recommends that all monitoring measures be based on the principle of straightforward and clear implementation;

20. Regrets that the Commission's recent report on monitoring the implementation of the CFP reveals great differences in the quality and quantity of controls: believes that monitoring and control measures must be applied consistently, must be cost-effective and must avoid unreasonable burdens on the industry, if respect for the system is to be restored;
21. Demands, as a matter of urgency, that socio-economic measures, such as early retirement, be applied to enable fishermen who are surplus to requirements to retire with dignity from their demanding work; calls for the level of national contributions to be reconsidered if it is an obstacle to the establishment of structural policies;
22. Calls for the structural measures for the most affected remote coastal and island regions to be strengthened; calls on the Commission to launch an information campaign on PESCA and make this programme a 'LEADER' for the sea, applicable to all the maritime countries in the European Union;
23. Calls on the Commission to draw up measures to encourage and reinforce the inter-trade agreements between producers and processors;
24. Calls on the Commission to tackle the problem of enlargement of the EU to include the countries of Central and Eastern Europe so that the adjustments to the CFP needed to resolve the fisheries crisis do not conflict with enlargement;
25. Calls on the Commission, in cooperation with fishermen's representatives, to draw up training plans for fishermen and persons needing to be retrained;
26. Believes that scientific research should constitute an important pillar of the CFP and that it should no longer be ruled by events but rather be designed in such a way as to allow genuine long-term resource management and adjustment of catch methods;
27. Believes that decisions on the management of EU common fisheries resources cannot solely be taken centrally; considers that those fishing in the individual sea areas concerned should be allowed to take a more active part; furthermore these decisions should be based on continuing scientific research compatible with the situation in the various maritime regions of the EU, and the European Parliament should be informed and consulted;
28. Calls on the Commission to take the necessary action to rebuild confidence between fisheries scientists and fishermen;
29. Considers that, despite the current crisis and establishment of the fourth MGP, the fishing fleet must continue to be modernized, using vessels with improved health and safety conditions and more selective fishing instruments, but ensuring that fleet capacity is not increased in any way;
30. Considers that the regeneration of shipbuilding and maintenance activities will enable the Union to maintain a degree of autonomy in the fisheries sector and make Europe's presence felt in the maritime sector, with an advanced fishing fleet;
31. Confirms the importance of traditional and new types of fishing agreements as an important source of Community fish supplies, an employer of Community fishermen and a contributor to the local economy of a number of fishing regions; believes, however, that continuing support for fisheries agreements is dependent on a far greater degree of budgetary and institutional transparency; notes, nevertheless, the increasing number of problems raised by

certain third countries and therefore considers it necessary to consider reviewing the contents of this part of the CFP;

32. Calls on the Commission to ensure that the interests of producers are included in the negotiations for EU Global Cooperation Agreements with third countries, in particular by reducing customs duties and providing financial support in return for the granting of certain fishing quotas;
33. Considers that when the European Union negotiates fishery agreements with third countries, due regard must be taken of the conservation of world stocks and the enforcement of conservation measures;
34. Wishes to see a Mediterranean dimension and calls on the Commission to accept responsibility for following up the Barcelona Conference and present a multiannual action programme based on Parliament's resolution of 16 February 1996 on fishing in the Mediterranean<sup>1</sup>;
35. Instructs its President to forward this resolution to the Commission and the Council.

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<sup>1</sup> OJ C 65, 4.3.1996, p. 202.

**Resolution on the problems of the fisheries sector in the NAFO zone**

The European Parliament,

- having regard to the motion for a resolution by Mr Miranda and Mr Novo, on behalf of the Confederal Group of the European United Left - Nordic Green Left, on cod fishing by the Portuguese fleet (B4-0157/95),
- having regard to the report of the Committee on Fisheries (A4-0133/96),
- A. whereas relations with third countries and international organizations are an important aspect of the common fisheries policy,
- B. reaffirming the importance which the European Union accords to the conservation of fish stocks in the Northwest Atlantic,
- C. aware of the fact that states which are not signatories to NAFO fish in the NAFO Regulatory Area, which does not contribute to the rational management of the stocks,
- D. being in complete support of the terms of the agreement which was reached by Canada and the European Union in 1995 and later adopted by NAFO,
- E. whereas, within the framework of international agreements, continued efforts should be made to develop schemes which allow rational management of fishery resources, environmental protection and the preservation of extremely sensitive zones within the fishing areas concerned,
- F. noting the strong ties that have existed between the peoples of the European Union and the people of Canada,
- G. noting that, since 1984, fisheries relations between Canada and the European Union have been characterized by regular confrontations over fishing rights in the Atlantic,
- H. whereas the bilateral fisheries agreement of 16 April 1995 between the EU and Canada, by means of which the conflict over Greenland halibut was settled, provides an opportunity for a fresh start in Euro-Canadian relations in the fisheries sector and will make a major contribution to the long-term aim of improved international conservation measures, as called for by the European Parliament in its resolution of 16 May 1995 on the illegal arrest of the Spanish vessel "Estai"<sup>1</sup>,
- I. whereas the avoidance of conflict must be the prime concern of both parties,
- J. whereas Canadian law still contains provisions which continue to be unacceptable to the European Union,
- K. pointing out that multilateral agreements in the fisheries sector are a crucial aspect of resource management policy at international level,

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<sup>1</sup> OJ C 89, 10.4.1995, p. 162.

- L. whereas NAFO constitutes a particularly useful reference framework, the authority of which must be accepted by all the contracting parties,

- M. noting that the composition of the NAFO Scientific Committee - the body responsible for preparing decisions on TACs and quotas - lacks balance and that the number of Canadian representatives considerably exceeds the number of representatives from the other contracting parties,
- N. whereas the relative absence of scientific research by the European Union in the NAFO zone leads to reliance on information provided by the other contracting parties,
- O. whereas comprehensive monitoring and the cost thereof to the European fleet should be seen as the price to be paid for dwindling fish resources,
- P. pointing out that the bilateral EU-Canada fisheries agreement, which was negotiated in 1992, has still not been ratified by Canada,
- Q. noting that Union vessels are still denied access to Canadian ports on the basis of a law which denies such access to vessels from countries which do not cooperate properly within NAFO,
- R. noting that majorities within the NAFO Fisheries Commission are often formed on the basis of political affinities which have no direct link with fisheries interests or with concerns relating to resource management,
- S. considering the current voting system (1 vote per contracting party) to be unsatisfactory to the European Union,
- T. whereas the draft agreement adopted on 4 August 1995 in New York on the conservation and management of overlapping stocks and stocks of major migratory species represents an important step forward and should be ratified by the European Union as soon as possible,
- U. whereas the objection procedure followed in the past by all contracting parties, in accordance with which an agreed stock conservation or management measure is not binding on the party concerned if that party raises an objection within sixty days, is the main reason for the dramatic decline in fish stocks in the region, and whereas the UN agreement on the conservation and management of overlapping stocks and migratory species requires the coastal states and the states which fish in the open seas to cooperate in the establishment of conservation and management measures,
1. Takes the view that the Union should reconsider its representation within the various NAFO bodies and nominate representatives of a rank comparable to that of other representations;
  2. Calls upon the Commission to respect all recommendations of the NAFO Scientific Committee;
  3. Urges the Commission to do what it can, in alliance with other NAFO members, to urge those states which are not signatories to NAFO to join that body as soon as possible;
  4. Considers, therefore, that the European Union must ensure that the scientific view of EU representatives is promoted more extensively;
  5. Welcomes the bilateral fisheries agreement of 16 April 1995 between the EU and Canada as a significant agreement aimed at improving stock conservation by further developing new

methods for the monitoring of NAFO management measures such as the satellite location system and observation programme;

6. Calls once again on the Canadian authorities to ratify the bilateral agreement without delay in order to regularize relations between Canada and the European Union in this area;
7. Insists that the Canadian authorities lift their ban on access to Canadian ports by Community vessels;
8. Calls on the Commission to review its political action in order to secure lasting support from other countries with which the Union maintains significant trade relations (such as Norway) and to draw up, in association with these countries, a joint strategy within NAFO;
9. Expresses its concern at the fact that the problems relating to marine mammals may create special relations between the countries directly concerned by this matter and considers that differing views in this area should not influence the running of NAFO and should be resolved in other forums;
10. Calls on the Commission to reconsider the voting system within international organizations in the fisheries sector by proposing that the European Union should have as many votes as it has Member States with an interest in the fisheries concerned;
11. Calls on the Commission and the EU Member States to provide more investment for scientific research into the stock situation and more selective fishing methods in the NAFO area;
12. Calls on the Commission to protect fishing opportunities for the Community fleet more effectively, particularly as regards quotas for cod and black halibut; accordingly calls on the Commission to demand withdrawal of the amendment which establishes a zero TAC for cod in the 3NO division in the absence of scientific justification for such action;
13. Calls on the NAFO contracting parties to ensure conservation and optimum management of overlapping fish stocks and stocks of major migratory species in the NAFO zone;
14. Calls on the Commission to exert influence within the NAFO Council with a view to ensuring that no further use is made of the possibility of objecting to agreed conservation and management measures (Article XII of the NAFO Agreement) and that all majority decisions in this area are recognized by all NAFO members as legally binding;
15. Calls on the Commission and the EU Member States to reconcile as quickly as possible their legal differences of opinion regarding the signing of the UN Agreement on the conservation and management of overlapping stocks and migratory species, so as to remove all obstacles to the EU's accession to the agreement;
16. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Canadian Government and the NAFO Secretariat.

### 3. Explosive atmospheres \*\*I

A4-0158/96

#### **Proposal for a Council Directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (COM(95)0310 - C4-0508/95 - 95/0235(SYN))**

The proposal was approved with the following amendments:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

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(Amendment 1)

Recital 11

Whereas the organizational aspects of explosion protection must be adapted to the technical problems occurring at places of work so that no weaknesses arise in the explosion protection arrangements; whereas Directive 89/391/EEC requires the employer to be in possession of an assessment of the risks to workers' safety and health at work; whereas this requirement is to be regarded as being amplified by the present Directive in that it provides that the employer shall draw up an explosion protection document and keep it up to date; whereas this explosion protection document may be part of the assessment of the risks to safety and health at work required by Article 9(1)(a) of Directive 89/391/EEC; whereas the explosion protection document must contain the necessary measures for the safety and health protection of workers potentially at risk from explosive atmospheres;

Whereas the organizational aspects of explosion protection must be adapted to the technical problems occurring at places of work so that no weaknesses arise in the explosion protection arrangements; whereas Directive 89/391/EEC requires the employer to be in possession of an assessment of the risks to workers' safety and health at work; whereas this requirement is to be regarded as being amplified by the present Directive in that it provides that the employer shall draw up an explosion protection document or set of documents which satisfy the minimum requirements laid out in this Directive and keep them up to date, whereas the explosion protection document(s) may be part of the assessment of the risks to safety and health at work required by Article 9(1)(a) of Directive 89/391/EEC; whereas the explosion protection document(s) must contain the necessary measures for the safety and health protection of workers potentially at risk from explosive atmospheres;

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<sup>1</sup> OJ C 332, 9.12.1995, p. 10.

(Amendment 2)

Article 3

With a view to preventing and providing protection against explosions, the employer shall take technical and/or organizational measures appropriate to the nature of the operation, in accordance with the following basic principles, in order to:

- prevent the formation of explosive atmospheres,
- prevent the ignition of explosive atmospheres,
- reduce the effects of an explosion in such a way that workers are not at risk.

With a view to preventing, within the meaning of Article 6(2) of Directive 89/391/EEC, and providing protection against explosions, the employer shall take technical and/or organizational measures appropriate to the nature of the operation, in accordance with the following basic principles:

- the prevention of the formation of explosive atmospheres,
- the prevention of the ignition of explosive atmospheres,
- the reduction of the effects of an explosion in such a way that workers are not at risk.

The requisite protection for workers can be provided only by taking measures to respect each of the above basic principles.

(Amendment 3)

Article 4(1), second indent

- responsible supervision is ensured during the presence of workers in working environments where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers,

- appropriate supervision of workers is ensured, including by use of instruments and modern technical means as well as by training and education, in working environments where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers.

Without prejudice to paragraph 4, where workers from several undertakings are present at the same workplace, each employer shall ensure appropriate supervision of its workers or may designate one of the employers as overall supervisor;

(Amendment 4)  
Article 4(3), first subparagraph

3. Following an appropriate health and safety policy, the employer shall ensure that a health and safety plan for explosion protection measures, hereinafter referred to as the 'explosion protection document', satisfying the pertinent requirements of Articles 6, 9 and 10 of Directive 89/391/EEC is drawn up and kept up to date.

3. Following an appropriate health and safety policy, the employer shall draw up, and keep up to date, a health and safety plan for explosion protection measures, hereinafter referred to as the 'explosion document', which may be a document or set of documents, satisfying the pertinent requirements of Articles 6, 9 and 10 of Directive 89/391/EEC.

(Amendment 5)  
Article 4(4), first subparagraph

4. Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters under his control.

4. Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters coming under his control.

(Amendment 6)  
Article 9(3)

3. Workplaces which contain places where explosive atmospheres may occur and which are used for the first time after entry into force of this Directive shall comply with its minimum requirements.

