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Plenary sitting

A8-0060/2015

24.3.2015

*****I**
REPORT

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))

Committee on International Trade

Rapporteur: Goffredo Maria Bettini

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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0386),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0039/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade and the opinion of the Committee on Foreign Affairs (A8-0060/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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 Kosovo³. In ***June 2013, the Council authorised the Commission to start*** negotiations for a Stabilisation and Association Agreement with Kosovo.

³ This designation is without prejudice to positions on status, and is in line with

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 Kosovo³. In ***May 2014, the negotiations for a Stabilisation and Association Agreement with Kosovo were completed and the Agreement was initialled in July 2014.***

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.

UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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,

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 – paragraph – 1 (new)

Regulation (EC) No 1215/2009

Recital 14 a (new)

Text proposed by the Commission

Amendment

-1. The following recital is inserted:

“(14 a) 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;"

Justification

Since its adoption, Regulation (EC) No 1215/2009 has been subject to several amendments. The use of delegated acts was introduced by Regulation 1336/2011 which however did not introduce a recital explaining the use of delegated acts. The rapporteur proposes the use of delegated acts in further cases, in order to assure a proper democratic oversight of the application of the basic Regulation by the Commission. This should be clearly set out in a corresponding recital, in line with the Common Understanding on the use of Delegated acts, agreed between the Parliament and the Council.

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 amended as follows:

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).

Justification

In amendment 6, the rapporteur proposes to apply the procedure with delegated acts for the suspension of preferences in case 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 regional cooperation. Therefore, Article 2(3) must be amended to exclude the use

of implementing acts in those three cases.

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 inserted:

(c) 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 (2) of this Regulation.

Justification

The rapporteur proposes to apply the procedure with delegated acts for the suspension of preferences in case 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. The rapporteur is of the view that the Commission's margin of discretion in these three cases is too wide and that the involvement of the co-legislators is necessary. (See also the Explanatory statement)

Amendment 9

Proposal for a regulation

Article 1 – point 1 c (new)

Regulation (EC) No 1215/2009

Article 10 – paragraph 1 – introductory wording

Present text

Amendment

1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as

(1c) In Article 10(1), the introductory wording is amended as follows:

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:

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:

Justification

Given the proposed use of delegated acts for the suspension of preferences in case of non-compliance with the conditions of effective administrative cooperation in order to prevent fraud as well as the condition of respect for human rights and the rule of law principles by the participating country or territory, the safeguard provision concerning temporary suspension of preferences by means of implementing acts should be amended accordingly.

EXPLANATORY STATEMENT

Background of the Commission proposal

Trade between the EU and the Western Balkans countries is liberalised through a number of Stabilisation and Association Agreements (SAA) and an Interim Agreement (IA) in the case of Bosnia and Herzegovina. In addition, Kosovo (which does not yet have its SAA) and the whole region benefit from Autonomous Trade Measures (ATMs), which the EU grants since 2000. These unilateral preferences allow for unlimited duty free access to the EU for most products. Contrary to the SAAs - in which preferences are granted by each party -, ATMs are a one-sided preferential regime in favour of the Western Balkans. The scope of the tariff liberalisation under the SAAs and the preferences granted under Regulation (EC) No 1215/2009 differ, especially with respect to agricultural products. The level of liberalisation in agriculture products under the ATM regime is greater than under the SAA/IA regime.

The Commission proposal under consideration proposes three main changes to the basic Regulation (EC) No 1215/2009:

1. Prolongation of the current preferences until the end of 2020:

The aim of the prolongation is to give the beneficiary countries additional time to align the preferences under the basic Regulation with those provided by the SAA/IA.

2. Introduction of the so-called 'human rights' clause' in the ATM Regulation

This clause enables for a suspension of preferences in case of serious and systematic violations of fundamental principles of human rights, democracy and the rule of law by any of the beneficiary countries.

3. Possible suspension of ATMs for Bosnia and Herzegovina (BiH) from 1 January 2016

Following the accession of Croatia to the EU on 1 July 2013, BiH has not yet accepted to adapt the Interim Agreement in order to take into account the preferential traditional trade between Croatia and BiH under the Central European Free Trade Agreement (CEFTA) which linked the two countries before 1 July 2013. As a result, the preferential quotas agreed in 2008 in the Interim Agreement for 27 EU-Member States are now being used by 28 Member States (on a first come first serve basis). The EU's methodology for amending its trade agreements after an enlargement of the EU has taken place is established upon the concept of traditional trade between the new member of the EU and the country with the trade agreement with the EU. All Western Balkan countries members of CEFTA except BiH have agreed to this methodology and have concluded negotiations to amend their agreements with the EU.

After three rounds of negotiations with BiH, no agreement could be reached. Contrary to the EU's methodology, BiH considers it could not increase its preference for the amount of traditional trade. According to BiH this could only happened in case the EU would offer further concessions.

As a result of this stalemate and the damage to the EU commercial interest, the Commission proposes that a prolongation of ATMs to BiH would not be automatic, but should depend on BiH accepting the EU methodology regarding the adaptation of the Interim Agreement. Once BiH and EU agree, sign and provisionally apply an agreement on the adaptation of trade concessions, the preferences for BiH will be re-established.

Conditions for entitlement to the preferences

The basic Regulation sets out, namely in its Article 2 (1), several conditions for entitlement to the preferential arrangements:

a) compliance with the definition of 'originating products' as provided for in regulation (EEC) No 2454/93;

b) the abstention of the beneficiaries from introducing new duties or charges having equivalent effect with respect to products originating from the EU;

c) the involvement of the beneficiaries in effective administrative cooperation with the Community in order to prevent any risk of fraud.

