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Plenary sitting

A7-0179/2013

23.5.2013

REPORT

on the proposal for a Council regulation amending Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid and Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road
(COM(2012)0730 – C7-0005/2013 – 2012/0344(NLE))

Committee on Economic and Monetary Affairs

Rapporteur: Herbert Dorfmann

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation amending Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid and Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road (COM(2012)0730 – C7-0005/2013 – 2012/0344(NLE))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2012)0730),
 - having regard to Article 109 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0005/2013),
 - having regard to Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty, hereafter "the current GBER",
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Transport and Tourism (A7-0179/2013),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1
Proposal for a Council regulation
Citation 5 a (new)

Text proposed by the Commission

Amendment

– having regard to the European Court of Auditors special report N15 entitled "Do the Commission procedures ensure effective management of state aid control",

**Amendment 2
Proposal for a Council regulation
Recital 1**

Text proposed by the Commission

Amendment

(1) Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid,* empowers the Commission to declare by means of regulations that certain specified categories of aid are compatible with the internal market and are exempted from the notification requirement of Article 108(3) of the Treaty.

(1) Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid,¹ empowers the Commission to declare by means of regulations that certain specified categories of aid are compatible with the internal market and are exempted from the notification requirement of Article 108(3) of the Treaty. ***Regulation (EC) No 994/98 specifies those categories, while the details of the exemptions and the aims to which they are introduced are clarified in the relevant Regulations and Guidelines.***

**Amendment 3
Proposal for a Council regulation
Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) The Commission aims to find the right balance between concentrating its enforcement efforts on cases with a significant impact on the internal market by exempting certain specified categories of aid from the notification requirements, while at the same time preventing that too

¹ OJ L 142, 14.5.1998, p.1

many services will be excluded from State Aid scrutiny.

Amendment 4
Proposal for a Council regulation
Recital 3

Text proposed by the Commission

(3) Regulation (EC) No 994/98 authorises the Commission to exempt aid for research and development, but not for innovation. Innovation has since become a Union policy priority in the context of ‘Innovation Union’, one of the Europe 2020 flagship initiatives. Moreover, many aid measures for innovation are relatively small and create no significant distortions of competition.

Amendment

(3) Regulation (EC) No 994/98 authorises the Commission to exempt aid for research and development, but not for innovation. Innovation, ***including social innovation***, has since become a Union policy priority in the context of ‘Innovation Union’, one of the Europe 2020 flagship initiatives. Moreover, many aid measures for innovation are relatively small and create no significant distortions of competition, ***in particular if they are in line with EU2020 flagship initiatives and the new Innovation policy Horizon 2020. The General Block Exemption Regulation will specify the conditions and types of aid suitable for exemption.***

Amendment 5
Proposal for a Council regulation
Recital 9

Text proposed by the Commission

(9) In the amateur sports sector, public support measures, to the extent that they constitute State aid, usually have limited effects on intra-Union trade and do not create serious distortions of competition. The amounts granted are typically also limited. Clear compatibility conditions can be defined on the basis of the experience acquired so as to ensure that aid to amateur sports does not give rise to any significant distortion.

Amendment

(9) In the amateur sports sector, public support measures, to the extent that they constitute State aid, usually have limited effects on intra-Union trade and do not create serious distortions of competition. The amounts granted are typically also limited. Clear compatibility conditions can be defined on the basis of the experience acquired so as to ensure that aid to amateur sports does not give rise to any significant distortion. ***The block exemption regulation should clarify and distinguish if State aid is considered aid directed towards sport***

associations for their activities or towards sport infrastructure projects;

Amendment 6
Proposal for a Council regulation
Recital 10

Text proposed by the Commission

Amendment

(10) In relation to aid concerning air and maritime transport, in the Commission's experience, aid having a social character to residents of remote regions for transport, provided that it is granted without discrimination related to the identity of the carrier, does not give rise to any significant distortion and clear compatibility conditions can be defined.