3. Without prejudice to paragraph 1, workplaces which contain places where explosive atmospheres may occur and which are used for the first time after entry into force of this Directive shall comply with its minimum requirements.

(Amendment 7)  
Article 9(4)

4. Where work equipment and workplaces which contain places where explosive atmospheres may occur are already in use before entry into force of this Directive, they shall comply with its minimum requirements no later than three years after its entry into force.

4. Where workplaces which contain places where explosive atmospheres may occur are already in use before entry into force of this Directive, they shall comply with the minimum requirements of Article 4 no later than three years after its entry into force.

(Amendment 8)  
Article 11

A vademecum shall be drawn up in agreement with the Council, describing some possible ways of complying with the minimum requirements contained in this Directive. Modifications and supplements to the vademecum shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

A vademecum shall be drawn up in agreement with the Council, setting out guidelines for some possible ways of complying with the minimum requirements contained in this Directive.

(Amendment 14)  
Article 11a (new)

Article 11a

Member States shall ensure that measures are taken to inform undertakings likely to be affected by the Directive, particularly small and medium-sized enterprises, of the provisions of the Directive. In this context Member States shall also ensure that the vademecum drawn up pursuant to Article 11 is widely distributed.

(Amendment 9)  
Article 12(1), first subparagraph

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1997. They shall forthwith inform the Commission thereof.

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive not later than 24 months after adoption and publication in the Official Journal. They shall forthwith inform the Commission thereof.

(Amendment 10)  
Annex I(3), first subparagraph

Hazardous places shall be classified in terms of zones on the basis of the frequency and duration of the occurrence of an explosive atmosphere and the assessment of the anticipated effects.

Hazardous places shall be classified in terms of zones, in accordance with Annex II(A)(2), on the basis of the frequency and duration of the occurrence of an explosive atmosphere and the assessment of the anticipated effects.

(Amendment 11)  
Annex I "Zones"

Zone 0

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is present continuously or for long periods or frequently.

Zone 1

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is likely to occur occasionally.

Zone 2

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is not likely to occur or, if it does occur, will persist for a short period only.

Zone 20

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is present continuously, for long periods or frequently and in which deposits of combustible dust of unknown or excessive thickness may be formed. (Dust deposits alone are not grounds for classification as Zone 20).

Zone 21

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air can occasionally occur and in which deposits of layers of combustible dust can generally be present.

Zone 22

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is not likely to occur or in which accumulations or layers of combustible dust are present.

Zone 0

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is present continuously or for long periods or frequently.

Zone 1

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is likely to occur occasionally in normal operation.

Zone 2

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is not likely to occur in normal operation or, if it does occur, will persist for a short period only.

Zone 20

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is present continuously, for long periods or frequently and in which deposits of combustible dust of unknown or excessive thickness may be formed. (Dust deposits alone are not grounds for classification as Zone 20).

Zone 21

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air can occasionally occur in normal operation and in which deposits of layers of combustible dust can generally be present.

Zone 22

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is not likely to occur in normal operation or in which accumulations or layers of combustible dust are present.



(Amendment 12)  
Annex II(A), (1.3)

1.3. Regular review of safety and health measures

The employer shall ensure that the measures taken to protect the safety and health of the workers are reviewed regularly, at least once per year, to ensure compliance with this Directive.

1.3. Regular review of safety and health measures

The employer shall ensure that the measures taken to protect the safety and health of the workers are reviewed regularly, at least once per year, and constantly monitored under the supervision of a responsible person, to ensure compliance with this Directive.

(Amendment 13)  
Annex II(A), (4.15), first subparagraph

4.15. Such checks shall be carried out by persons who possess particular expertise in the field of explosion protection as a result of their professional training, experience and current job.

4.15. Such checks shall be carried out by persons competent in the field of explosion protection as a result of their professional training, experience and current job.

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (COM(95)0310 - C4-0508/95 - 95/0235(SYN))**

**(Cooperation procedure: first reading)**

The European Parliament,

- having regard to the Commission proposal to the Council, COM(95)0310 - 95/0235(SYN)<sup>1</sup>,
  - having been consulted by the Council pursuant to Articles 189c and 118a of the EC Treaty (C4-0508/95),
  - having regard to Rule 58 of its Rules of Procedure,
  - having regard to the report of the Committee on Social Affairs and Employment and the opinion of the Committee on Budgets (A4-0158/96),
1. Approves the Commission proposal, subject to Parliament's amendments;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
  3. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 189c(a) of the EC Treaty.
  4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  5. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ C 332, 9.12.1995, p. 10.

#### 4. Carcinogens at work \*\*I

A4-0103/96

**Proposal for a Council Directive amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (COM(95)0425 - C4-0433/95 - 95/0229(SYN))**

The proposal was approved with the following amendments:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
	<p data-bbox="708 645 919 712">(Amendment 1) Recital 2a (new)</p> <p data-bbox="847 757 1450 981"><u>Whereas the Commission's proposal for a Council Decision adopting a programme of non-legislative measures to improve health and safety at work<sup>1</sup> provides in particular for the continuation of work on setting limit values for exposure at the workplace;</u></p> <hr data-bbox="847 1048 1090 1055"/> <p data-bbox="847 1093 1273 1131"><sup>1</sup> <u>OJ C 262, 7.10.1995, p. 18.</u></p> <p data-bbox="708 1211 919 1279">(Amendment 2) Recital 4</p> <p data-bbox="847 1323 1450 1467">Whereas in all work situations workers must be protected in respect of preparations containing one or more carcinogens <u>and from carcinogenic compounds arising at work;</u></p>
	<p data-bbox="708 1547 919 1615">(Amendment 3) Recital 8a (new)</p> <p data-bbox="847 1659 1450 1953"><u>Whereas, in order to ensure that the action taken is both flexible and productive, the Commission should clarify the possibilities for simplifying the setting of limit values for carcinogens, particularly those for which limit values based purely on health grounds have already been obtained from scientific evidence and reliable studies;</u></p>

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<sup>1</sup> OJ C 317, 28.11.1995, p. 16.



(Amendment 4)  
Recital 8b (new)

Whereas the Commission should draw up a plan on how the necessary limit values can be set as quickly as possible for all the substances listed as class 1 and 2 carcinogens in Annex VI to Directive 67/548/EEC;

(Amendment 5)  
Recital 9

Whereas benzene is a carcinogen which is present in many work situations; whereas, therefore, a large number of workers are exposed to a potential health risk; whereas, although current scientific knowledge is not such that a level can be established below which risks to health cease to exist, a reduction in exposure to benzene will nonetheless reduce these risks;

Whereas benzene is a carcinogen which is present in many work situations; whereas, therefore, a large number of workers are exposed to a potential health risk; whereas, although current scientific knowledge classifies benzene among the substances for which a level cannot be established below which risks to health cease to exist, a reduction in exposure to benzene will nonetheless reduce these risks;

(Amendment 6)  
Recital 9a (new)

Whereas it is important to set biological limit values to carcinogens in order to estimate the level of absorption of other channels than the breath; whereas bio-monitoring is an important procedure for assessing benzene exposure, and the Commission should therefore propose a biological limit value for benzene without delay;

(Amendment 7)  
Recital 9b (new)

Whereas arsenic and several arsenic compounds (arsenic trioxide; arsenic pentoxide, arsenic acid and its salts) are carcinogens to which a great number of workers are exposed in a wide variety of areas; whereas the setting of limit values for these substances and the consequent reduction of exposure will reduce these risks; whereas arsenic and several arsenic compounds should be added in the Commission priority list of substances for scientific evaluation in order to set limit values as soon as possible;



(Amendment 8)  
Recital 10

Whereas the respect of the minimum requirements on the protection of health and safety of workers from the specific risks related to carcinogens ensures not only the protection of the health and safety of each individual worker but also provides a level of minimum protection of all workers in the Community which avoids any possible distortion in the area of competitiveness;

Whereas the respect of the minimum requirements on the protection of health and safety of workers from the specific risks related to carcinogens aims not only to ensure the protection of the health and safety of each individual worker but also to provide a level of minimum protection of all workers in the Community which avoids any possible distortion in the area of competitiveness;

(Amendment 9)  
Recital 10a (new)

Whereas all the directives concerning protection of the health of workers at the place of work and the directives concerning protection of public health and of the general environment must reflect a single overall vision of socio-economic development in the European Union; whereas the measures taken concerning benzene under this Directive must therefore be consistent with the aims and provisions of Directive 94/63/EC on the control of volatile organic compound emissions (and thus of benzene emissions) resulting from the storage of petrol and its distribution from terminals to service stations<sup>1</sup>;

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<sup>1</sup> OJ L 365, 31.12.1994, p. 24.

(Amendment 10)  
Recital 10b (new)

Whereas those companies that have carcinogens present at the workplace must be able to prove that they regularly inform workers, who handle them or are exposed thereto, of the risks of such exposure; whereas they must also be able to prove that the workers concerned have been informed of the best methods for protecting themselves from such substances;

(Amendment 11)

Recital 11

Whereas provision should be made to ensure the protection of the health and safety of workers concerned, in the case of derogations provided for specified activities or sector of activity where the implementation of the limit value proposed for benzene may be difficult to meet within the date proposed;

Deleted

(Amendment 12)

ARTICLE 1(1)

Article 2(b) (Directive 90/394/EEC)

(b) 'limit value' means, unless otherwise specified, the limit of concentration for a 'carcinogen' in the air within the breathing zone of a worker.

(b) 'limit value' means, unless otherwise specified, the limit of concentration for a 'carcinogen' within the breathing zone of a worker in relation to an appropriate reference period. Breathing zone is the space from where he takes his breath. It shall be forbidden to exceed this value.

(Amendment 13)

ARTICLE 1(1)

Article 2(ba) (new) (Directive 90/394/EEC)

(ba) 'biological limit value' means the limit of concentration, in the appropriate biological medium, of the relevant agent, its metabolite, or an indicator of effect. It shall be forbidden to exceed this value.

(Amendment 14)

ARTICLE 1(3)

Article 16(3) (Directive 90/394/EEC)

3. In Article 16, the following paragraph shall be added:

Deleted

'3. In the case of derogations provided for in Annex III, the Member States shall be obliged to ensure that employers comply with procedures and measure in order to take adequate precautions to protect the health and safety of the workers concerned.'

(Amendment 15)  
ARTICLE 1(5)  
Annex III(A), table, last column (Directive 90/394/EEC)

Derogations

Deleted

Limit value: 3 ppm (=9.75 mg/m<sup>3</sup>) until 31 December 2000 for the following activities or sector of activity:

- Selected sites in coke plants (primary coolers, benzol/sulphate houses, benzol storage and loading)
- cleaning and maintenance of tanks
- loading and unloading of tanker vessels and lorries
- marine transport
- motor vehicle repair shops
- service station with filling attendant

(Amendment 16)  
ARTICLE 1(5)  
Annex III(A), new subparagraph after table (Directive 90/394/EEC)

A uniform measuring procedure for determining the limit value for benzene in the air shall be laid down.

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Directive amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (COM(95)0425 - C4-0433/95 - 95/0229(SYN))**

**(Cooperation procedure: first reading)**

The European Parliament,

- having regard to the Commission proposal to the Council, COM(95)0425 - 95/0229(SYN)<sup>1</sup>,
  - having been consulted by the Council pursuant to Articles 189c and 118a of the EC Treaty (C4-0433/95),
  - having regard to Rule 58 of its Rules of Procedure,
  - having regard to the report of the Committee on Social Affairs and Employment and the opinion of the Committee on the Environment, Public Health and Consumer Protection (A4-0103/96),
1. Approves the Commission proposal, subject to Parliament's amendments;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Calls for the conciliation procedure to be opened should the Council intend to depart from the text approved by Parliament;
  4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  5. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ C 317, 28.11.1995, p. 16.

## 5. Economic and social reform in Mediterranean non-member countries \*

A4-0198/96

**Proposal for a Council Regulation (EC) on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (MEDA) (7326/96 - C4-0253/96 - 95/0127(CNS))**

The proposal was approved with the following amendments:

Council text

Amendments by Parliament

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(Amendment 1)  
Recital 3

Whereas it is necessary to pursue efforts to ensure that the Mediterranean becomes an area of political stability and security, and whereas the Community's Mediterranean policy must play a part in achieving the general objective of developing and consolidating democracy and the rule of law, and also the objective of respect of human rights and fundamental freedoms and of the promotion of good neighbourly relations,

Whereas it is necessary to pursue efforts to ensure that the Mediterranean becomes an area of political stability and security, and whereas the Community's Mediterranean policy must play a part in achieving the general objective of developing and consolidating democracy and the rule of law, and also the objective of respect of human rights and fundamental freedoms and of the promotion of good neighbourly relations, respecting the territorial integrity and external frontiers of the Member States and Mediterranean non-member countries as well as international law,

(Amendment 4)  
Recital 11a (new)

Whereas, in order to avoid wasting resources and to ensure the greatest possible transparency, it must be considered in each case whether the beneficiaries of the provisions of this Regulation are also receiving European Union financial support from other sources;

(Amendment 2)  
Article 10(1)

1. Measures referred to in this Regulation which are financed from the general budget of the European Communities shall be administered by the Commission in accordance with the Financial Regulation applicable to the general budget of the European Communities.

