

Thursday 30 April 2015

P8_TA(2015)0177

Suspension of exceptional trade measures with regard to Bosnia and Herzegovina *I**

Amendments adopted by the European Parliament on 30 April 2015 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process and suspending its application with regard to Bosnia and Herzegovina (COM(2014)0386 — C8-0039/2014 — 2014/0197(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 346/41)

Amendment 1**Proposal for a regulation****Recital 2***Text proposed by the Commission*

- (2) Regulation (EC) No 1215/2009 does not provide any possibility to temporarily suspend the grant of exceptional trade measures in case of serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law by its beneficiaries. It is appropriate to introduce such possibility, so as to ensure that swift action can be taken in case serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law would occur in one of the countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Amendment

- (2) Regulation (EC) No 1215/2009 does not provide any possibility to temporarily suspend the grant of exceptional trade measures in case of serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law by its beneficiaries. It is appropriate to introduce such possibility, so as to ensure that swift action can be taken in case serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law would occur in one of the countries and territories participating in or linked to the European Union's Stabilisation and Association process. ***Respect for democratic principles, the rule of law, human rights and the protection of minorities are required to achieve progress in the accession process.***

Amendment 2**Proposal for a regulation****Recital 5***Text proposed by the Commission*

- (5) Since the launch of the Stabilisation and Association Process, Stabilisation and Association Agreements have been concluded with all concerned Western Balkan countries, with the exception of Bosnia and Herzegovina and Kosovo⁽²⁾. In **June 2013, the Council authorised the Commission to start** negotiations for a Stabilisation and Association Agreement with Kosovo.

Amendment

- (5) Since the launch of the Stabilisation and Association Process, Stabilisation and Association Agreements have been concluded with all concerned Western Balkan countries, with the exception of Bosnia and Herzegovina and Kosovo⁽³⁾. In **May 2014, the negotiations for a Stabilisation and Association Agreement with Kosovo were completed and the Agreement was initialled in July 2014.**

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0060/2015).

⁽²⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽³⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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Amendment 3
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) However, Bosnia and Herzegovina has not yet accepted to adapt trade concessions granted under the Interim Agreement in order to take into account the preferential traditional trade between Croatia and Bosnia and Herzegovina under the Central European Free Trade Agreement (CEFTA). In case, by the time of the adoption of this Regulation, an agreement on the adaptation of the trade concessions set out in the Stabilisation and Association Agreement and in the Interim Agreement has not been signed and provisionally applied by European Union and Bosnia and Herzegovina, the preferences granted to Bosnia and Herzegovina should be suspended as from 1 January 2016. Once Bosnia-Herzegovina and the European Union will have signed and provisionally applied an agreement on the adaptation of trade concessions in the Interim Agreement, those preferences should be re-established.

Amendment

- (7) However, Bosnia and Herzegovina has not yet accepted to adapt trade concessions granted under the Interim Agreement in order to take into account the preferential traditional trade between Croatia and Bosnia and Herzegovina under the Central European Free Trade Agreement (CEFTA). In case, by the time of the adoption of this Regulation, an agreement on the adaptation of the trade concessions set out in the Stabilisation and Association Agreement and in the Interim Agreement has not been signed and provisionally applied by European Union and Bosnia and Herzegovina, the preferences granted to Bosnia and Herzegovina should be suspended as from 1 January 2016. Once Bosnia-Herzegovina and the European Union will have signed and provisionally applied an agreement on the adaptation of trade concessions in the Interim Agreement, those preferences should be re-established. ***The authorities of Bosnia and Herzegovina and the Commission should redouble efforts to find, before 1 January 2016 and in line with the Interim Agreement, a mutually acceptable solution, especially in terms of cross-border trade,***

Amendment 4
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) ***It is necessary to take into account the constant progress towards European Union membership by the concerned countries and territories of the Western Balkans, as well the accession of Croatia to the Union and the consequent need to adapt the Interim Agreement with Bosnia and Herzegovina. In this context, it is also necessary to take into account the Union's unequivocal commitment to Bosnia and Herzegovina's EU perspective, as set out in the conclusions of the Foreign Affairs Council of 15 December 2014. In those conclusions, the need was reiterated for the political leadership of Bosnia and Herzegovina to anchor the reforms needed for EU integration in the work of all relevant institutions, and the need to establish the functionality and efficiency at all levels of government in order to allow Bosnia and Herzegovina to prepare for future EU membership,***

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Amendment 5
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *The European Union remains committed to support Bosnia and Herzegovina's European perspective and expects the political leadership of the country to pursue reforms aimed at promoting functional institutions as well as ensuring equal rights for the three constituent peoples and all citizens of Bosnia and Herzegovina.*

Amendment 6
Proposal for a regulation
Article 1 — point - 1 (new)
Regulation (EC) No 1215/2009
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (-1) *The following recital is inserted:*

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Text proposed by the Commission

Amendment

‘(14a) In order to allow for a proper democratic oversight of the application of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of necessary amendments and technical adjustments to Annexes I and II following amendments to CN codes and to the TARIC subdivisions, in respect of necessary adjustments following the granting of trade preferences under other arrangements between the Union and the countries and territories covered by this Regulation, and in respect of the suspension of benefits under this Regulation in the event of non-compliance with the condition of effective administrative cooperation in order to prevent fraud, the condition of respect for human rights and the rule of law principles as well as the condition of engaging in effective economic reforms and in regional cooperation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament;’

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Amendment 7**Proposal for a regulation****Article 1 — point 1 a (new)**

Regulation (EC) No 1215/2009

Article 2 — paragraph 3

Present text

3. In the event of non-compliance by a country or territory with **paragraphs 1 or 2**, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the country or territory concerned to benefits under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).

*Amendment***(1a) In Article 2, paragraph 3 is replaced by the following:**

‘3. In the event of non-compliance by a country or territory with **points (a) or (b) of paragraph 1**, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the country or territory concerned to benefit under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).’

Amendment 8**Proposal for a regulation****Article 1 — point 1 b (new)**

Regulation (EC) No 1215/2009

Article 7 — point c (new)

Text proposed by the Commission

*Amendment***(1b) In Article 7, the following point is added:**

‘(c) **the suspension, in whole or in part, of the entitlement of a country or territory concerned to benefits under this Regulation, in the event of non-compliance by that country or territory with the conditions set out in points (c) and (d) of Article 2(1) and in Article 2(2) of this Regulation.**’

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Amendment 9**Proposal for a regulation****Article 1 — point 1 c (new)**

Regulation (EC) No 1215/2009

Article 10 — paragraph 1 — subparagraph 1 — introductory wording

Present text

1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase of exports into the Community above the level of normal production and export capacity or a failure of compliance with the provisions of Article 2(1) by countries and territories referred to in Article 1, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:

Amendment

(1c) In Article 10(1), the introductory wording is replaced by the following:

‘1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase of exports into the Community above the level of normal production and export capacity or a failure of compliance with the provisions **of points (a) and (b)** of Article 2(1) by countries and territories referred to in Article 1, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:’
