



EUROPSKI PARLAMENT

2009 - 2014

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*Dokument s plenarne sjednice*

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**A7-0467/2013**

18.12.2013

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## **IZVJEŠĆE**

o prijedlogu Uredbe Europskog parlamenta i Vijeća o izmjeni Uredbe Vijeća (EZ) br. 2368/2002 koja se odnosi na uključenje Grenlanda u provedbu programa certificiranja Procesu Kimberley  
(COM(2013)0427 – C7-0179/2013 – 2013/0198(COD))

Odbor za međunarodnu trgovinu

Izjestitelj: Vital Moreira

### ***Oznake postupaka***

*	Postupak savjetovanja
***	Postupak suglasnosti
***I	Redovni zakonodavni postupak (prvo čitanje)
***II	Redovni zakonodavni postupak (drugo čitanje)
***III	Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

### ***Izmjene nacрта akta***

#### **Amandmani Parlamenta u obliku dvaju stupaca**

Brisanja su označena ***podebljanim kurzivom*** u lijevom stupcu. Izmjene su označene ***podebljanim kurzivom*** u obama stupcima. Novi tekst označen je ***podebljanim kurzivom*** u desnom stupcu.

U prvom i drugom retku zaglavlja svakog amandmana naznačen je predmetni odlomak iz nacrtu akta koji se razmatra. Ako se amandman odnosi na postojeći akt koji se želi izmijeniti nacrtom akta, zaglavlje sadrži i treći redak u kojem se navodi postojeći akt te četvrti redak u kojem se navodi odredba akta na koju se izmjena odnosi.

#### **Amandmani Parlamenta u obliku pročišćenog teksta**

Novi dijelovi teksta označuju se ***podebljanim kurzivom***. Brisani dijelovi teksta označuju se oznakom ■ ili su precrtani. Izmjene se naznačuju tako da se novi tekst označi ***podebljanim kurzivom***, a da se zamijenjeni tekst izbriše ili precrta.

Iznimno, izmjene strogo tehničke prirode koje unesu nadležne službe prilikom izrade konačnog teksta ne označuju se.

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## **NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA**

**o prijedlogu Uredbe Europskog parlamenta i Vijeća o izmjeni Uredbe Vijeća (EZ) br. 2368/2002 koja se odnosi na uključenje Grenlanda u provedbu programa certificiranja Procesa Kimberley  
(COM(2013)0427 – C7-0179/2013 – 2013/0198(COD))**

**(Redovni zakonodavni postupak: prvo čitanje)**

*Europski parlament,*

- uzimajući u obzir prijedlog Komisije upućen Europskom parlamentu i Vijeću (COM(2013)0427),
  - uzimajući u obzir članak 294. stavak 2. i članak 207. Ugovora o funkcioniranju Europske unije, u skladu s kojima je Komisija podnijela prijedlog Parlamentu (C7-0179/2013),
  - uzimajući u obzir članak 294. stavak 3. Ugovora o funkcioniranju Europske unije,
  - uzimajući u obzir članak 55. Poslovnika,
  - uzimajući u obzir izvješće Odbora za međunarodnu trgovinu (A7-0467/2013),
1. usvaja stajalište u prvom čitanju preuzimajući prijedlog Komisije;
  2. traži od Komisije da predmet ponovno uputi Parlamentu ako namjerava bitno izmijeniti svoj prijedlog ili ga zamijeniti drugim tekstom;
  3. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji i nacionalnim parlamentima.

## **EXPLANATORY STATEMENT**

### **Introduction**

This proposal for a regulation amending Council Regulation (EC) No 2368/2002 as regards the inclusion of Greenland in implementing the Kimberley Process certification scheme is closely connected to the proposal for the Council decision laying down rules and procedures to enable the participation of Greenland in the Kimberley Process Certification Scheme (COM (2013) 0429).

Together these proposals aim at enabling Greenland to participate in the Kimberley Process certification scheme (KPCS) on rough diamonds through its cooperation with the European Union. The scheme set out in the proposal would allow for the import and export of rough diamonds from Greenland to the Union as well as to other participants of the certification scheme, provided that all imports and exports of rough diamonds are verified and, for exports, certified by Union authorities pursuant to the rules set out in Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds.