1. Measures referred to in this Regulation which are financed from the general budget of the European Communities shall be administered by the Commission in accordance with the Financial Regulation applicable to the general budget of the European Communities. The budget shall show a breakdown of the amounts allocated to each beneficiary country and territory.

(Amendment 3)  
Article 15a

The definitive procedure for adopting the appropriate measures where an essential element for the continuation of aid for a Mediterranean partner is lacking shall be determined before 30 June 1997.

The definitive procedure for adopting the appropriate measures where a Mediterranean partner is in breach of the obligations under Article 3 and it has been decided to suspend the scheduled aid, must be approved by qualified majority on a proposal from the Commission and after consultation of the European Parliament before 30 June 1997.

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation (EC) on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (MEDA) (7326/96 - C4-0253/96 - 95/0127(CNS))**

**(Consultation procedure - reconsultation)**

The European Parliament,

- having regard to the Council proposal, 7326/96,
  - having regard to the Commission proposal to the Council, COM(95)0204 -95/0127(CNS)<sup>1</sup>,
  - having regard to its opinion of 14 December 1995<sup>2</sup> on this proposal,
  - having regard to the Commission's amended proposal (COM(95)0113)<sup>3</sup>,
  - having been reconsulted by the Council pursuant to Article 235 of the EC Treaty (C4-0253/96),
  - having regard to Rule 62 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs, Security and Defence Policy (A4-0198/96)
1. Approves the Council proposal, subject to Parliament's amendments;
  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 make substantial modifications to this proposal;
  4. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ C 232, 6.9.1995, p. 5.

<sup>2</sup> OJ C 17, 22.1.1996, p. 184.

<sup>3</sup> OJ C 150, 24.5.1996, p. 15.

## 6. Reconstruction in former Yugoslavia

(a) A4-0174/96

### **Resolution on the Commission communication on humanitarian aid to the former Yugoslavia: prospects and guidelines (COM(95)0564 - C4-0535/95)**

The European Parliament,

- having regard to the Commission communication (COM(95)0564 - C4-0535/95),
  - having regard to the report of the Committee on Foreign Affairs, Security and Defence Policy and the opinions of the Committee on Budgets, the Committee on External Economic Relations and the Committee on Development and Cooperation (A4-0174/96),
- A. whereas the peace established by the agreement of 12 November 1995 on Eastern Slavonia and by the Dayton accords of 21 November 1995 on Bosnia-Herzegovina has not yet been achieved, and everything must be done to bring about a lasting peace between the parties to the conflict,
- B. whereas the implementation of the Dayton accords themselves is giving rise to a new wave of refugees from areas which have changed hands in addition to the existing 3.6 million refugees and displaced persons within the former Yugoslavia as a result of the war,
- C. having regard also to the 850 000 persons who have taken refuge in a number of European countries, whose return must also in the majority of cases must be provided for,
- D. aware that not all these refugees and displaced persons are able or willing to return to their homes,
- E. whereas humanitarian aid to the peoples who have suffered as a result of the war is essential and should continue until the latter can secure their own livelihood,
- F. whereas the main humanitarian aid effort during the war came from the European Union and its Member States and whereas those states also provided the majority of the UNPROFOR contingents,
- G. whereas a large amount of humanitarian aid was provided by many international NGOs often operating in difficult conditions and without any coordination,
- H. whereas the continuation of humanitarian aid must be carried on in connection with the implementation of the Reconstruction Plan, the two actions being strictly linked to each other,
1. Notes that the European Union accounts, financially, for the bulk of humanitarian aid for the former Yugoslavia and therefore has the grave responsibility of ensuring the correct use of these resources;
  2. Expects the High Representative to take particular care to prevent these conditions of the Dayton accords from being circumvented by any mixing of reconstruction investments and humanitarian aid measures;

3. Stresses that, in providing humanitarian aid, the emphasis should be on emergency aid, such as food and clothing aid, medical supplies and aid to trauma victims, emergency repairs to homes, hospitals and essential utilities such as water, gas, electricity, transport and communications; considers that urgently required mine clearance can also be defined as humanitarian aid;
4. Notes that humanitarian aid is of a different character from reconstruction aid, because under the terms of the Dayton accords reconstruction aid is subject to political conditions; stresses therefore that, although excessive rigidity must be avoided, care should be taken to ensure that humanitarian aid is not used for projects which fall within the definition of reconstruction aid;
5. Urges that humanitarian aid not serve as an alternative to a political commitment by the European Union to the former Yugoslavia and that the European Union continue to discharge the responsibilities it should always have had towards that country; considers it particularly important that the European Union make commitments going beyond the end of the I-FOR mandate to ensure the safety of minorities throughout the territories of former Yugoslavia, to guarantee the protection of refugees who wish to return and the to allow the development of civil society;
6. Calls on the European Union to use its influence with all the former warring parties to ensure that they grant refugee status to all those expelled from their homes by the war;
7. Asks that careful efforts be made to ensure that the humanitarian aid reaches the suffering population and does not fill the pockets of so-called local authorities;
8. Considers that good cooperation between the European Union, the international community and the former warring parties in implementing humanitarian aid would make it possible to create the conditions for a positive, forward-looking dialogue between the former warring parties;
9. Stresses that the objective of humanitarian aid must, in the short term, be to ensure the survival of the people concerned in conditions of safety and dignity and that, in the medium term, reconstruction aid must permit them to regain some degree of self-sufficiency, particularly by the supply of seed, fertilizer and machinery which would permit the resumption of farming, and by assisting small and medium-sized businesses, re-establishing schools and hospitals and restoring the infrastructure; believes that humanitarian aid can, in this connection, provide a large measure of help in reactivating the local authorities, mobilizing resources available at local level and promoting programmes specifically aimed at soldiers returning en masse from the front in a state of discouragement;
10. Stresses the urgency of disarming local militias and paramilitary groups and of a mine-clearing operation to permit the resumption of normal life in Bosnia-Herzegovina; welcomes the work already accomplished by UNPROFOR and by I-FOR in this area; considers it acceptable that mine clearance which is urgently needed should be funded partly from humanitarian aid resources;
11. Stresses that humanitarian aid must be geared primarily towards the emergency aid phase, and that reconstruction aid should focus on re-establishing the physical infrastructure to permit the return of displaced persons, with priority being given to the prompt return of qualified people so that social and economic activity can be resumed as soon as possible;

12. Considers that only if the Dayton accords are consistently implemented, i.e. if freedom of movement is established and refugees return to their homes within the region, will the rapid repatriation of refugees from western countries be possible;
13. Considers that the European Union's humanitarian aid should make a positive contribution to the return of refugees and displaced persons to their region of origin; notes however that many difficulties still remain to be overcome to enable refugees to return to areas where they constitute a cultural minority and that their return must be carried out in proper consultation with UNHCR, which means that it should not be overhasty; calls on the Union not to cooperate unnecessarily in any further ethnic segregation and above all to work to promote the security and protection of the multicultural communities;
14. Calls on the Member States of the European Union who have generously taken in refugees from the former Yugoslavia to implement a gradual plan for their return in such a way as to avoid forcing them back, and thereby aggravating the situation on the ground and most of all so as to take account of the wishes of the people concerned, often mixed couples who no longer wish to settle in states whose multi-ethnic character is much less marked than before;
15. Calls for humanitarian aid to be used to fund programmes in the fields of health, medicine and surgery and calls on medical staff to return and calls on international medical organizations to send assistance so as to permit the health services and hospitals disrupted by the war to resume working; stresses the need to set up programmes to aid those handicapped by war wounds and to provide them with prostheses to enable them to resume working life as far as possible;
16. Stresses the importance of immediate and coordinated actions relating to transparency and information concerning disappeared persons;
17. Notes that 27 000 people are registered as missing and that they must be found or their graves located; considers that the Union should assist in financing these investigations and the necessary identifications so that families can be certain as to the fate of their close relatives, partly because otherwise it will be almost impossible for them to make a fresh start;
18. Calls for an independent inquiry to be set up forthwith, concerned specifically with the events surrounding the fall of Srebrenica and the people who have disappeared from that region;
19. Considers that war criminals who have committed murder, rape and other crimes must be traced and surrendered to the Tribunal in The Hague; stresses that it is impossible for people to live in an area where murderers and rapists are still at large and that it is not acceptable that refugees should be unable to return for this reason;
20. Stresses the need for psychological support and rehabilitation programmes for those who have been victims of ethnic cleansing and emphasizes that it is essential for all the peoples of the former Yugoslavia to engage in collective soul-searching, with a view to creating the conditions for a lasting peace in people's minds; stresses in this connection the expiatory role of the International Tribunal for War Crimes in the former Yugoslavia and the obligation for all the governments of the States that originated from former Yugoslavia to collaborate with it and seizing and delivering to it war criminals;

21. Considers that humanitarian aid should also take account of war orphans, single-parent families and women who have been victims of violence, in view of these people's need for social aid programmes and psychological support and education;
22. Calls for extra attention to be devoted to the approximately 300 000 military personnel who are to be demobilized, including many young people in the various republics of the former Yugoslavia, and stresses that young people in particular will require psychological rehabilitation and a good deal of education to prepare them to play a normal rôle in the multicultural society which needs to be established; calls for these young people to be involved in the process of building that society;
23. Stresses the vital role which the NGOs have played and are still playing in managing humanitarian aid, and calls for their action to be coordinated in order to maximise the effectiveness of humanitarian programmes; notes that many NGO workers are working very long hours under very difficult conditions, and calls on the Commission to make arrangements together with the NGOs for temporary replacement when it is necessary;
24. Calls on the Commission to support the establishment in Bosnia-Herzegovina of NGOs reflecting the existence of the three ethnic communities there, in order to permit the revival of a multi-ethnic society based on tolerance and European humanist values;
25. Instructs its President to forward this resolution to the Council, the Commission, the governments and the parliaments of the states once part of former Yugoslavia and the UN High Representative.

**Resolution on the Commission's communication on the reconstruction in the former Yugoslavia (SEC(95)1597 - C4-0595/95)**

The European Parliament,

- having regard to the Commission's communication (C4-0595/95 - SEC(95)1597),
  - having regard to its previous resolutions on the situation in the former Yugoslavia of 26 October 1995<sup>1</sup>, 14 December 1995<sup>2</sup>, 29 February 1996<sup>3</sup>, 14 March 1996<sup>4</sup> and 18 April 1996<sup>5</sup>,
  - having regard to the Dayton peace agreement of 21 November 1995, which was signed on 14 December 1995 in Paris, and to the conclusions of the London Peace Implementation Conference of 8/9 December 1995, as well as to the negotiations of 18/19 February 1996 in Rome and the conclusions of the Conference of Donors of 12/13 April 1996 in Brussels,
  - having regard to the results of its public hearing of 23 April 1996 on the reconstruction of the former Yugoslavia,
  - having regard to the report of the Committee on Foreign Affairs, Security and Defence Policy and the opinion of the Committee on Budgets (A4-0184/96),
- A. convinced that after four years of war and destruction, lasting peace cannot be built by military means alone, but must be founded on a genuine commitment to reconciliation, and be supported by effective administration of justice, corresponding public order, economic reconstruction and the creation of democratic structures,
- B. convinced that the European Union must play a leading role in the context of common efforts by the international community to implement the civil provisions of the peace plan and to contribute to reconstruction of Bosnia-Herzegovina and other destroyed areas,
- C. aware that throughout the whole period of war the EU was the main contributor of humanitarian aid and that also in the first months of 1996 after the Donors' Conference of 20/21 December 1995 the EU undertook substantial financial commitments for reconstruction,
- D. noting the results of the Florence Conference on the implementation of the peace agreement in Bosnia-Herzegovina, especially regarding the organisation of elections, the free movement of people and the return of refugees,
- E. recalling that aid for reconstruction had been imperatively linked to the following political conditions with which the beneficiaries must comply:
- respect for the rule of law, human rights and fundamental freedoms, including the rights of minorities,
  - right of voluntary return for refugees and displaced persons,

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<sup>1</sup> OJ C 308, 20.11.1995, p. 145.

<sup>2</sup> OJ C 17, 22.1.1996, p. 147.

<sup>3</sup> OJ C 78, 18.3.1996, p. 33.

<sup>4</sup> OJ C 96, 1.4.1996, p. 230.

<sup>5</sup> Minutes of that Sitting, Part II, Item 13.