deleted

Amendment 7
Proposal for a Council regulation
Recital 11

Text proposed by the Commission

Amendment

(11) In relation to aid for transport by rail, road and inland waterways, Article 93 of the Treaty states that aid meeting the needs of coordination of transport or representing reimbursement for the discharge of certain obligations inherent in the concept of a public service shall be compatible with the Treaties. *Article 9 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road currently exempts from the prior notification requirement laid down in Article 108(3) of the Treaty public service compensations for the operation of public passenger transport services or for complying with tariff obligations that are established through general rules and paid in accordance with Regulation (EC) No 1370/2007. In order to harmonize the*

(11) In relation to aid for transport by rail, road and inland waterways, Article 93 of the Treaty states that aid meeting the needs of coordination of transport or representing reimbursement for the discharge of certain obligations inherent in the concept of a public service shall be compatible with the Treaties.

approach to block exemption regulations in the field of State aid, and in accordance with the procedures foreseen in Articles 108(4) and 109 of the Treaty, aid for the coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service as referred to in Article 93 of the Treaty should be brought under the scope of Regulation (EC) No 994/98. Article 9 of Regulation (EC) No 1370/2007 should be therefore be deleted with effect from six months after the entry into force of a regulation adopted by the Commission concerning this category of State aid.

Amendment 8
Proposal for a Council regulation
Recital 12

Text proposed by the Commission

(12) In the field of aid to broadband, the Commission has in recent years acquired vast experience and has devised guidelines. In the Commission's experience, aid for certain types of broadband infrastructure does not give rise to any significant distortion and could benefit from a group exemption, provided that certain compatibility conditions are met. This is true of aid covering the provision of basic broadband in regions where there is no broadband infrastructure and where none is likely to be developed in the near future ('white' areas) as well as aid for small individual aid measures covering very high-speed next-generation access ('NGA') networks in areas where there is no NGA infrastructure and where no such infrastructure is likely to be developed in the near future. It is also true of aid to broadband-related civil engineering works and passive broadband infrastructure, where the Commission has acquired substantial case experience and clear

Amendment

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compatibility conditions can be defined.

compatibility conditions can be defined. *A block exemption for civil engineering works and broadband infrastructure should support investments especially in rural areas and remote regions. A condition for the block exemption should be that free market access for operation of the infrastructure is guaranteed.*

Amendment 9
Proposal for a Council regulation
Recital 13

Text proposed by the Commission

(13) Therefore, the scope of Regulation (EC) No 994/98 should be extended to include *such* categories of aid.

Amendment

(13) Therefore, the scope of Regulation (EC) No 994/98 should be extended to include categories of aid *hereby identified*.

Amendment 10
Proposal for a Council regulation
Recital 14

Text proposed by the Commission

(14) Regulation (EC) No 994/98 requires the thresholds for each category of aid in respect of which the Commission adopts a block exemption regulation to be expressed either in terms of aid intensities in relation to a set of eligible costs or in terms of maximum aid amounts. This condition makes it difficult to block-exempt certain types of measures involving State support which, because of the specific way in which they are designed, cannot be expressed in terms of aid intensities or maximum amounts, e.g. financial engineering instruments or certain forms of measures aimed to promote risk capital investments. This is in particular due to the fact that such complex measures may involve aid at different levels (direct beneficiaries, intermediate beneficiaries, indirect beneficiaries). Given the

Amendment

(14) Regulation (EC) No 994/98 requires the thresholds for each category of aid in respect of which the Commission adopts a block exemption regulation to be expressed either in terms of aid intensities in relation to a set of eligible costs or in terms of maximum aid amounts. This condition makes it difficult to block-exempt certain types of measures involving State support which, because of the specific way in which they are designed, cannot be expressed in terms of aid intensities or maximum amounts, e.g. financial engineering instruments or certain forms of measures aimed to promote risk capital investments. This is in particular due to the fact that such complex measures may involve aid at different levels (direct beneficiaries, intermediate beneficiaries, indirect beneficiaries). Given the

increasing importance of such measures and their contribution to Union objectives, there should be more flexibility to make it possible to exempt such measures. It should therefore be possible to define the thresholds in terms of the maximum level of State support, *whether it qualifies as State aid or not.*

increasing importance of such measures and their contribution to Union objectives, there should be more flexibility to make it possible to exempt such measures. It should therefore be possible to define the thresholds in terms of the maximum level of State support;

Amendment 11
Proposal for a Council regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to ensure a level playing field in line with the internal market principles, the national aid schemes should guarantee an open and equal access to the State aid support for all the relevant actors of the market, in particular through the use of schemes or systems of aid rather than individual aid.