### **The Kimberley Process**

The Kimberley Process (KP) is a joint governments, industry and civil society initiative to stem the flow of conflict diamonds – rough diamonds used by rebel movements to finance wars against legitimate governments.

In December 2000, the United Nations General Assembly adopted the landmark Resolution A/RES/55/56, supporting the creation of an international certification scheme for rough diamonds and this was followed by support from the United Nations Security Council in its Resolution 1459 passed in January 2003. Every year since, the General Assembly has renewed its support for the KP.

The Kimberley Process Certification Scheme is a voluntary government-led initiative to stop the trade of rough diamonds that fuel conflict, guaranteed by the governments' control over implementation, which is operational since 2003. The KP has 54 members, representing 81 countries. Participants of the Kimberley Process undertake to only import/export diamonds from other Kimberley Process participants. This is proven by an accompanying Kimberley Process Certificate that is issued by a KP Participant.

The European Union is a single participant to the scheme, comprising all the 28 EU Member States. The EU implements the KP through the six authorities of the Union. Any rough diamond shipment imported/exported to any EU member state will be sent to either one of the Union authorities for verification, and only after will it be sent back to its destination and introduced in free EU circulation. On export, one of these authorities will issue an EU certificate, provided that the rough diamonds were previously lawfully imported to the EU and that they are in tamper resistant containers.

Approximately 99.8% of the world's rough diamonds are produced by Kimberley Process Participants. Meaning that it is an essential first step for any country with diamond potential

to become party to the process, otherwise it cannot legally export rough diamonds. Greenland is not a country so it cannot become a participant of the Kimberley Process.

## **Greenland**

After acquiring home rule status from Denmark in 1979, the 2009 Self-Government Act substantially increased its powers, including the management of its substantial untapped natural resources. Although Greenland and its majority Inuit population are still heavily dependent on external funding (including an annual grant for its administration from Denmark, an EU large partnership agreement and a fisheries protocol), the territory will probably become self-sustainable in the medium term.

Greenland is the only territory to have withdrawn from the European Union, which it did in 1985. Greenland is not part of the Union territory but it is included in the list of overseas countries and territories (OCT) set out in Annex II to the Treaties. In accordance with Article 198 of the Treaty on the Functioning of the European Union (TFEU), the purpose of the association of the overseas countries and territories with the Union is to promote the economic and social development of the overseas countries and territories and to establish close economic relations between them and the Union as a whole.

For the moment, 88% of Greenland's GDP comes from fisheries, and 0.8% from minerals. However, Greenland fishery sector due to the limited stocks, quotas and climate change is becoming less reliable, thus the importance of Greenland to diversify its economy and to look at its rich mining potential. Since receiving autonomy over its mining sector in 2011, Greenland has already managed to put in place legislation to ensure that the Greenland people directly benefit from the mineral revenues, using a public fund to build infrastructure.

Since Greenland is not a country and cannot therefore become a participant of the Kimberley Process, not being able to issue a KP certificate and thus export rough diamonds is in fact stopping Greenland's ability to attract potential investors to its mining sector. Its own resources alone are insufficient to start any meaningful extraction.

In order to find a solution for this problem, Greenland asked whether its OCT status could help it being associated with the EU for the purposes of making use of the EU certification system. This would definitely promote the economic development of Greenland, which is the purpose of such association under the treaties.

## **The two Commission proposals**

As for the concrete proposals, there are notably two legal acts proposed.

The proposal for a Council Decision based on Article 203 TFEU establishes a specific regime for movement of rough diamonds between Greenland and the EU. It also sets out the necessity that any trade with rough diamonds between a third country and Greenland needs to previously go through an EU authority. Since Greenland is not part of the EU customs territory, a credible solution needed to be found for establishing a procedure whereby EU customs could accept or release shipments of rough diamonds [mined in or destined to Greenland] on the basis of an attesting document issued by a Greenland authority [or a copy of a KP certificate authenticated by one of the Union authorities]. Further requirements for

shipments coming from and going to Greenland, such as the tamper resistant container, mirror the requirements of Regulation 2368/2002.

Article 203 TFEU requires the Council to take decisions by unanimity on the basis of a proposal of the Commission. The Parliament is only consulted.