- release of prisoners and full cooperation with the International War Crimes Tribunal,
- guaranteed freedom of movement for persons, especially in Bosnia-Herzegovina,

- F. convinced that all reconstruction efforts should be guided by the aim of contributing to reconciliation and rebuilding coexistence and mutual confidence among the various ethnic/religious groups,
  - G. whereas, in this respect, no reconstruction can be successful without the development of a civil society capable of providing a stable basis for a lasting peace,
  - H. noting the further attempts at destabilising the situation in Bosnia-Herzegovina such as the proclaiming of a separatist government of the Croatian Republic of "Herceg-Bosna", the violent attacks against the former Prime Minister Haris Silajdzic and other incidents that might endanger the organization of free and fair elections in Bosnia-Herzegovina,
  - I. recognizing that the improvement of political conditions, reconciliation, reintegration and reconstruction need long-term efforts which go far beyond the date to which IFOR deployment has been agreed upon,
  - J. acknowledging the indispensable role played by the NGOs often operating in difficult conditions, lacking adequate means and without any coordination,
1. Welcomes the progress achieved to date in implementing the peace plan in its military dimension as well as the establishment of the necessary structures for the civilian implementation; expresses in this respect its confidence in and support for the work of the High Representative, the European Commission, the international organizations and the NGOs involved in the field;
  2. Considers the consolidation of peace, reconciliation and the reconstruction of the former Yugoslavia as the biggest foreign and security policy challenge for the EU since its creation, despite the fact that the implementation of the peace agreement is a responsibility for the international community as a whole, and which in the eyes of its own public opinion will be an important indicator for the credibility and the effectiveness of a common foreign and security policy; therefore strongly supports all efforts to which the EU can contribute politically, financially and economically;
  3. Is of the opinion that support in the framework of the reconstruction programme should be withheld from those authorities that do not respect the provisions of the Dayton Peace Agreement, particularly its human rights dimension;

**I. As regards reconciliation and respect for human rights**

4. Is convinced that after four years of war, destruction and massacres of the civilian population, the way to reconciliation and lasting peace can only be embarked on if those guilty of war crimes, in particular the main instigators, are identified, arrested and brought before the International War Crimes Tribunal in the Hague and made answerable for their actions; emphasises that local authorities also are responsible for locating and arresting suspected war criminals; underlines that the international community must therefore insist on active cooperation with the International War Crimes Tribunal as a precondition for any form of aid for reconstruction beyond humanitarian aid;

5. Calls on the United Nations to amend the statutes of the International War Crimes Tribunal to make it more effective, by introducing the possibility of trying in their absence those responsible for particularly serious crimes;

6. Considers it of the utmost importance to clarify the fate of the thousands of missing persons and calls on all international organizations to assume their specific responsibilities and cooperate in the investigation and clarification of the facts and in determining responsibility;
7. Stresses that the guarantee of freedom of movement for people within the Federation and the self-proclaimed Republika Srpska is a key factor for a sustainable peace, yet, despite the secure conditions brought about by IFOR, the exercise of freedom of movement is seriously hampered by the continuing political obstruction and the climate of fear; believes that, as long as all parties do not fully cooperate with IFOR, the international police force and other international organizations to secure freedom of movement, reconciliation, the people's confidence in peace and the return of refugees and displaced persons are unlikely to be achieved;
8. Deplores the clashes that have occurred in Mostar, Sarajevo and other places in Bosnia, which testify to the influence of extremist elements whose ideology and methods of operation have produced the horrors of the war. These events are putting the process of reintegration and reconciliation between the various ethnic groups to the test;
9. Considers that measures to combat armed gangs and Mafia groups, and the protection of freedom of movement and returning refugees, require tougher intervention than provided for in the Dayton agreement;
10. Calls on the Council to support an international inquiry, under the auspices of the UN or another body, into policy in relation to the capture of Srebrenica in June 1995;

## **II. As regards refugees and displaced persons**

11. Notes that safety and security, as well as the capacity of countries of origin to receive and absorb the influx of returnees from asylum countries, must be the starting point for all decisions regarding the return of refugees;
12. Calls on EU Member States which have granted asylum to refugees from former Yugoslavia to establish a common and overall phased plan coordinated by the Commission for voluntary and gradual repatriation, bearing in mind the proposal by UNHCR, which guarantees a secure and safe environment, with the removal of mines from the territory being a matter of particular urgency, as well as the existence of adequate shelter and essential services;
13. Calls on all the governments of the Republics of former Yugoslavia to adopt or review property laws so that refugees can legitimately get their properties back;

## **III. As regards elections and the freedom of the media**

14. Considers that the fact that those primarily responsible for ethnic expulsions are still in post is an insurmountable barrier to the holding of free and fair elections and therefore urges that their authority be removed definitively;
15. Calls upon the EU and the other international institutions to guarantee that the municipal elections in Mostar, to be held on 30 June 1996, will be free and fair and asks the Member States to give the Serbian refugees of Mostar the opportunity to vote in their embassies in Belgrade;

16. Believes that the holding of free and democratic elections in Bosnia-Herzegovina before 14 September 1996 must represent an important step in paving the way for the establishment of common democratic institutions which should, on the basis of the Dayton accord, exclude those persons who have been accused of war crimes from any public function;
17. Urges the Council, the Commission and the international community as a whole to do all in their power to ensure that the necessary pre-conditions for the organisation of elections in Bosnia-Herzegovina can be fulfilled;
18. Calls on the Council of Ministers to decide on a joint action to monitor closely the development of the electoral process in all of its stages starting from the electoral campaign together with the OSCE and to fully include the European Parliament in an EU observers' delegation;
19. Is of the opinion that in order to guarantee free and fair elections there should be better cooperation between the Federation and the Republika Srpska in the framework of the State of Bosnia-Herzegovina;
20. Believes that after the publication of the provisional electoral roll, based on the 1991 census, all citizens of Bosnia and Herzegovina, whether living there or abroad, must be given the opportunity to check their names and also to have the right to vote in the municipality or entity in which they were registered in 1991 or, if they regard that as impossible, elsewhere in Bosnia-Herzegovina; calls on the Member States to give active support to the participation in the coming elections of Bosnian refugees currently living in the EU;
21. Calls on the Member States to reassure refugees voting in the elections that, although such may be indicative of an intention to return, this in no way amounts to an obligation on the part of refugees to do so as long as conditions are not conducive to such return: stresses that this applies to voting in person as well as by absentee ballot; welcomes measures already taken by a number of Member States to ensure that voting in person will not affect the right of voters to continue to benefit from temporary protection and to be re-admitted in the host country;
22. Deplores the incidents which occur regularly in the Republika Srpska in which refugees, trying to visit their original homes, have been killed and harassed and is of the opinion that these incidents seriously undermine the election process;
23. Appeals to its own political forces as well to political parties, trade unions, social, religious and cultural institutions in the EU countries to support those forces that have acted in support of the peace process and are committed to reconciliation and reintegration, the rule of law and democracy and asks the EU institutions to provide the international and local NGOs making efforts to build and strengthen civil society with the necessary means to carry out their actions;
24. Reiterates that there must be equitable and free access to the media throughout the whole country by all registered parties both before and during the elections campaign, especially on radio and television;
25. Considers that there must be an effective ban on inflammatory broadcasts and deliberately misleading information designed to maintain or incite ethnic hatred;

26. Confirms the position on the freedom of media taken in its abovementioned resolution of 14 March 1996 and calls on the Commission and the High Representative to support and promote free and independent media which have the reconstruction of a democratic and multi-ethnic society as their main objective;

#### **IV. As regards financial aid**

27. Expresses its satisfaction at the funding commitments given at the Donors' Conference in Brussels on 12 and 13 April 1996;
28. Recognizes the considerable efforts the EU has made in financing and managing the most urgent needs for improving the living conditions of the population, partially through the Phare Essential Aid Programme, but confirms its position expressed in its aforementioned resolution of 29 February 1996 that the EU financial contributions cannot be financed through Phare alone but need special funding in the context of a review of the financial perspective in a specific programme;

#### **V. As regards economic rehabilitation and reconstruction**

29. Believes that a rapid and convincing start to economic rehabilitation and reconstruction will be the best way of significantly reducing the dependence of the population on humanitarian aid and of demonstrating, before the elections, that compliance with the Dayton accord and cooperation bring tangible benefits;
30. Takes the view that priority should be given to projects which contribute to the economic reintegration of the country and facilitate the process of reconciliation;
31. Calls on the parties to institute immediately in each municipality an economic rehabilitation programme designed to clear up the destruction created by war, the restoration of normal services (utilities, transport and other local services) and promote the rebuilding of housing, giving priority to the employment of demobilized members of the Armed Forces;
32. Believes that international reconstruction aid should be directed towards key infrastructure needs in the areas of power and electricity, telecommunications and road and rail links, thus also contributing to the rebuilding of housing, which is vital to enable a large number of refugees to return. Such aid should include the funding of recurring costs such as wages in basic sectors such as education and health, at least for a limited period;
33. Stresses the need to bridge the "gap" between humanitarian aid and large-scale reconstruction by supporting targeted, small-scale rehabilitation projects, focusing on shelter but including schools and medical facilities, in the hope that this form of targeted assistance will pave the way for the return of numerous displaced persons to municipalities where the major impediment to such return is the destruction of infrastructure and not political obstruction;
34. Wants special attention to be given to projects which contribute to the cooperation between the Federation and the Republika Srpska, and stresses that the experience of the Phare cross-border programme might be used as an important basis, upholding the principle of conditionality;

35. Encourages the Commission to continue the Phare Essential Aid programme and to concentrate in a second phase on those sectors and projects which can help to reduce unemployment, strengthen public institutions and administrations and prepare for future EU aid programmes together with investment programmes by the EIB, EBRD and IBRD;
36. Asks the Commission to assess the need for budgetary, financial and implementing instruments in order to face up to such complex, urgent and large-scale responsibilities as those taken on in Bosnia-Herzegovina and avoid bureaucratic delays in implementing intervention projects;

## **VI. As regards the Peace Implementation Review Conference**

37. Deplores the failure of the Peace Implementation Review Conference of 13-14 June 1996 in Florence to make a clear statement on the need to sideline those who bore the greatest responsibility for the the war against Bosnia-Herzegovina and on the implementation of the civilian aspects, particularly with a view to the forthcoming elections;
38. Believes that, despite the positive outcome of the conference held in Florence to review the implementation of the peace agreements, there are certain points relating to the holding of elections in Bosnia-Herzegovina which need to be confirmed and which depend on the goodwill of all parties: the creation of conditions necessary to hold free elections and real guarantees of freedom of movement which will enable people to exercise their right to vote;
39. Welcomes the agreement to limit heavy weapons concluded and signed by the Federal Republic of Yugoslavia, the Republic of Croatia and the Republic of Bosnia-Herzegovina, which will help limit the risk of future conflict;
40. Considers that the Union's economic and trade policy towards the countries of former Yugoslavia must encourage regional integration and lead, as soon as the political situation allows, to the conclusion of cooperation agreements and, ultimately, association agreements between the Union and these countries;
41. Considers further that the Union should envisage unilateral measures in the trade sector, in particular within the framework of the GSP;
42. Stresses that the granting of international reconstruction aid on a larger scale should depend on the results of such an assessment as well as on the outcome of the elections in September 1996;
43. Takes the view that the investment represented by the economic, political and humanitarian efforts made so far by the EU, the international agencies, the High Representative and the numerous NGOs should not be lost either through insufficient funding or more seriously by an early withdrawal of IFOR, thus endangering the civil implementation efforts which will have to continue beyond the end of 1996; the IFOR presence should be guaranteed with the necessary human resources for as long as required on the basis of an agreement between all the participating forces, in particular the countries of the EU and the United States;
44. Calls upon the EU to consider a further extension of the EU administration in Mostar; urges the Council to clarify the status of EU personnel after 22 June 1996 in order to avoid an early loss of experienced staff;

45. Instructs its competent committee to draw up a follow-up report before December 1996 in order to evaluate the results and future strategy;

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46. Instructs its President to forward this resolution to the Commission, the Council, the governments and the parliaments of the Member States, the governments and parliaments of the republics of the former Yugoslavia, and the High Representative of the United Nations.

**Resolution on the Commission communication on the European Union's financial contribution to reconstruction in former Yugoslavia (COM(95)0581 - C4-0608/95)**

The European Parliament,

- having regard to the communication from the Commission (COM(95)0581 - C4-0608/95),
  - having regard to Articles J.3 and J.11 of the Treaty on European Union,
  - having regard to the conclusions of the Cannes European Council of 26 and 27 June 1995,
  - having regard to the guidelines of the Brussels European Council of 29 October 1995,
  - having regard to the Council decision of 11 December 1995 on a joint action of the Union in Bosnia-Herzegovina<sup>1</sup>,
  - having regard to the Paris Peace Agreement of 14 December 1995 and the Rome Consolidation Conference of 17 and 18 February 1996,
  - having regard to its resolution of 29 February 1996 on financing the reconstruction of the former Yugoslavia<sup>2</sup>,
  - having regard to the report of the Committee on Budgets and the opinions of the Committee on External Economic Relations and the Committee on Budgetary Control (A4-0204/96),
- A. whereas the European Union supports reconstruction in the republics of the former Yugoslavia and regards it as a priority foreign policy objective,
- B. whereas the European Union supports all measures which can contribute to a lasting peace settlement in Bosnia-Herzegovina,
- C. whereas the decisions of the Dayton Accord and the Rome Conference on 17 and 18 February 1996 represent the foundations of financial aid for reconstruction in the former Yugoslavia,
- D. whereas the World Bank has estimated that the financial support needed for reconstruction up until 1999 will be of the order of US\$ 5.1 bn, but whereas the international donor community has so far made only partial commitments regarding the raising and allocation of these resources,
- E. whereas at the second conference of donors on 12 and 13 April 1996 in Brussels US\$ 1232 m were committed, thus achieving and even slightly exceeding the target of US\$ 1.8 bn for the whole of 1996,
- F. whereas the European Union made available ECU 87 m from its budget at the first donor conference, of which ECU 62.5 m were taken from budget heading B7-500 (PHARE),

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<sup>1</sup> OJ L 309, 21.12.1995, p. 2.

