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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council regulation on measures to promote the conservation and sustainable management of tropical forests and other forests in developing countries (12487/1/1999 – C5-0014/2000 – 1999/0015(COD))

Committee on Development and Cooperation

Rapporteur: Fernando Fernández Martín

<i>Symbols for procedures</i>	<i>Abbreviations for committees</i>
<p>* Consultation procedure <i>majority of the votes cast</i></p> <p>**I Cooperation procedure (first reading) <i>majority of the votes cast</i></p> <p>**II Cooperation procedure (second reading) <i>majority of the votes cast, to approve the common position</i> <i>majority of Parliament's component Members, to reject or amend the common position</i></p> <p>*** Assent procedure <i>majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty</i></p> <p>***I Codecision procedure (first reading) <i>majority of the votes cast</i></p> <p>***II Codecision procedure (second reading) <i>majority of the votes cast, to approve the common position</i> <i>majority of Parliament's component Members, to reject or amend the common position</i></p> <p>***III Codecision procedure (third reading) <i>majority of the votes cast, to approve the joint text</i></p> <p>(The type of procedure depends on the legal basis proposed by the Commission)</p>	<p>I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy</p> <p>II. BUDG Committee on Budgets</p> <p>III. CONT Committee on Budgetary Control</p> <p>IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs</p> <p>V. ECON Committee on Economic and Monetary Affairs</p> <p>VI. JURI Committee on Legal Affairs and the Internal Market</p> <p>VII. INDU Committee on Industry, External Trade, Research and Energy</p> <p>VIII. EMPL Committee on Employment and Social Affairs</p> <p>IX. ENVI Committee on the Environment, Public Health and Consumer Policy</p> <p>X. AGRI Committee on Agriculture and Rural Development</p> <p>XI. PECH Committee on Fisheries</p> <p>XII. REGI Committee on Regional Policy, Transport and Tourism</p> <p>XIII. CULT Committee on Culture, Youth, Education, the Media and Sport</p> <p>XIV. DEVE Committee on Development and Cooperation</p> <p>XV. AFCO Committee on Constitutional Affairs</p> <p>XVI. FEMM Committee on Women's Rights and Equal Opportunities</p> <p>XVII. PETI Committee on Petitions</p>

CONTENTS

	Page
PROCEDURAL PAGE	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT	12

PROCEDURAL PAGE

At the sitting of 5 May 1999 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation on measures to promote the conservation and sustainable management of tropical forests and other forests in developing countries (COM(1999)0041 - 1999/0015(COD)).

At the sitting of 20 January 2000 the President of Parliament announced that the common position had been received and referred to the Committee on Development and Cooperation (12487/1/1999 -C5-0014/2000).

The committee had appointed Fernando Fernández Martín rapporteur at its meeting of 27 July 1999..

It considered the common position and the draft recommendation for second reading at its meeting of 27 January 2000.

At its meeting of 22 February 2000 it adopted the draft legislative resolution unanimously.

The following were present for the vote: Joaquim Miranda, chairman; Lone Dybkjær, vice chairperson, Margrietus J. van den Berg, vice-chairman, Fernando Fernández Martín, rapporteur and vice-chairman; John Bowis (for Pier Ferdinando Casini), John Alexander Corrie, Niranjana Deva, Jean-Claude Fruteau, Michael Gahler (for Jürgen Zimmerling), Renzo Imbeni, Bashir Khanbhai, Glenys E. Kinnock, Wolfgang Kreissl-Dörfler, Arlette Laguiller (for Yasmine Boudjenah), Nelly Maes (for Paul A.A.J.G. Lannoye), Miguel Angel Martínez Martínez, Hans Modrow, Didier Rod, Ulla Margrethe Sandbæk, Francisca Sauquillo Pérez del Arco, Karin Scheele (for Marie-Arlette Carlotti), Freddy Thielemans (for Karin Junker), Bob van den Bos, Phillip Whitehead (for Richard Howitt), Christ Zacharakis.

The recommendation for second reading was tabled on 1st March 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation on measures to promote the conservation and sustainable management of tropical forests and other forests in developing countries (12487/1/1999- C5-0014/2000 – 1999/0015(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (12487/1/1999 - C5-0014/2000),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1999)41²),
 - having regard to the Commission's amended proposal (COM(2000)54³ – C5-0092/2000)
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Development and Cooperation (A5-0048/2000),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 279, 1.10.99., p. 191

² OJ C 87, 29.3.99, p.97.

³ OJ not yet published

(Amendment 1)
Recital 11

Provision should be made for funding the operations referred to in this Regulation;

Provision should be made for funding the operations referred to in this Regulation; considerable financial resources are necessary for a significant contribution to the protection of tropical and other forests in developing countries, especially in the latter case where deforestation has led, or threatens to lead to environmental disasters such as flooding or air pollution.

Or. en

Justification:

The first part of the amendment has been adopted in the first reading.

(Amendment 2)

Article 3, 3rd indent a (new)

- ensuring active participation of forest peoples and the local community in the development of national forest policies and development planning.

Or. en

Justification:

The amendment has been adopted in the first reading.

(Amendment 3)

Article 3, 3rd indent b (new)

- improving coordination and the flow of information between Commission and Member State projects so as to put in place

coherent actions in that area.

Or. en

Justification:

The amendment has been adopted in the first reading.