In parallel, the second proposal, [Proposal for a regulation amending Council Regulation (EC) No 2368/2002 as regards the inclusion of Greenland in implementing the Kimberley Process certification scheme (COM (2013) 0427)] based on Article 207 TFEU concerns certain amendments to Regulation 2368/2002 which are needed to enable Greenland to be part of the EU certification system. The thrust of these amendments set out that the territory of the Union and that of Greenland shall be considered as one entity without internal borders for the purposes of the certification scheme (Article 1). A reference to Greenland needed to be added to a few other Articles, and an alternative condition for certification in case of diamonds mined in Greenland was introduced.

Art 207 TFEU concerns the Common Commercial Policy, which is voted by ordinary legislative Procedure (co-decision).

The Council Decision can only enter into force when the amendment of the Regulation No 2368/2002 to provide for the inclusion of Greenland in the certification scheme has been approved.

### **Assessment by your rapporteur**

The Kimberley Process is an important innovative instrument to stem the flow of conflict diamonds – rough diamonds used by rebel movements to finance wars against legitimate governments. The European Union is an active participant in it and wants to play a positive role to make it work even more effectively.

Your rapporteur also wants to draw attention to the involvement of civil society and industry which is a good start (but of course no guarantee) for making the process inclusive, cooperative and effective. The Kimberley Process has been successful. As much as 15% of the world's \$10 billion (7.7 billion euros) annual rough diamond production in the mid and late 1990s fell into the category of conflict diamonds. Since then, the proportion has fallen to less than 1% of a rough diamond industry now worth some \$13 billion (9.5 billion Euros), in part thanks to the negotiation and implementation of the KP.

Every country that is willing to join and accept to respect and effectively implement the rules should be welcomed. Therefore your rapporteur welcomes the creative solution the Commission has found linking Greenland to the EU Certification System through the association of Greenland as an Overseas Country and Territory.

Your rapporteur wants the Parliament to facilitate a rapid solution to this problem. These specific changes proposed by the Commission do just that. Your rapporteur therefore wants to support these proposals without proposing amendments.

Your rapporteur calls on the Commission to present to Parliament a consolidated version of the Regulation in the foreseeable future. The needed technical amendments to the Regulation should better be done in that context.



Parliament itself should also become more effective in monitoring this important trade file. All the work done through the comitology committee should be actively followed, both on implementation of the regulation and broader policy issues that come up.

Important debates are taking place within the Kimberley Process to strengthen the scheme. Now that the Commission is considering initiatives regarding 'conflict minerals' (involving issues like the sourcing and security of supply of minerals, supply chain transparency and good governance), the Kimberley Process should, on the one hand, be a source of inspiration for that initiative. On the other hand, the Commission should benefit from the lessons learnt in other domains and continue to invest in the Kimberley Process to strengthen corporate social responsibility (CSR) practices, as well as peer review mechanisms amongst governments in the Kimberley Process. In line with the Lisbon Treaty the Parliament shall be immediately and fully informed at all stages of the procedures also in this important trade file.

## POSTUPAK

<b>Naslov</b>	Uključenje Grenlanda u provedbu programa certificiranja Procesu Kimberley	
<b>Referentni dokumenti</b>	COM(2013)0427 – C7-0179/2013 – 2013/0198(COD)	
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<b>Datum usvajanja</b>	17.12.2013	
<b>Rezultat konačnog glasovanja</b>	+: 25 -: 0 0: 0	
<b>Zastupnici nazočni na konačnom glasovanju</b>	William (The Earl of) Dartmouth, Laima Liucija Andrikiienė, Maria Badia i Cutchet, Nora Berra, Daniel Caspary, María Auxiliadora Correa Zamora, Andrea Cozzolino, George Sabin Cutaş, Marielle de Sarnez, Christofer Fjellner, Yannick Jadot, Bernd Lange, David Martin, Vital Moreira, Paul Murphy, Cristiana Muscardini, Helmut Scholz, Peter Šťastný, Robert Sturdy, Iuliu Winkler	
<b>Zamjenici nazočni na konačnom glasovanju</b>	Catherine Bearder, Derk Jan Eppink, Béla Glattfelder, Peter Skinner, Jarosław Leszek Wałęsa	
<b>Zamjenici nazočni na konačnom glasovanju prema čl. 187. st. 2.</b>	Reimer Böge	
<b>Datum podnošenja</b>	19.12.2013	