<sup>2</sup> OJ C 78, 18.3.1996, p. 33.

G. whereas in December 1995 the European Parliament, as an arm of the budgetary authority, made available ECU 12.13 m for the administrative expenditure of the High Representative,

- H. having regard to transfer of appropriations 9/96 approved on 20 May 1996 transferring ECU 20 million from Chapter B0-40 - Provisions - to Article B7-541 - Measures for the reconstruction of the Republics formerly part of Yugoslavia - with a view to financing an initial programme for projects in Sarajevo,
  - I. having regard to transfer of appropriations 11/96, part 2, approved on 21 May 1996, from Chapter B0-40 - Provisions - to Article B8-013 - Other joint actions of the European Union for the common foreign and security policy - transferring ECU 3.6 million, relating to the Community's policy on emergency aid for mine clearance in Bosnia-Herzegovina and Croatia,
  - J. having regard to the serious underspending of the newly installed Chapter B7-54 - Financial Cooperation with the Republics formerly part of Yugoslavia,
  - K. whereas the use of the PHARE appropriations originally intended for Yugoslavia is now restricted to a few of the new republics, excluding Slovenia and the Republic of Serbia-Montenegro,
  - L. whereas the EU's financial contribution to aid measures in the former Yugoslavia is already leading - and will continue to lead in the forthcoming financial year - to a shortfall in heading 4 of the Financial Perspective, assuming that other foreign policy commitments are not cut in order to fund reconstruction,
  - M. whereas the current proposal for a revision of the financial perspective up to 1999 contains no proposals for reallocating funds or replenishing with new funds for the reconstruction of former Yugoslavia,
  - N. whereas the planning of the EU's financial contribution to the reconstruction of the former Yugoslavia assumes that the Union will contribute 20-25% to the measures as a whole, whilst the remaining appropriations will be supplied by the individual Member States and the remainder of the international donor community,
1. Reiterates its conviction that the European Union has a major political responsibility as regards international support for reconstruction in the former Yugoslavia;
  2. Considers that the Republics of former Yugoslavia, especially Bosnia-Herzegovina, urgently need massive aid for reconstruction, which must be used in particular for the rapid elimination of the damage caused by the war to infrastructure (bridges, roads, telecommunications and power stations) and social services (schools, hospitals and housing); points out, in this context, that only in this way can the preconditions for fundamental reform and a reactivation of overall economic activity be created, which is essential if the process of peace and reconciliation between the sides involved in the civil war is to progress successfully;
  3. Considers, furthermore, that the reconstruction of former Yugoslavia means that the new republics must tackle a difficult transition to a market economy and a fully democratic and pluralist political system;

4. Calls the attention of the Commission and the Council to the fact that the reconstruction of former Yugoslavia is a long-term task which requires from the international community, in particular from the European Union, a global programme of reconstruction for the region and adequate financial resources; stresses, in this context, that the EU should draw up a medium-term programme of assistance for reconstruction appropriate for the actual situation in the region and including the specific arrangements for intervention required by the situation;
5. Reiterates its willingness to give constructive support to all measures which contribute to a lasting peace settlement in the former Yugoslavia, and calls to mind the decisions of the Dayton Accord, the Paris Conference and most recently the Florence Conference on 13 and 14 June 1996;
6. Stresses that the practical allocation of financial resources by the international donor community, especially the EU, must be conditional on the comprehensive implementation of all parts of the Dayton Accord and the results of the Rome talks (especially as regards respect for human rights and the guaranteed free movement of persons and goods) by all the republics of the Bosnia-Herzegovina Federation;
7. Supports the efforts of the High Representative Carl Bildt and of the Commission in Sarajevo and in other parts of the country to lay the foundations for a stable peace settlement by giving a rapid boost to the devastated economy and by providing immediate relief for the most urgent social distress;
8. Recalls that the European Union has an interest in a peace process which includes the whole of the former Yugoslavia;
9. Notes that the World Bank has estimated that the funding requirement for reconstruction measures up to 1999 at US\$ 5.1 bn;
10. Urges the international donor community to reach agreement as soon as possible on the total funding of this sum and highlights the need for a financial estimate and a detailed breakdown of the costs between the donor countries, together with an accurate schedule;
11. Acknowledges that the international donor community decided at its second conference on 12 and 13 April 1996 to fund urgent measures in 1996;
12. Reminds the Commission that the PHARE Programme was not created as an instrument for the reconstruction of a war-torn country but derives its political legitimacy essentially from the Eastern and Central European countries' need to adjust and prepare for possible accession to the European Union; reiterates that the legal basis of PHARE is too inflexible for the procurement of fast and efficient aid, and that it is therefore not fit for this task; regrets that at the expense of the beneficiaries the Commission has refrained from utilizing its resources from the new B7-54 budget lines on the basis of the budgetary authority's specifications;
13. Urges the Commission to give the EU Commission's representative in Bosnia-Herzegovina more discretionary power for micro-projects (up to ECU 10 000) in order to achieve rapid improvements in the housing sector in key areas before the elections; demands that these means should be allowed to bypass government authorities in order to help local communities directly;

14. Questions the Commission's plans to divert a total of ECU 600 million from the PHARE Programme for the purposes of reconstruction aid in the period from 1996 to 1999; reminds the Commission that, in the event of a partial rearrangement of PHARE obligations, agreement must be reached with the budgetary authority on the incorporation of reconstruction projects in the PHARE objectives and that the consequences of such a rearrangement for operational programmes in countries already receiving aid must remain restricted to the absolute minimum;
15. Notes that the Commission has made available for the remaining months of 1996 a further amount of US\$ 260 m from the EU's 1996 budget;
16. Notes that the Commission is planning to make available a total amount of ECU 1 bn for reconstruction from the European Union budget for the period up to 1999;
17. Reminds the Commission that the funding of reconstruction aid in the former Yugoslavia has led to a shortfall of around ECU 200 m in heading 4 of the 1996 Financial Perspective and that a deficit will also occur in the coming year unless drastic cuts are made in the funding of other foreign policy commitments;
18. Reminds the Council that it should not take any foreign policy decisions on behalf of the EU involving financial commitments and not covered by the EU budget without consulting the European Parliament;
19. Calls on the Council, in view of the precarious financial situation of heading 4 of the Financial Perspective, to make new appropriations available in the context of a review of the Financial Perspective for the funding of new policies such as participation in reconstruction in the former Yugoslavia; recalls in this connection that the ceilings agreed unanimously for the Union budget by the European Council in Edinburgh in 1992 provide sufficient leeway for adjustments of this type to the Financial Perspective;
20. Notes that the Commission did not carry out adequate financial planning for participation in the reconstruction of the former Yugoslavia and did not call on the budgetary authority in good time: the figures submitted contradict each other, draw on often questionable budget headings and exceed the ceiling of heading 4 of the Financial Perspective; calls on the Commission to carry out reliable, transparent and consistent financial planning;
21. Calls on the Commission as a matter of urgency to propose a new draft for the review of the Financial Perspective taking account of the abovementioned dilemmas raised by the Union's financial participation in reconstruction;
22. Considers it essential that the EIB should develop a broad programme of regional support in the Republics of former Yugoslavia, in collaboration with the EBRD and other multilateral financial institutions, such as the World Bank; to this end priority should be given to actions which help to promote regional economic cooperation, by developing infrastructures which constitute a structured area, and which promote interregional trade;
23. Approves of the possibility of the PHARE programme financing projects which prepare for EBRD investment in the sectors of telecommunications, energy and the development of SMUs, in accordance with the terms laid down in the Bangkok Agreement; nevertheless, calls the Commission's attention to the fact that the donor countries should contribute funds to the financing of projects requiring investment, in view of the reduced international solvency of most of the Republics of former Yugoslavia;

24. Considers that making funding available for the peace process in the former Yugoslavia is a decisive factor in putting political decisions into practice, but that it is conversely not possible to produce a peace process by financial means alone; reconstruction aid can only work to the extent and at the pace at which all those involved support and promote all aspects of the peace process;
25. Points out that the rapid reconstruction of the former Yugoslavia must go hand-in-hand with maximum transparency in the use of financial aid and strict monitoring of expenditure, because these conditions are crucial for the success of the reconstruction efforts; notes that both its Committee on Budgets and Committee on Budgetary Control must be fully involved in this process;
26. Considers it essential that, with the exception of humanitarian aid, technical, financial and macroeconomic assistance from the European Union to the Republics of former Yugoslavia should be made subject to the criteria of political and economic conditionality laid down by the General Affairs Council at its meeting of 30 and 31 October 1995;
27. Insists on the introduction of suitable procedures which ensure that it receives information immediately it becomes available and on a permanent basis and calls on the Commission to submit quarterly implementation reports;
28. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

**Resolution on the communication from the Commission on the reconstruction in former Yugoslavia: EU aid administration and internal aid coordination (COM(95)0582 - C4-0519/95)**

The European Parliament,

- having regard to the communication from the Commission on the reconstruction in former Yugoslavia: EU aid administration and internal aid coordination (COM(95)0582 - C4-0519/95),
  - having regard to the Dayton Peace agreement, and in particular annex 10 on civilian implementation of the Peace Settlement,
  - having regard to the Conclusions of the Bosnia Peace Implementation Conference, London, 8-9 December 1995,
  - having regard to the Chairmen's conclusions of the first and second meetings of donors on the reconstruction of Bosnia-Herzegovina (Brussels, 20-21 December 1995 and 12-13 April 1996),
  - having regard to the UN Security Council resolutions, in particular Resolution 1031 (1995) of 15 December 1995, and to the first report by the High Representative to the Secretary-General of the UN of 13 March 1996,
  - having regard to the conclusions of the Council, in particular of 4 December 1995, 29/30 January 1996, 26/27 February 1996, 11 March 1996, 22 April 1996 and 13/14 May 1996,
  - having regard to its resolutions of 21 September 1995<sup>1</sup>, 26 October 1995<sup>2</sup>, 14 December 1995<sup>3</sup>, 18 January 1996<sup>4</sup>, 15 February 1996<sup>5</sup>, 29 February 1996<sup>6</sup>, 14 March 1996<sup>7</sup> and 18 April 1996<sup>8</sup>,
  - having regard to the report of the Committee on External Economic Relations and the opinions of the the Committee on Budgets and the Committee on Budgetary Control (A4-0178/96),
- A. whereas the reconstruction of the war-stricken areas of former Yugoslavia, and in particular of Bosnia-Herzegovina, is crucial in order to create a climate of stability and security and to further cooperation between the peoples and the states in the region,
- B. whereas the international community has agreed, in particular at the London Peace Implementation Conference, to support economic reconstruction in Bosnia and Herzegovina "on the basis of appropriate burden-sharing within the international community of the overall effort needed to secure and implement the peace",

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<sup>1</sup> OJ C 269, 16.10.1995, p. 145.

<sup>2</sup> OJ C 308, 20.11.1995, p. 145.

<sup>3</sup> OJ C 17, 22.1.1996, p. 147.

<sup>4</sup> OJ C 32, 5.2.1996, p. 95.

<sup>5</sup> OJ C 65, 4.3.1996, p. 154.

<sup>6</sup> OJ C 78, 18.3.1996, p. 33.

<sup>7</sup> OJ C 96, 1.4.1996, p. 297.

<sup>8</sup> See Minutes of that Sitting, Part II, Item 13.