Amendment 12
Proposal for a Council regulation
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) An efficient level playing field also requires the full and transparent application of national and Union public procurement legislation. Therefore, national authorities should respect the applicable public procurement rules when designing State aid schemes or granting State aid support to be exempted on the basis of this Regulation.

Amendment 13
Proposal for a Council regulation
Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) The legal basis for this Regulation, Article 109 TFEU, provides only for consultation of Parliament, not for the ordinary legislative procedure in line with other areas of market integration and economic regulation further to the entry into force of the Lisbon Treaty. This democratic deficit cannot be tolerated in respect of proposals that concern the means of oversight by the Commission of decisions and acts by national and local elected authorities. This deficit should be corrected in any future Treaty change. The Commission blueprint for a deeper Economic and Monetary Union foresees proposals for a Treaty change by 2014. Such a proposal should include inter alia a specific proposal amending Article 109 TFEU in order to adopt the regulations referred to in that Article in accordance with the ordinary legislative procedure.

Amendment 14

Proposal for a Council regulation

Article 1 – point 1

Regulation (EC) No 994/98

Article 1 – paragraph 1 – point a – subpoint ii

Text proposed by the Commission

Amendment

(ii) research, development and innovation;

(ii) research, development and innovation, in particular if in line with the EU 2020 flagship initiatives and the Horizon 2020 policy objectives;

Amendment 15

Proposal for a Council regulation

Article 1 – point 1

Regulation (EC) No 994/98

Article 1 – paragraph 1 – point a – subpoint iii

Text proposed by the Commission

Amendment

(iii) environmental protection;

(iii) environmental protection, ***in particular if in line with the EU 2020 flagship initiatives and the Union environmental policy objectives;***

Amendment 16

Proposal for a Council regulation

Article 1 – point 1

Regulation (EC) No 994/98

Article 1 – paragraph 1 – point a – subpoint v a (new)

Text proposed by the Commission

Amendment

(va) promotion of tourism, in particular if in line with the Union tourism policy objectives;

Amendment 17

Proposal for a Council regulation

Article 1 – point 1

Regulation (EC) No 994/98

Article 1 – paragraph 1 – point a – subpoint xi

Text proposed by the Commission

Amendment

(xi) residents of remote regions for transport, when this aid has a social character and is granted without discrimination related to the identity of the carrier;

deleted

Amendment 18

Proposal for a Council regulation

Article 1 – point 1

Regulation (EC) No 994/98

Article 1 – paragraph 1 – point a – subpoint xii

Text proposed by the Commission

Amendment

(xii) coordination of transport or reimbursement for the discharge of

deleted

certain obligations inherent in the concept of a public service pursuant to Article 93 of the Treaty;

Amendment 19
Proposal for a Council regulation
Article 1 – point 2
Regulation (EC) No 994/98
Article 3 – paragraph 2

Text proposed by the Commission

2. On implementation of aid systems or individual aids granted outside any system, which have been exempted pursuant to such regulations, Member States shall forward to the Commission, with a view to publication on the Commission's website, summaries of the information regarding such systems of aid or such individual aids as are not covered by exempted aid systems.

Amendment

2. On implementation of aid systems or individual aids granted outside any system, which have been exempted pursuant to such regulations, Member States shall ***take into consideration the respect of public procurement rules, Europe 2020 and the environmental policies and objectives of the Union.*** Member States shall forward to the Commission, with a view to publication on the Commission's website, summaries of the information regarding such systems of aid or such individual aids as are not covered by exempted aid systems.

Amendment 20
Proposal for a Council regulation
Article 1 – point 2 a (new)
Regulation (EC) No 994/98
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(2a) Article 3(4) is replaced by the following:

“4. At least once a year, Member States shall supply the Commission with a report on the application of group exemptions, in accordance with the Commission's specific requirements, preferably in computerised form. The Commission shall make access to those reports available to *the European Parliament and all the Member States.*

The Advisory Committee referred to in Article 7 shall examine and evaluate those reports once a year.”

