



EUROPEAN PARLIAMENT

2009 - 2014

---

*Plenary sitting*

---

18.4.2012

B7-0218/2012

## MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on the nationalisation of YPF (REPSOL) by the Government of Argentina  
(2012/2619(RSP))

**Gabriele Zimmer, Helmut Scholz, Willy Meyer, Patrick Le Hyaric,  
Jürgen Klute, Paul Murphy, Marisa Matias, João Ferreira, Jacky Hénin**  
on behalf of the GUE/NGL Group

**European Parliament resolution on the nationalisation of YPF (REPSOL) by the Government of Argentina (2012/2619(RSP))**

*The European Parliament,*

- having regard to Article 207 of the TFEU,
  - having regard to its resolution on the European Union's trade relations with Latin America (September 2010, Helmut Scholz report),
  - having regard to the Declaration of Madrid of the Summit of head of states of the EU and Latin-America (May 2010),
  - having regard to its resolution on the future of the European international investment policy (March 2011),
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the government of the Republic of Argentina recently announced the sending a draft law to its Congress in order to validate the nationalisation of 51 % of the shares of the hydrocarbons corporation YPF, owned in its majority by REPSOL;
- B. whereas the privatisation of YPF occurred in 90', as a consequence of applying pure neoliberal policies which led to increasing poverty and economic collapse; considers that the current economical recovery of Argentine is due to the decision its Government not to apply neoliberal policies that are still applied by the EU resulting in the deep current crisis and the dramatic increase in poverty across Europe;
- C. whereas it is legal and part of the sovereignty of all country to intervene in the economic sphere to defend public interest; whereas to grant all citizens access to the fundamental right of energy and to resume poverty are obligations of all governments; whereas the Bilateral Investment Treaty (1992) between Spain and Argentine clearly states that nationalisation or expropriation are allowed for 'public interest', 'without discrimination', and with 'adequate compensation';
- D. whereas in the past, most European countries have nationalised sectors of their economy in the defence of the public interest of their citizens; considers that Member states of the EU should be encouraged to use similar possibilities to face the current crisis instead implement neoliberal policies;
- E. whereas REPSOL is not a Spanish company, as more that half of the shares are owned by foreigners and while REPSOL's policies are benefiting a small economic elite of shareholders; whereas benefits of REPSOL raised 11 % from 1998 to 2007, workers benefited or an increase of only 1.7 % of their incomes; whereas REPSOL uses to pay a 7 % return on the dividends, while other oil companies are paying 3 % in average to their shareholders;

- F. whereas the Government of Argentine argues that REPSOL has failed in complying with its obligation in Argentine as it has given priority on the international market while ignoring the national needs; whereas it appears that REPSOL is responsible for the 54 % fall of crude production and 97 % of gas production, forcing the state to import fuel for up to USD 9 397 million; whereas the reserves of reserves YPF dramatically decreased due to a lack of investments and exploration;
- G. whereas it is proved that REPSOL failed to also to comply with its obligation in other countries, as it caused huge ecological damages in Ecuador and Bolivia, increasing poverty of local population, and it supported several Government responsible of massive human rights violations;
- H. whereas REPSOL declared only 24.8 % of its revenue in Spain, 21.41 in Argentine, and the rest in other countries, tax heavens included; whereas a greater control or even an nationalisation of REPSOL itself by the Spanish Government and others should be considered as it would lead to adequate payment of taxes, and the transfer of part of its benefits to the workers and to the consumers instead of giving priority to the interest of shareholders;
- I. whereas the EP resolution on the EU trade relations with Latin America (October 2010-Scholz report) recalls the fact that the Madrid declaration explicitly recognises the principle of the sovereign right of states to manage and regulate their natural resources, while stressing that due attention should be paid to sustainability criteria;
- J. whereas Argentine announced that adequate compensation, that will be established by the Argentinean Court (*Tribunal de Tasaciones del Estado*) competent for nationalisations and the evaluation of the adequate compensation without discriminating if the owners of the shares are national or foreigners; considering that investors should not ask for non-discriminatory treatment in relation with local investors, but ask for special court when they face a dispute; considering that most of the shareholders of REPSOL enjoyed enormous benefits in the past, always knew that an expropriation was possible and legal, and were able to take their decision accordingly;
- K. whereas the President of the company, the Spanish Government, the Commission and Mrs Ashton accused and even threatened the Government of Argentine are accusing the Government of Argentine even before knowing the price that will be paid for the shares;
- L. whereas in the implementation of the new powers of the EU on investments, according to the Lisbon Treaty, it is necessary to find a right balance between the rights and the obligation of the investors; whereas from more than 20 years this balanced has been lost, in favour of investors and corporate, as a result of the progress of neoliberal politics and considering the tendency of the European institutions to continue and enhance on this wrong direction;
- M. whereas this imbalance and the inadequate exploitation of natural resources by transnational companies has created destruction, social conflict, destruction of the environment, poverty, displacement of population in many countries, including those of Latin America;

- N. whereas the decision taken by the arbitration bodies such as ICSID, (World Bank), and UNCITRAL (UN), are not reflecting the necessity to establish the balance between the rights and the obligation of investors and corporate not the right of Government to defend public interest;
- O. considering that because those unbalanced decisions of ICSID in favour of corporate, several Latin American countries (Bolivia in 2007), Ecuador in 2009 and Venezuela in 2012) decided to cancel their recognition of this body because they consider that it is incompatible with their mandate to control and organise the exploitation of their own natural resources in favour of public interest, development and environment;
1. Respects the right of all countries to exert the sovereign right to manage their natural resources and to regulate their economies according to public interest; supports the decision of the Government to nationalise YPF, an enterprise created by Argentine in 1922 that was privatised as a consequence of the purely neoliberal policies applied of the '90 with very negative consequences for the economy and a dramatic increase of poverty;
  2. Urges all Member States, specially Spain, the EC and Mrs Ashton, instead of defending mainly the profit of the shareholders of REPSOL corporate, to defend all citizens interests, their social interest and the environment, to pay attention to the necessity of the workers and the stability of jobs, the needs of consumers both in Argentine and in the EU, the resumption of poverty and the respect of environment; urges them to keep good relations with Argentine and to refrain from accusing its Government and to announce retaliations even before knowing the price that will be paid for the shares, based of the evaluation to be established by the competent body (*Tribunal de Tasaciones de la Nación*);
  3. Is of the opinion that considering the increasing number of conflicts with investors and corporate with local populations and authorities in Latin America, Africa and elsewhere, there is an urgent necessity of a constructive dialogue among equals between the EU and third countries on the future of foreign investments, to establish an adequate balance of the rights and the obligations of investors and corporate, and an adequate use of natural resource, and to look for alternative to the current arbitration bodies ICSID and UNCITRAL;
  4. Calls on the European Commission and the Member States to stop applying obsolete damaging neoliberal policies that are deepening the current economic crisis at the expenses of the European citizens, specially the poor, and to consider more creative and courageous approach to solve the crisis, eventually inspiring from some economic solutions applied by some Latin American countries;
  5. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the government and Congress of the Republic of Argentina and the members of the Council of MERCOSUR.