(Amendment 4)

Article 4 (3), 3rd indent

- participation of forest-dependent people and local communities in activities carried out under this Regulation, taking into account their development priorities and economic, social and cultural rights, inter alia through capacity building, in order to ensure their full participation in all decision-making processes.

- ex-ante-information and participation of forest-dependent people and local communities in activities carried out under this Regulation, taking into account their development priorities and economic, social and cultural rights, inter alia through capacity building, in order to ensure their full participation in all decision-making processes.

Or. en

Justification:

The amendment has been adopted in the first reading.

(Amendment 5)

Article 4 (3), 4th indent

- sustainability of any proposed activity, social, economic as well as environmental.

- sustainability of any proposed activity, social, economic as well as environmental; no funding shall be possible if there are serious doubts as to the environmental, social or socio-cultural sustainability of the activity envisaged.

Or. en

Justification:

The amendment has been adopted in the first reading.

(Amendment 6)

Article 4 (5)

Activities carried out under this Regulation shall be preceded by environmental and socio-cultural impact assessments of the congruence of the envisaged operations with the development priorities of the forest-dependent people and local communities concerned, as well as analysis of financial and economic feasibility. These activities shall also be preceded by a transparent exchange of information with forest-dependent people and local communities and be conditional on their support.

Activities carried out under this Regulation shall be preceded by environmental and socio-cultural impact assessments of the congruence of the envisaged operations with the development priorities of the forest-dependent people and local communities concerned, as well as analysis of financial and economic feasibility. These activities shall also be preceded by a transparent exchange of information with forest-dependent people and local communities and be conditional on their support.

Activities carried out will be evaluated by taking into account the opinion of forest people.

Or. en

Justification:

The amendment has been adopted in the first reading.

(Amendment 7))

Article 4 (7)

When appropriate, activities shall be carried out within the framework of regional organisations and international programmes of cooperation and shall be supportive to the development of a global policy on the conservation and sustainable management of forests.

When appropriate, activities shall be carried out within the framework of regional organisations and international programmes of cooperation and shall be supportive to the development of a global policy on the conservation and sustainable management of forests in which Community policy can be integrated.

Justification:

This amendment was proposed at first reading. It stresses the need for a global and consistent approach.

(Amendment 8)

Article 7

Financial assistance under this Regulation

Financial assistance under this Regulation

shall take the form of grants.

shall take the form of grants.

Notwithstanding the other measures that the Commission shall take to protect the Community's financial interests, bank or credit guarantees should not be required where such a requirement would preclude the participation of the recipients and partners identified in Article 5.

Justification:

This amendment was adopted at first reading. Requiring bank guarantees could exclude a fair number of NGOs from participating in the implementation of the regulation.

(Amendment 9)
Article 8

The financial framework for implementing this Regulation during the period from 2000 to 2006 shall be EUR 63 million.

The financial framework for implementing this Regulation during the period from 2000 to 2006 shall be EUR 249 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Justification:

The amount provided for by the Council is based on the Council's draft budget for 2000 (EUR 9 million in reserve for budget line B7-6201). In setting the financial framework for this regulation the Council has simply taken the sum of 9 million and multiplied it by seven for the seven year period of this regulation. During the second reading in the budget procedure Parliament increased the amount for 2000 to EUR 30 million, taking into account the extremely difficult budgetary situation predicted in category IV (Kosovo, East Timor, etc.). It should be borne in mind that the amount for budget line B7-6201 was set at EUR 45 million in 1999. A sum of 249 million for seven years takes account of the difficult budgetary situation in 2000 and also guarantees a 'critical mass', which is required for the projects in this area.

(Amendment 10)
Article 9 (2)

Each year, the Commission shall adopt, in accordance with the procedure laid down in Article 10(2), strategic guidelines and priorities for implementing the activities to be carried out in the following year.

Each year, the Commission shall adopt, in accordance with the procedure laid down in Article 10(2), strategic guidelines and priorities for implementing the activities to be carried out in the following year. It shall inform the European Parliament thereof.

Justification:

This amendment seeks to increase the transparency of the implementation of the regulation.

(Amendment 11)
Article 10 (2)

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

2. The measures to be taken for the implementation of this Regulation concerning strategic guidelines and priorities shall be adopted by use of the management procedure referred to in Article 4 of Council Decision 1999/468/EC, having regard to Article 7 thereof and without prejudice to Article 8 thereof.

The measures to be taken for the implementation of this regulation concerning all other matters shall be adopted by use of the advisory procedure referred to in Article 3 of Council Decision 1999/468/EC, having regard to Article 7 thereof and without prejudice to Article 8 thereof.

Justification:

A management-committee is only justified for decisions on strategic guidelines. In order to accelerate the implementation of projects an advisory committee is appropriate for all other decisions.

(Amendment 12)
Article 12 (1)

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.
It shall apply until 31 December 2006.

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

Justification:

The protection and conservation of tropical forests in the developing countries will remain an ongoing task. It is therefore inappropriate to limit the duration of the regulation.

EXPLANATORY STATEMENT

In its common position the Council incorporated fully 18 of Parliament's amendments at first reading which had been taken over by the Commission and also the content of the first part of Amendment 34. Parliament can only propose those amendments at second reading which had already been adopted at first reading.

In this report not all of the amendments rejected by the Council are reintroduced. Amendments from the first reading which are redundant or which relate to comitology and have been superseded by the new ruling of June 1999 (Decision 1999/468/EC) have not been included.