Amendment 21
Proposal for a Council regulation
Article 1 – point 2 b (new)
Regulation (EC) No 994/98
Article 5

Text proposed by the Commission

Amendment

(2b) Article 5 is replaced by the following:

Article 5

Evaluation report

Every *two years* the Commission shall submit a report to the European Parliament and to the Council on the application of this Regulation. *The report shall in particular provide for a broad cost-benefit assessment of the block exemptions granted in accordance with this Regulation as well as an assessment of its contribution to the overall EU 2020 strategy flagship initiatives and the Innovation policy Horizon 2020. The Commission shall submit a draft report for consideration by the Advisory Committee referred to in Article 7. Every year the Commission shall submit to the European Parliament and the Council the results of the monitoring exercise on the application of the Block Exemption Regulations and publish on its website a summary report, including a clear overview of the levels and type of incompatible state aid granted by the Member States under the BERs”.*

Amendment 22
Proposal for a Council regulation
Article 2

Text proposed by the Commission

Amendment

Article 9 shall be deleted with effect from six months after the entry into force of a Commission regulation concerning the category of State aid referred to in Article 1 (a) xii of Council Regulation (EC) No 994/98.

deleted

Justification

The legal basis of this proposal, Article 109, provides for the consultation procedure. It cannot allow the amendment of a legislative act based on Articles 71 and 89 TCE, which provide for the codecision procedure. Article 9 of Regulation 1370/2007 can only be amended, respectively deleted by - a legislative act based on the same legal basis and adopted in accordance with the same legislative procedure. Therefore, of this proposal is to be deleted.

7.5.2013

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Economic and Monetary Affairs

on the proposal for a Council regulation amending Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid and Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road
(COM(2012)0730 – C7-0005/2013 – 2012/0344(NLE))

Rapporteur: Brian Simpson

SHORT JUSTIFICATION

The Commission proposal amends provisions on certain state aid rules and, more importantly for TRAN committee, makes changes to regulation 1370/2007 on Public Service Obligations in public transport by rail and by road. Your rapporteur is concerned about the procedure chosen by the Commission to amend regulation 1370/2007¹ via this so-called enabling Council regulation on state aid.

According to the Commission proposal Article 9 of Regulation No 1370/2007 should cease to apply six months after the entry into force of a regulation adopted by the Commission concerning this category of State aid. Article 9 currently exempts from the prior notification requirement laid down in Article 108(3) TFEU public service compensation for the operation of public passenger transport services or for complying with tariff obligations established through general rules paid in accordance with that Regulation.

It is the inclusion of those changes to regulation 1370/2007 in the enabling regulation that makes the Commission's proposal highly irritating. Regulation 1370/2007 is a legal act which was adopted under the Co-decision procedure. In the rapporteur's view it is therefore not acceptable for the Parliament that the Commission proposes to modify a co-decided act by way of a non-legislative Council regulation on which Parliament is merely consulted, all the more since there is no legal obligation that would require the Commission to propose changes to regulation 1370/2007 in such a way.

¹ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70

In addition and to complicate things further the Commission adopted a new proposal for amending regulation 1370/2007 directly through the Ordinary Legislative Procedure (2013/0028(COD))¹. It is not comprehensible why the Commission did not include the changes proposed via this enabling regulation directly in the proposal amending regulation 1370/2007.

The Commission, by designing the proposal of the enabling regulation in such a way, has manifestly disrespected Parliament's legislative prerogatives. Any change to regulation 1370/2007 that the Commission wanted to obtain should have been proposed only through the Ordinary Legislative Procedure.