- C. whereas the elements of political conditionality attached to the assistance stem from the General Framework Peace Agreement and are clearly set out in the Conclusions of the Peace Implementation Conference,

- D. whereas the High Representative will monitor the implementation of the Peace Agreement and mobilise and, as appropriate, coordinate the activities of the civilian organisations and agencies involved,
- E. whereas the Council, in its conclusions of 30 October 1995, confirmed the willingness of the EU to "contribute to the international effort aimed at the reconstruction of the regions devastated by the war" and to "coordinate its action with the other members of the international community in order to provide long-term assistance with the objectives of supporting economic development, reinforcement of civil society, reconciliation and regional economic cooperation",
- F. whereas, even with international support, the reintegration of the various parties into a multi-ethnic united state, Bosnia-Herzegovina, will be a long process in view of the extreme difficulty of reconciling ethnic differences,
1. Welcomes the results of the first and second meetings of donor countries and organisations on the reconstruction of Bosnia-Herzegovina held in Brussels on 20-21 December 1995 and 12-13 April 1996;
  2. Is concerned about reports tabled at the second donors' conference which indicated:
    - (a) that only US\$ 350 m of the US\$ 600 m raised at the first donors' conference had actually been committed by April 1996,
    - (b) that 70% of donor resources had been provided as grants made to support specific projects or as 'in kind' assistance, but that very few donors had given cash grants to support recurrent or other expenditure,
    - (c) that less than 9% of donor resources had gone to social sectors,
    - (d) that less than 2% of donor resources had gone towards landmine clearance;
  3. Stresses the need for an equitable burden-sharing within the international community to ensure adequate funding; congratulates the Commission for its rapidity in reacting to the challenge of economic reconstruction;
  4. Calls on the other donors, in particular the US, Japan and the Islamic countries, to undertake sufficient long-term commitments in order to contribute effectively to the complete reconstruction programme;
  5. Stresses the importance of committing money which has been promised as soon as possible;
  6. Agrees with the priorities identified by the Commission, the World Bank, the EBRD and the IMG for the Programme for recovery and growth in Bosnia and Herzegovina;
  7. Stresses the importance of achieving practical results in terms of peace before the September elections;
  8. Stresses however:

- the paramount importance of housing rehabilitation, in particular for returning refugees; recognizes the great efforts made by the Commission in this respect,
- the need to speed up efforts for landmine clearance,

- the crucial importance of funding specific projects for institution strengthening, including civilian administration (tax and customs administration, monetary authorities, agencies for implementing assistance),
- the need to favour systematically those projects which will support close cooperation between the Entities of the Republic of Bosnia-Herzegovina, as well as regional and local cooperation;

9. Stresses furthermore that:

- it must be constantly emphasized that continuing aid is dependent on all parties respecting human rights and the rule of law, cooperating with the International War Crimes Tribunal, dismantling the war industry and cooperating in arms control,
- poverty alleviation should be a primary aim of reconstruction; in particular moves should be made towards establishing a coherent social welfare system,
- in developing projects emphasis should be given to the need to reinvigorate the local economy by the use where possible of local suppliers and labour force. To this end welcomes the efforts already made by the Commission to provide work for demobilized soldiers,
- projects should as far as possible promote social integration by the development of schemes accessible to differing communities or through the use of ethnically mixed labour force,
- aid for recurring expenditure such as salaries for doctors and teachers should be a priority;

### *International Coordination*

10. Acknowledges the efforts to set up efficient coordination systems for international assistance; considers that a certain clarification should occur on the respective roles of the High Representative and the main donors, such as the World Bank and the EU, represented by the Commission;
11. Considers furthermore that specific efforts should be exercised at EU level, in order to coordinate assistance by the Union and by the Member States;
12. Calls on the Commission to furnish information on reconstruction aid granted under PHARE and the exercise of conditionality, given that the condition of freedom of media is not realized in any of the entities;
13. Emphasizes that donor resources should be channelled into projects identified as priorities by the agencies on the ground in Bosnia;
14. Underlines the importance of operating a coherent system for implementing political conditionality, responsibility for which should clearly lie with the High Representative;

### *Macro-economic Issues*

15. Remarks that the macro-economic situation of Bosnia-Herzegovina is particularly difficult, inevitably delaying intervention by IFIs. External assistance therefore needs to be in the form of grants rather than loans in the short term;

16. Welcomes the agreements which have made possible settlement of Bosnia-Herzegovina's debt arrears with the IMF and the World Bank, as well as its membership in those institutions;
17. Stresses the importance of dealing swiftly with the problem of EIB debt arrears, in order to mobilize as soon as possible EIB funds for reconstruction; considers that the Union should take an initiative in this matter; recalls that negotiations with the Paris Club and the London Club on debt rescheduling are still on-going;

### *Croatia*

18. Calls for the immediate start of preparatory work for damage assessment and project identification in the war-stricken areas of Croatia so that, once political conditions are considered fulfilled, implementation can take place without delay;
19. Stresses, in that context, that no consideration should be given to resuming negotiations for a cooperation agreement with Croatia, nor to its admission to the PHARE programme until the international community is satisfied that Croatia is actively supporting the Dayton Peace Agreement in all its respects;

### *In conclusion*

20. Insists yet again on the need for donors to select high-impact, high visibility projects with high employment potential, which will favour inter-entity and inter-state cooperation and visibly express international solidarity and reinforce implementation of political conditionality; stresses the need for donors to develop coherent guidelines for procurement procedures and favour mobilisation of private funds by supporting guarantee programmes covering political risks;
21. Urges the Commission to avoid any measures which recognize the different entities as political bodies, and recommends seeking cooperation with local partners, at the same time avoiding time-consuming bureaucracy;
22. Takes note that the Commission has prepared a specific legal base for reconstruction assistance to Bosnia-Herzegovina;
23. Is concerned by the absence of the representatives of Republika Srpska at the second donors' conference; maintains however that international assistance for reconstruction should benefit all the people of Bosnia-Herzegovina, within the framework of political conditionality defined by the Dayton Peace Agreements;

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24. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the governments of Bosnia-Herzegovina and Croatia and the High Representative for the Implementation of the Peace Agreement.

## 7. Assistance to NIS and Mongolia

**A4-0202/96**

**Resolution on the conciliation procedure provided for in the Joint Declaration of 4 March 1975 by the European Parliament, the Council and the Commission on the draft Council Regulation (EURATOM, EC) concerning the provision of assistance to economic reform and recovery in the New Independent States and Mongolia (COM(95)0012 - C4-0242/95 - 4546/96 - C4-0090/96 - COM(96)0213 - 95/0056(CNS))**

The European Parliament,

- having regard to the Commission proposals to the Council, COM(95)0012<sup>1</sup> and COM(96)0213 - 95/0056(CNS),
  - having regard to the draft Council Regulation, 4546/96 - C4-0090/96,
  - having regard to the Joint Declaration by the European Parliament, the Council and the Commission of 4 March 1975, particularly Articles 5 and 6 thereof,
  - having regard to Rule 61(4) of its Rules of Procedure,
  - having regard to the report of the Committee on External Economic Relations (A4-0202/96),
1. Condemns the fact that the Council has not used all possibilities available in order to seek an agreement with Parliament, thereby failing to respect the terms of the 1975 declaration; insists that the time available should be used for reaching such an outcome;
  2. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>1</sup> OJ C 134, 1.6.1995, p. 16.

## **8. Conduct of elections in Albania**

**B4-0735, 0791 and 0813/96**

### **Resolution on the elections in Albania**

#### The European Parliament,

- having regard to its previous resolutions on the situation in Albania and on relations between the EU and Albania,
  - having regard to the statement by the Presidency of the Council of 31 May 1996 calling for part of the elections to be re-held,
- A. whereas, according to the reports of international observers, in particular those from the Organisation for Security and Cooperation in Europe, a series of serious violations against Albania's own election law as well as serious cases of intimidation of voters and polling commission officials took place,
- B. whereas nine opposition parties withdrew from the elections in protest on the night of the elections and that opposition parties also boycotted the second round of elections on 2 June 1996,
- C. whereas the electoral committee in Tirana declared the result of the elections invalid in 17 out of 115 constituencies, and that President Berisha set a new date for elections, which took place on 16 June, in these 17 constituencies,
- D. deeply concerned at statements by the opposition parties asserting that the partial repetition of the elections is not sufficient and announcing their continuation of the boycott,
- E. concerned by the outbreak of violent clashes between the police and pro-democracy demonstrators following the elections,
- F. underlining the importance of a fair electoral process in establishing a full democracy in Albania,
- G. whereas the Commission will be submitting to the Council a proposal for a mandate to negotiate a new agreement with Albania to replace the 1992 trade and cooperation agreement and forge stronger links in terms of political dialogue; whereas Albania is a full member of the Council of Europe,
1. Reiterates its support for the process of democratization in Albania but believes that the unfortunate events that took place during these elections represent a clear setback for the development of a full democracy and respect for the rule of law;
  2. Condemns the violations of the democratic electoral process in Albania;
  3. Urges the President of Albania to annul the result of these elections and to organize, as soon as possible, new elections in conformity with international democratic standards;

4. Appeals to the government and the opposition parties to resume political dialogue in order to find a solution to the current institutional crisis;
5. Calls on the Council to make clear to the Albanian authorities the European Union's insistence that the elections in Albania should be organized with full respect for international standards and that this is a condition for any future negotiations on closer cooperation with the European Union;

6. Calls on the Albanian Government to release political prisoners, to guarantee the conditions for the media to function freely and independently and to abolish the death penalty;
7. Urges the Commission and the Council to postpone all further cooperation between the European Union and Albania until respect for democracy and human rights in this country is restored and new elections have taken place in conformity with international democratic standards;
8. Instructs its President to forward this resolution to the Council, the Commission, the Albanian Government and the President of the Republic of Albania.

## 9. Elections in Bosnia

**B4-0734/96**

### **Resolution on elections in Bosnia and Herzegovina**

The European Parliament,

- A. whereas the Dayton agreement requires nationwide elections to be held in Bosnia and Herzegovina not later than 14 September 1996,
- B. whereas the conditions for democratic elections urgently need to be improved, especially as regards freedom of movement, freedom of the media and the return of displaced persons and refugees,
- C. whereas the elections are an opportunity for the reintegration of Bosnia and Herzegovina,
- D. whereas postponing the elections would risk deepening the division of Bosnia and Herzegovina by leaving the republic without a national parliament, government and presidency and prolonging the existing rule of local leaders without legitimacy,
- E. noting that the following provision in the Dayton agreement may prevent refugees from voting by giving them the impression that they risk being forced back once they have voted: *'The exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina'*,
  - 1. Stresses the importance of holding elections on schedule at all levels in Bosnia and Herzegovina - municipal, cantonal, entity and national;
  - 2. Stresses that no effort must be spared to create conditions as favourable as possible for democratic elections;
  - 3. Calls on the Commission, the Council and the Member States to increase their pressure on all leaders, but specifically on Serb and Croatian leaders with influence in Bosnia and Herzegovina to guarantee the right to free speech, free media and freedom of movement in Bosnia and Herzegovina;
  - 4. Calls on politicians in charge of the NATO implementation force and on IFOR commanders to make more of the IFOR mission in Bosnia and Herzegovina, notably by having IFOR soldiers play a more active part in arresting war criminals, dismantling road blocks, escorting refugees home and accompanying journalists who would like to cover the whole republic;
  - 5. Calls on the Member States which have received refugees from Bosnia and Herzegovina to guarantee that no one will be forced to withdraw because he or she has exercised his or her right to vote;
  - 6. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the governments and parliaments of Bosnia and Herzegovina, Serbia/Montenegro and Croatia, IFOR Headquarters, and the High Representative of the international community.



## 10. Human rights

(a) B4-0764, 0776, 0777, 0782, 0784, 0785, 0800, 0806, 0817, 0819, 0825 and 0831/96

### Resolution on the situation in East Timor and the violation of human rights in Indonesia

The European Parliament,

- having regard to its previous resolutions on the situation in East Timor and the violation of human rights in Indonesia,
- A. having regard to the illegal occupation of East Timor by Indonesia,
- B. whereas Indonesian military repression against the population of East Timor is continuing and has been stepped up over recent days, particularly against young people,
- C. deeply concerned at the incidents which occurred in Baukau between 9 and 11 June 1996 in the wake of the profanation of a Catholic religious image, involving protests by several hundred young Timorese which were repressed by the Indonesian security forces, with at least two of the young demonstrators being killed, large numbers wounded and several dozen being arrested,
- D. whereas the Indonesian government continues to ignore all calls from the international community urging it to respect human rights and the right of self-determination of the people of East Timor,
- E. having regard to the developments following the approach made by the Portuguese Prime Minister to the President of Indonesia during the Euro-Asian summit in Bangkok,
- F. having regard to the forthcoming meeting between the Indonesian and Portuguese Foreign Ministers to be organized by the UN Secretary-General,
- G. having regard to the fatal shooting of 25-year-old Imanuel Soares from East Timor on 7 June by the police in Jakarta,
- H. whereas hundreds of political prisoners are still being detained in Indonesia and in East Timor,
- I. whereas the tension in Indonesia has been increasing, as demonstrated by the incidents which have occurred in Irian Jaya (Western Papua), where young people clashed with soldiers, and by the army's brutal invasion of the university campus in Ujung Padang in order to stop a student demonstration (protesting against a 150% increase in bus fares) which resulted in the death of six young people,
- J. whereas the Indonesian authorities accused the former member of parliament Mr Sri-Bintang Pamungkas of being the instigator of demonstrations in Germany,
- K. whereas this accusation was subsequently replaced by another alleging that Mr Sri-Bintang Pamungkas had insulted the President of Indonesia during a lecture he gave at the Technical University of Berlin on 9 April 1995, which led to his being sentenced to 34 months' imprisonment on 8 May 1996,

1. Condemns once more the Indonesian military repression of the people of East Timor and expresses its solidarity with the victims and their families;

2. Deplores the provocative acts perpetrated against freedom of religion;
3. Reaffirms its solidarity with the people of East Timor in their fight for self-determination, and its condemnation of the illegal occupation of East Timor;
4. Calls for the immediate release of all political prisoners, including Xanana Gusmão;
5. Reaffirms its support for the UN-sponsored negotiations now underway aimed at resolving the problems on the basis of respect for human rights and the right to self-determination;
6. Calls on the Indonesian Government to respond to the initiative of the Portuguese Government;
7. Reiterates its demand to the Member States of the European Union to halt all military assistance and all arms sales to Indonesia;
8. Recalls the decision in its resolution of 21 November 1991 on the massacre in East Timor<sup>1</sup> to send a delegation on a fact-finding mission to East Timor and insists that the Indonesian authorities should refrain from trying to prevent this visit;
9. Demands that the Indonesian authorities drop the charge against Mr Sri-Bintang Pamungkas, withdraw the sentence and rehabilitate him;
10. Calls on the Indonesian Government to guarantee the exercise of free and fair trials in the future;
11. Urges the Indonesian authorities to stop violating the rights of peaceful critics and activists and to guarantee all individuals, including independent journalists, their right to freedom of speech and association as expressed in international declarations on human rights and in the Indonesian Constitution;
12. Calls on the Commission to report on the situation in East Timor and on the violation of human rights in Indonesia and to take all the necessary steps in order to do so;
13. Instructs its President to forward this resolution to the Council, the Commission, the parliaments of the Member States, the Indonesian Government, the Secretary-General of the United Nations and the UN High Commissioner for Human Rights.