Consequently, all the amendments tabled aim at deleting all references to regulation 1370/2007 from the Commission proposal.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation - amending act Recital 10

Text proposed by the Commission

Amendment

(10) In relation to aid concerning air and maritime transport, in the Commission's experience, aid having a social character to residents of remote regions for transport, provided that it is granted without discrimination related to the identity of the carrier, does not give rise to any significant distortion and clear compatibility conditions can be defined.

deleted

¹ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail

Amendment 2

Proposal for a regulation - amending act Recital 11

Text proposed by the Commission

(11) In relation to aid for transport by rail, road and inland waterways, Article 93 of the Treaty states that aid meeting the needs of coordination of transport or representing reimbursement for the discharge of certain obligations inherent in the concept of a public service shall be compatible with the Treaties. **Article 9 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road currently exempts from the prior notification requirement laid down in Article 108(3) of the Treaty public service compensations for the operation of public passenger transport services or for complying with tariff obligations that are established through general rules and paid in accordance with Regulation (EC) No 1370/2007. In order to harmonize the approach to block exemption regulations in the field of State aid, and in accordance with the procedures foreseen in Articles 108(4) and 109 of the Treaty, aid for the coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service as referred to in Article 93 of the Treaty should be brought under the scope of Regulation (EC) No 994/98. Article 9 of Regulation (EC) No 1370/2007 should therefore be deleted with effect from six months after the entry into force of a regulation adopted by the Commission concerning this category of State aid.**

Amendment

(11) In relation to aid for transport by rail, road and inland waterways, Article 93 of the Treaty states that aid meeting the needs of coordination of transport or representing reimbursement for the discharge of certain obligations inherent in the concept of a public service shall be compatible with the Treaties.

Amendment 3

Proposal for a regulation - amending act Recital 13

Text proposed by the Commission

(13) Therefore, the scope of Regulation (EC) No 994/98 should be extended to include *such* categories of aid.

Amendment

(13) Therefore, the scope of Regulation (EC) No 994/98 should be extended to include categories of aid *hereby identified*.

Amendment 4

Proposal for a regulation - amending act Article 1 – paragraph 1 – point a Regulation (EC) No 994/98 Article 1 – paragraph 1 – point a – point xi

Text proposed by the Commission

(xi) residents of remote regions for transport, when this aid has a social character and is granted without discrimination related to the identity of the carrier;

Amendment

deleted

Amendment 5

Proposal for a regulation - amending act Article 1 – paragraph 1 – point a Regulation (EC) No 994/98 Article 1 – paragraph 1 – point a – point xii

Text proposed by the Commission

(xii) coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service pursuant to Article 93 of the Treaty;

Amendment

deleted

Amendment 6

Proposal for a regulation - amending act

Article 2

Regulation (EC) No 1370/2007

Article 9

Text proposed by the Commission

Amendment

Regulation (EC) No 1370/2007 is amended as follows:

deleted

Article 9 shall be deleted with effect from six months after the entry into force of a Commission regulation concerning the category of State aid referred to in Article 1 (a) xii of Council Regulation (EC) No 994/98.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	7.5.2013
Result of final vote	+: 44 -: 0 0: 0
Members present for the final vote	Magdi Cristiano Allam, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Jaromír Kohlíček, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommaria Uggias, Peter van Dalen, Patricia van der Kammen, Dominique Vlasto, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Phil Bennion, Spyros Danellis, Alfreds Rubiks, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Pilar Ayuso

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	20.5.2013
Result of final vote	+: 37 -: 0 0: 4
Members present for the final vote	Burkhard Balz, Elena Băsescu, Sharon Bowles, Udo Bullmann, Nikolaos Chountis, George Sabin Cutaş, Leonardo Domenici, Derk Jan Eppink, Diogo Feio, Markus Ferber, Elisa Ferreira, Ildikó Gáll-Pelcz, Jean-Paul Gauzès, Sven Giegold, Liem Hoang Ngoc, Gunnar Hökmark, Syed Kamall, Othmar Karas, Wolf Klinz, Jürgen Klute, Philippe Lamberts, Werner Langen, Astrid Lulling, Hans-Peter Martin, Ivari Padar, Alfredo Pallone, Anni Podimata, Antolín Sánchez Presedo, Peter Simon, Theodor Dumitru Stolojan, Ivo Strejček, Marianne Thyssen, Ramon Tremosa i Balcells, Pablo Zalba Bidegain
Substitute(s) present for the final vote	Herbert Dorfmann, Vicky Ford, Danuta Maria Hübner, Sophia in 't Veld, Sirpa Pietikäinen, Rui Tavares, Nils Torvalds