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<sup>1</sup> OJ C 326, 16.12.1991, p. 182.

**Resolution on the murder of Mrs Kudiratu Abiola in Nigeria**

**The European Parliament,**

- having regard to its previous resolutions on Nigeria, and in particular that of 23 May 1996<sup>1</sup>,
  - A. shocked by the murder on 4 June 1996 of Mrs Kudiratu Abiola, the wife of the democratically elected President of Nigeria, Mr Mashood Abiola,
  - B. whereas Mrs Kudiratu Abiola had spoken out in the cause of her husband, Mashood, under arrest and in prison for having claimed victory in the 12 June 1993 presidential elections, declared null and void by the military,
  - C. whereas the Nigerian opposition alliance has denounced Mrs Kudiratu Abiola's killing as a politically motivated assassination,
  - D. whereas a number of attacks have been carried out against members of the opposition in recent months, creating a climate of extreme insecurity and compelling some members of the opposition to flee their country, including Wole Sayinka in 1994 and, more recently, Anthony Enahoro,
  - E. repeating its condemnation of the murder of Ogoni militants, including Ken Saro-Wiwa,
  - F. whereas, two years after brutally interrupting the electoral process, the military régime remains in power by the use of brute force and whereas the arrest of political figures and representatives of civil society demonstrates the anti-democratic and dictatorial nature of the military régime,
  - G. concerned at the arrest of Mr Nnimmo Bassey, speaker of Oil Watch Nigeria and director of environmental rights projects of the Civil Liberties Organization (CLO) on his way to a regional conference,
  - H. outraged by the Nigerian government's arrogant defiance of international appeals to restore democracy, an independent judiciary, the rule of law and respect for human rights of its citizens,
  - I. convinced that concerted international sanctions designed to isolate the Nigerian authorities economically, diplomatically and politically and applied effectively can bring pressure to bear on the régime of Sani Abacha to establish a democratic constitutional régime,
1. Condemns the murder of Mrs Kudiratu Abiola and expresses its solidarity with Mr Abiola and all those in Nigeria who are courageously demonstrating their attachment to democracy and respect for human rights;
  2. Demands that full light should be shed on this political assassination and that those responsible should be brought to justice; believes that an international commission of inquiry should be involved in the investigations in order to ensure impartiality;

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<sup>1</sup> Minutes of that Sitting, Part II, Item 10(b).



3. Therefore urges the Nigerian authorities to establish immediately a judicial commission of inquiry into the murder of Mrs Kudiratu Abiola, the killing of Chief Rewani, the attack on Chief Ibru and the other attacks carried out in recent months, including international representatives to ensure its independence;
4. Calls for the release of all political prisoners particularly Mashood Abiola, Felix Ndamaigida, Rebecca Onyabi Ikpe and Nnimmo Bassey;
5. Condemns the Nigerian régime for its continuing brutal oppression of opponents and any democratic force in the country and calls on the Council, the Commission, and the Member States to step up without hesitation and without delay the sanctions against Nigeria and to ensure that they are strictly enforced;
6. Calls on the OAU to isolate Nigeria politically;
7. Instructs its President to forward this resolution to the Council, the Commission, the Secretaries-General of the OAU and the United Nations, the Co-Presidents of the ACP-EU Joint Assembly and the Nigerian military authorities.

## Resolution on the banning of the National League for Democracy in Burma

### The European Parliament,

- recalling its previous resolutions on the situation in Burma and notably that adopted on 23 May 1996 on human rights violations in Burma (Myanmar)<sup>1</sup>,
  - A. shocked at the decision by the military junta in Rangoon to ban the NLD, which is led by the Nobel and Sakharov Prize winner Mrs Aung San Suu Kyi, in order to prevent any political demonstrations against the current regime,
  - B. considering that the SLORC (State Law and Order Restoration Council) put a new law into force on 6 June 1996 under which political criticism and public speeches can be punished with up to 20 years' imprisonment and which allows for a ban on any public political gathering involving more than five persons,
  - C. seriously concerned at the human rights abuse which is still going on in Burma and convinced that there are sufficient grounds to believe that further investigations into the general human rights situation in Burma are necessary,
  - D. recalling that Burma will become a member of the Asean Regional Forum on 23 July 1996 and will take part as an observer in upcoming Asean meetings,
1. Supports the efforts made by the democratic forces of Burma and by Mrs Aung San Suu Kyi in their struggle for the establishment of a state of law founded on principles of democracy and on respect for human rights;
  2. Strongly condemns the violations of human rights in Burma and more specifically the new law adopted by the SLORC in order to ban the NLD, which constitutes a serious attack on human rights and freedom of expression;
  3. Reaffirms the need for the EU and all the Member States to isolate the SLORC politically and economically in order to contribute to the transfer of power to a democratic government;
  4. Invites the Asian countries to implement every measure in order to isolate the SLORC politically and economically and to support the democratic forces of the country;
  5. Furthermore, calls on:
    - the Commission to report on the general human rights situation in Burma,
    - the Council to adopt immediately a formal statement on the human rights abuses in Burma, a statement recently blocked by the United Kingdom's 'non-cooperation' policy;
  6. Instructs its President to forward this resolution to the Council, the Commission, the Burmese authorities and the UN Secretary-General.

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<sup>1</sup> Minutes of that Sitting, Part II, Item 10(c).



**Resolution on human rights and the situation in Turkey**

The European Parliament,

- having regard to the human rights clause included in the proposal for a Council Regulation regarding the implementation of a special financial cooperation measure for Turkey (COM(95)0389 - C4-0391/95)<sup>1</sup>,
- having regard to the Barcelona Declaration of which Turkey is a signatory,
- A. anxious to achieve good relations with Turkey, but recalling its numerous previous resolutions on human rights and statements made by the Turkish authorities prior to the approval of the Customs Union, promising improvements,
- B. deeply concerned at the recent military operations undertaken by the Turkish armed forces in Eastern Turkey and the refusal to attempt to achieve a peaceful settlement despite the declaration of a ceasefire by the PKK on 15 December 1995,
- C. whereas Kurdish prisoners in many Turkish prisons have been on hunger strike in protest against repressive measures introduced by Mr Mehmet Agar, formerly Chief of Security and subsequently Minister of Justice,
- D. concerned by reports that medical treatment is being obstructed and that the health of various prisoners participating in the prison hunger strike is now in grave danger,
- E. deeply concerned by reports of ill-treatment against prisoners which, inter alia, has resulted in four deaths in January 1996 in Istanbul's prison,
- F. deeply disturbed by the fact that the former Members of Parliament of Kurdish origin, Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan have still not been released from prison, and have joined the hunger strike by other political prisoners,
- G. unable to accept that the prosecutions of the writer Yasar Kamal and the sociologist Ismail Besikci and the treatment of political prisoners in general are compatible with internationally accepted standards of human rights,
- H. condemning the bans on assembly and demonstration, the violence, the arrests and baton charges by the police during the HABITAT II conference,
- I. concerned that the president of the Diyarbakir medical association and committed human rights activist, Seyfettin Kizilkan, has been sentenced to over three years' imprisonment by a state security court, although observers assume that the charges were fabricated,
- J. taking fully into account the uncertainty prevailing on the Turkish political scene following the fall of the present Government and the resignation of the Prime Minister, Mr Mesut Yilmaz,

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<sup>1</sup> OJ C 271, 17.10.1995, p. 12.

1. Appeals to the incoming government to commit itself to recognise and uphold human rights in Turkey, in accordance with the European Convention on Human Rights of which Turkey is a signatory, and to undertake further and substantial legislative reforms required to prevent their infringement;
2. Requests the new government to declare a general amnesty designed to secure the release of prisoners convicted of offences under laws in conflict with the principles of free speech and human rights and to terminate court actions against those still on trial, and in particular renews its call for the immediate release of Mrs Leyla Zana and the three other members of the DEP;
3. Calls on the Turkish Government to end its military operations in the south-east of the country and to open negotiations with all Kurdish organizations in order to overcome the deadlock and move towards a peaceful political settlement of the problem;
4. Asks the Turkish authorities to recognise the rights of all Kurds within Turkey and to facilitate the return of all displaced Kurds to their homes;
5. Presses the Council to put the Kurdish issue in Turkey on the agenda of the OSCE and to seek other ways to promote initiatives designed to assist in resolving the problems of human rights and the Kurds in Turkey;
6. Calls on the new government to take firm steps to end the practice of torture and to make provision for the International Red Cross to visit prisons and political prisoners;
7. Considers that such disregard of obligations with regard to both international law and human rights instruments, is seriously inconsistent with the spirit of the EU/Turkey Customs Union, and therefore calls on the Council and the Commission to urge the Turkish Authorities to take steps to ensure that ill treatment of prisoners and the obstruction of medical treatment stops;
8. Calls on the Commission to meet its commitments as regards monitoring the human rights situation in Turkey and asks it to forward the second interim report on human rights in Turkey to Parliament as soon as possible;
9. Instructs its President to forward this resolution to the Council and the Commission, the Government of Turkey, and to all Member State governments.

**Resolution on the amnesty for the alleged kidnappers of Carmelo Soria**

The European Parliament,

- having regard to its resolution of 18 November 1993<sup>1</sup> on the case of Carmelo Soria Espinosa, a European citizen murdered in Chile,
  - A. whereas the Public Prosecutor of the Supreme Court, Eleodoro Ortiz Sepúlveda, has completely and definitively halted investigations into the case of Mr Carmelo Soria, a Spanish citizen and member of the ECLA (UN), who was murdered on 14 July 1976 by the Brigada Mulchen, an arm of the Directorate for National Intelligence (DINA),
  - B. whereas the application of the Amnesty Law, Decree 2191, promulgated by the Pinochet military dictatorship in 1978, to those charged with this crime, Major Guillermo Humberto Salinas Torres and NCO José Remigio Ríos San Martín, violates the Convention of 29 March 1977 signed by Chile on the prevention and punishment of crimes against internationally protected persons,
  - C. whereas no pardon or amnesty must override the principles of justice and international law, which are the fundamental basis for the development of a democratic society,
  - D. whereas cases of murder and 'disappearances' under the dictatorship need to be investigated and fair sentences handed down, if peace is to prevail in Chilean society,
1. Expresses its solidarity with the family of Carmelo Soria;
  2. Deplores the decision taken by the Supreme Court judge to halt completely and definitively the investigation into the murder of Carmelo Soria;
  3. Deplores the fact that the ruling is not in accordance with international undertakings freely signed by the Chilean Government;
  4. Believes that, if genuine democracy and a peaceful society are to flourish in Chile, real justice must be done with regard to human rights violations, 'disappearances' and murders committed under the Pinochet dictatorship;
  5. Welcomes the appeal lodged by the Soria family's lawyers on 7 June 1996 and urges members of his family to take their case to higher courts, whether national or international, and, should they do so, to rest assured that the European Parliament will support them;
  6. Instructs its President to forward this resolution to the Commission and Council, the governments of the Member States, the Organization of American States and the Government of Chile.

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<sup>1</sup> OJ C 329, 6.12.1993, p. 278.

**Resolution on the detention of Raghbir Singh Johal**

The European Parliament,

- having regard to the International Covenant on Civil and Political Rights (ICCPR),
  - having regard to the European Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention),
  - having regard to the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles),
  - having regard to the United Nations Basic Principles on the Role of Lawyers (UN Basic Principles),
  - having regard to the Amnesty International Report of February 1996 on the 'Wrongful Detention of Asylum-Seeker Raghbir Singh',
- A. whereas Raghbir Singh Johal has been held in Winson Green Prison, Birmingham, without charge or trial since 29 March 1995,
- B. whereas Raghbir Singh Johal has lived in Britain since 1980, is married to a British national and has two British-born children and whereas, in April 1982, he was granted indefinite leave to remain in Britain,
- C. whereas, on 29 March 1995, the UK Home Office issued a notice of intention to deport Raghbir Singh Johal, under Section 3(5)(b) of the Immigration Act of 1971, leading to his imprisonment in Winson Green Prison, pending his deportation 'for reasons of national security and other reasons of a political nature, namely the fight against international terrorism',
- D. whereas Raghbir Singh Johal has applied for political asylum and continues to be held in prison while the Home Office considers his application,
1. Expresses its concern at the continued detention of Raghbir Singh Johal in Winson Green Prison, Birmingham;
  2. Notes that the Home Office has not provided Raghbir Singh Johal, or his lawyers, with any precise information regarding the allegations made against him, in particular with regard to 'international terrorism';
  3. Notes moreover that, under Section 15(3) of the Immigration Act of 1971, Raghbir Singh Johal is not entitled to any judicial appeal but may only make representations to a non-judicial and non-statutory three-person advisory panel, appointed by the Home Secretary, where he would have neither the right to legal representation nor the opportunity to examine the details of any evidence used against him;
  4. Considers that the deportation procedure followed in Raghbir Singh Johal's case violates certain international treaties which the United Kingdom has ratified, while contravening other international standards, in that:

- (a) all persons who have been detained for any reason are entitled to be informed of the reasons for their detention (Article 9(2) of the ICCPR, Article 5(2) of the European Convention, Principle 11(2) of the UN Body of Principles);

- (b) all detainees are entitled to challenge the lawfulness of their detention before a court (Article 9(4) of the ICCPR, Article 5(4) of the European Convention);
  - (c) that court must be competent, independent and impartial (Principle 4 of the UN Body of Principles);
  - (d) the detainee also has the right to be represented by counsel (Principles 11(1) and 18 of the UN Body of Principles and Article 1 of the UN Basic Principles);
5. Notes that, while editor of the *Awaze Quane Punjabi Weekly* and as General Secretary of the International Sikh Youth Federation, Raghbir Singh Johal has campaigned for the creation of an independent Sikh homeland in India, but that no evidence has been produced to show that he has ever advocated, let alone used, violent means to seek to achieve this goal;
  6. Considers therefore that the continued detention of Raghbir Singh Johal by the Home Office would appear to constitute a *prima facie* case of abuse of internationally recognized human rights;
  7. Calls on the UK Government either to produce explicit evidence of Raghbir Singh Johal's complicity in international terrorism or to release him from custody forthwith;
  8. Instructs its President to forward this resolution to the Council, the Commission, the UK Government and the European Court of Human Rights.

**Resolution on the Belarus authorities' suppression of the commemoration of the tenth anniversary of the Chernobyl accident and their ban on medical aid to child victims through independent NGOs**

The European Parliament,

- recalling its previous resolutions on violations of human and trade union rights in Belarus,
- A. recalling that it has so far refused to give its assent to the partnership agreement between the EU and Belarus and that its Committee on Foreign Affairs, Security and Defence Policy is of the opinion that the interim commercial agreement should not enter into force in view of the human rights situation,
- B. recalling the tragic fate of many children following the Chernobyl accident ten years ago, not only in Ukraine but also in Belarus,
- C. shocked by reports that independent NGOs which used to provide medical supplies to radiation-affected children in Belarus have been refused entry by the Minsk authorities unless they agree to entrust these supplies to the government for onward delivery,
  1. Once again regrets the worsening human rights situation in Belarus and calls on the democratic forces in and outside the Belarus parliament to continue their struggle for human rights and democracy;
  2. Protests against the government's request that independent NGOs deliver their medical supplies to the government rather than the children in need and calls on the authorities to reverse this decision in the interests of its own citizens;
  3. Calls on the Commission and the Council to use existing relations with Belarus to convince the government of the need to be seen to promote respect for the rights of its own citizens before these relations can be strengthened and deepened;
  4. Instructs its President to forward this resolution to the Commission, the Council and the Government and Supreme Soviet of Belarus.

**Resolution on the serious situation of Wei Jingsheng and the human rights violations in China**

The European Parliament,

- having regard to the communication from the Commission 'A long-term policy for China-Europe relations' (COM(95)0279),
  - recalling its previous resolutions on the situation in China,
  - A. whereas hundreds of thousands of persons are imprisoned under inhumane conditions in the labour and detention camps known as laogai,
  - B. whereas, under the laws in force on the territory of the People's Republic of China, 68 offences are punishable with the death penalty, including tax evasion,
  - C. whereas the number of executions is increasing in China, as shown by the reports drawn up by a number of international organizations,
  - D. whereas the Chinese dissident, Wei Jingsheng, is currently in prison, and whereas his state of health is giving particular cause for concern,
  - E. whereas the Wei Jingsheng case raises fundamental issues concerning inalienable rights such as freedom of expression and thought,
  - F. whereas Wei Jingsheng's trial flouted every principle of justice,
  - G. whereas torture and maltreatment remain widespread and systematic in China in places like police stations, detention centres, labour camps and prisons,
  - H. whereas the General Affairs Council on 4 December 1995 stated that the basic goals of the EU in relations with China are, inter alia 'the promotion of democracy, structures based on the rule of law and the respect for human rights',
1. Condemns in the strongest possible terms the constant violations of human rights perpetrated on the territory of the People's Republic of China;
  2. Calls for the release of all prisoners of conscience and the immediate closure of the laogai;
  3. Calls on the Government of the People's Republic of China to release Wei Jingsheng immediately and to ensure that he receives suitable medical care;
  4. Calls on the Government of the People's Republic of China to order an immediate, independent judicial review of the Wei Jingsheng case open to international observers;
  5. Calls on the Chinese government to give international humanitarian organizations access to detainees in Chinese prisons;

6. Calls on the Commission to submit to the European Parliament in the near future a report on current Union policy towards China, paying particular attention to the issue of respect for human and fundamental rights;
7. Is of the opinion that the European Union has to be prepared to make wider use of pressures, including sanctions, in trade and business relations with China;

8. Asks the Commission whether the human rights violations in China will have any effect on China's request to become a member of the World Trade Organization;
9. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, and the Government of the People's Republic of China.

## 11. Chinese nuclear tests

**B4-0736, 0768, 0788, 0805, 0812 and 0830/96**

### **Resolution on Chinese nuclear testing**

The European Parliament,

- having regard to its resolutions on nuclear weapons testing, non-proliferation and weapons control, in particular those on the resumption of French nuclear testing,
  - A. deeply regretting that the People's Republic of China recently carried out in the Lop Nor desert its third nuclear test after the conclusion of the NPT Conference in May 1995,
  - B. deeply concerned at the announcement of a further Chinese test by September 1996,
  - C. whereas negotiations are continuing in Geneva on the nuclear test ban treaty (CTBT),
  - D. whereas a comprehensive nuclear test ban is a major objective of the international community in the field of disarmament and non-proliferation,
  - E. noting reports that the People's Republic of China might be prepared to drop its insistence on allowing 'peaceful nuclear explosions',
1. Roundly condemns the continuation of nuclear testing by the Chinese Government and calls on it to abide by the moratorium adopted at international level;
  2. Takes the view that continuation of nuclear testing is incompatible with the objective of the negotiations on the nuclear test ban treaty;
  3. Invites the Council and the Commission to put pressure on the People's Republic of China to accept a zero-yield Comprehensive Test Ban Treaty, including so-called 'peaceful nuclear explosions';
  4. Reiterates its call for a comprehensive and definitive ban on nuclear testing;
  5. Calls on all the parties, and in particular the Member States, to do their utmost to ensure that the negotiations on the nuclear test ban treaty result in an agreement which takes up the zero option, with an effective verification system, and urges that it be promptly ratified;
  6. Is concerned at the consequences which nuclear testing may have on the health of the communities in the Lop Nor region;
  7. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Chinese Government, the United Nations Secretary-General and the chairman of the United Nations Conference on Disarmament.

## 12. Burundi

**B4-0770, 0779, 0786, 0789, 0798, 0821 and 0824/96**

### **Resolution on Burundi**

#### The European Parliament,

- having regard to its previous resolutions on the situation in Burundi, in particular that of 12 October 1995 on the murder of two missionaries and a volunteer in Burundi<sup>1</sup>,
  - A. deeply concerned at the continuing violence in Burundi which may lead to a full-scale conflict and represents a serious threat to the stability of the whole region,
  - B. having learnt with dismay and deep shock of the deaths of Mr Juan Ruffino, Mr Reto Neuenschwander and Mr Cédric Martin, Red Cross delegates in Burundi, during an ambush in Cibitoke province where they were assisting thousands of displaced persons,
  - C. alarmed at the murderous escalation of violence towards humanitarian aid workers in Burundi, and concerned that these threats might lead to the international presence being withdrawn, with the consequent risk of open conflict being unleashed,
  - D. seriously concerned at the difficulties, linked particularly to the lack of security, that are being experienced by most humanitarian organizations in assisting the distressed civilian population, and at the fact that many of these organizations have been compelled to leave the country,
  - E. reiterating its full support for Burundi's legitimate democratic institutions which are endeavouring to ensure that the 'Government Convention' of 10 October 1994 is upheld and to disarm the uncontrolled gangs of extremists who are spreading terror throughout the country,
1. Firmly condemns the murder of the three ICRC members and all other murders and acts of violence that are inflicted on the civilian population by bands of extremists and elements of the army;
  2. Demands that a swift, thorough and objective enquiry be set up immediately into the death of the three ICRC delegates;
  3. Conveys its condolences to the families of the victims and to the ICRC;
  4. Pays warm tribute to the courageous work performed by all humanitarian aid workers, in Burundi and in other countries, in particularly difficult circumstances for the benefit of the local peoples;
  5. Calls on the Commission to uphold its humanitarian aid measures where needed and to introduce the necessary mechanisms to protect staff and shipments of aid; urges the Commission to keep its office in Burundi open;

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<sup>1</sup> OJ C 287, 30.10.1995, p. 199.

6. Appeals once again to all the political parties in dispute to put an end to violence and initiate a frank and constructive dialogue aimed at finding a democratic and peaceful political solution to the problems facing Burundi;

7. Urges the international community and the EU in particular to take concrete and urgent action to prevent a further escalation of violence, namely by:
  - creating a United Nations international force ready to intervene if necessary, as proposed by the UN Secretary-General and supported by the OAU;
  - abiding fully by the EU global action plan agreed at Carcassonne and implementing an effective EU common policy in the Great Lakes region;
  - providing assistance for the restoration of an effective system of justice in order to break the vicious circle of impunity;
8. Supports with conviction the efforts made by former President Nyerere, which resulted in direct negotiations between the opposing parties, and the action of the European Union Special Envoy; asks the Council and Commission to take the political and diplomatic steps to ensure that these initiatives can lead Burundi to peace and stability;
9. Instructs its President to forward this resolution to the Council, the Commission, the ACP General Secretariat, the Government of Burundi and the UN and OAU Secretaries-General.

### **13. Annual report of European Ombudsman**

**A4-0176/96**

#### **Resolution on the annual activity report (1995) of the European Ombudsman**

##### The European Parliament,

- having regard to the Treaty establishing the European Community, and in particular Article 8d, second paragraph, and Article 138e thereof,
  - having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 20d thereof,
  - having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 107d thereof,
  - having regard to the regulations and general conditions governing the performance of the Ombudsman's duties, adopted by the European Parliament on 9 March 1994, and in particular Article 3(8) thereof<sup>1</sup>,
  - having regard to its decision appointing the European Ombudsman<sup>2</sup>,
  - having regard to the annual report of the European Ombudsman (1995) (C4-0257/96),
  - having regard to the report of the Committee on Petitions (A4-0176/96),
- A. whereas the European Ombudsman was appointed by the European Parliament on 12 July 1995 to improve relations between the European citizens and the institutions of the European Community and to protect the rights of European citizens against maladministration by the European Community bodies and institutions,
- B. whereas the duties of the European Ombudsman, pursuant to the Treaty establishing the European Community, consist of investigating maladministration in the activities of the Community institutions and bodies, with the exception of the Court of Justice and the Court of First Instance in the exercise of their jurisdictional functions,
1. Congratulates the European Ombudsman for the interesting and informative activity report for 1995;
  2. Stresses that the report should be distributed as widely as possible, since it contains a clear and accurate description of the responsibilities of the European Ombudsman and therefore constitutes a valuable indication for the citizens and residents who may want to approach him;
  3. Requests that the citizens and residents of the Union should also be able to apply to the European Ombudsman via electronic communication systems, in order to improve the actual practicability of their right and create an important precedent for the use of new communication technologies for the benefit of both citizens and institutions;

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<sup>1</sup> OJ L 113, 4.5.1994, p. 15.

<sup>2</sup> OJ C 249, 25.9.1995, p. 85.



4. Believes that the combined action of the European Ombudsman and of the European Parliament on the complaints and petitions each receives will substantiate Articles 8d, 138d and 138e of the EC Treaty, which aim at setting up as complete and effective a system as possible for the citizens and residents to address themselves to the European Union for help in solving problems related to the life of the Union;
5. Undertakes to do all in its power in the future, through its Committee on Petitions, to cooperate with the European Ombudsman, assisting and guiding him in any difficulty arising from his dealings with Community institutions and bodies related to the complaints he receives; takes note of the decision by the Ombudsman and the Committee on Petitions to refer to each other any petitions and complaints which fall within each other's spheres of activity, and to monitor this process carefully in the coming year with a view to its possible modification;
6. Notes that the Ombudsman will declare inadmissible complaints about decisions of the European Parliament and the Committee on Petitions as these are decisions of a political nature; assumes however that this does not include all complaints concerning these bodies where they relate to maladministration or decisions taken on improper grounds;
7. Calls on all Community institutions and bodies, and in particular the Council and the Commission, to cooperate closely with the Ombudsman and, in particular, to place at his disposal the information and documents he requires for the effective performance of his duties;
8. Recalls that transparency and good administrative practice of the European institutions are a crucial issue at the Intergovernmental Conference on the revision of the Treaty on European Union and that it is extremely important to try and make progress towards a complete set of binding rules on a more open and democratic functioning of the European institutions along the lines established in the 1993 Code of Conduct concerning public access to Council and Commission documents<sup>1</sup>;
9. Instructs its President to forward this resolution to all institutions and bodies of the Union and to the national ombudsmen, petitions committees of the parliaments of the Member States or bodies of a similar nature.

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<sup>1</sup> OJ L 340 31.12.1993, p. 41.