The Commission proposal under consideration introduces a fourth condition, the so-called 'human rights' clause'. The entitlement to the preferential arrangements is thereby also subject to:

d) the abstention of the beneficiaries from engaging in serious and systematic violations of human rights, including core labour rights, fundamental principles of democracy and the rule of law.

Moreover, Article 2(2) of the basic Regulation contains a further condition for entitlement to the preferences - *the readiness of beneficiary countries to engage in effective economic reforms and in regional cooperation with other Western Balkans countries, in particular through the establishment of free trade areas.*

According to Art. 2(3) of the basic Regulation, in the event of non-compliance with any of the above conditions, the Commission may, by means of implementing acts adopted under the examination procedure, suspend (in whole or in part), the entitlement to the preferential arrangements.

Proposed amendments:

Delegated acts:

One of the main aims of the amendments proposed by the rapporteur *is to replace the use of implementing acts by the **delegated acts*** for the decision on suspension of preferences in cases of non-respect of conditions set out in **Article 2 (1) points c) and d) and Article 2(2)**, i.e.:

Art. 2(1):

c) the involvement of the beneficiaries in effective administrative cooperation with the Community in order to prevent any risk of fraud

d) the abstention of the countries and territories referred to in Article 1 from engaging in serious and systematic violations of human rights, including core labour rights, fundamental principles of democracy and the rule of law (introduced by the Commission proposal under consideration)

Art. 2(2):

' the readiness of beneficiary countries to engage in effective economic reforms and in regional cooperation with other Western Balkans countries, in particular through the establishment of free trade areas'.

When choosing between the delegated acts (Art. 290 TFEU) and implementing acts (Art. 291 TFEU), the co-legislators should take into account, as the main criterion, the **margin of discretion given to the Commission**, in particular by taking into account the **scope of policy assessment** that is involved.

The rapporteur is of the view that the Commission has, in deciding on suspension of preferences on the grounds described above, an important margin of discretion which goes well beyond a simple execution of the provisions of the basic act on the basis of an objective assessment, namely for the following reasons:

- the precise criteria for assessing whether or not the above conditions have been respected are not laid down in the basic act and therefore inevitably entail a subjective assessment which goes beyond the simple implementation;
- according to Art. 2(3) the scope of the suspension is not clearly defined (preferences to be suspended *in whole or in part*), without having precise criteria on how to establish the scope of the suspension;
- Art. 2(3) further provides that the Commission *may* suspend the preferential arrangements - the Commission can thus also decide not to suspend the preferences at all.

The rapporteur is of the view that a **combination of the above three considerations leads to a very significant margin of discretion available to the Commission** when deciding to suspend the preferences. This entails subjective assessment and exceeds the limits of implementation. **Such a decision should therefore be taken by means of delegated acts which assure for the proper oversight by the co-legislators.**

The margin of discretion with regard to the conditions set out in other provisions of the basic Regulation is more limited, the criteria for the assessment of compliance with these conditions are much more objective as in case of the conditions set out in Article 2(1) c) and d) and in Article 2(2). The rapporteur is therefore satisfied that the use of implementing acts is acceptable in those cases.

Furthermore, the rapporteur introduces to the basic Regulation a recital explaining the use of delegated acts. Since its adoption, Regulation (EC) No 1215/2009 has been subject to several amendments. The use of delegated acts was introduced by Regulation 1336/2011 which

however did not introduce a recital explaining the use of delegated acts. The rapporteur proposes the use of delegated acts in further cases, in order to assure a proper democratic oversight of the application of the basic Regulation by the Commission. This should be clearly set out in a corresponding recital, in line with the Common Understanding on the use of Delegated acts, agreed between the Parliament and the Council.

Other amendments:

EU and BiH are urged to strive for an agreement regarding the adaptation of the Interim Agreement with the EU following the accession of Croatia, in order to avoid the suspension of preferences for BiH as of 1 January 2016.

The rapporteur also deems it necessary to reiterate the progress made by the Western Balkans countries towards a deeper integration with the EU as well as the recent Council conclusions with respect to Bosnia and Herzegovina.

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Conclusions:

The overarching objective of the amendments proposed by the rapporteur is to confirm the real and deep commitment of the EU towards the future European integration of the countries and territories covered by this Regulation by granting unilateral trade preferences. The EU integration process was undoubtedly a challenging process for countries that have undertaken, but it proved being the most effective instrument for the stability of the region. In this perspective, such concessions or their possible suspension must be accepted as an impulse to accelerate the path of political and socio-economic reforms underlined in "Compact Growth", indispensable to the attainment by Western Balkans countries, the requirements of Copenhagen criteria and of *aquis communautaire*. To this end, the rapporteur urges BiH to adapt the Interim Agreement to preferential trade with Croatia following the entry of the latter in the European Union on 1 July 2013 and, at the same time, calls on the parties to take account of the mutual interests in order to reach a satisfactory agreement for both EU Member States and for the members of CEFTA.

11.3.2015

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on International Trade

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))

Rapporteur: Cristian Dan Preda

SHORT JUSTIFICATION

The Commission's proposal to extend the autonomous trade measures for Western Balkan countries and territories participating in the Stabilisation and Association Process (SAP) for another five years, until 31 December 2020, should be welcomed. This preferential trade regime has contributed to an increase in the Western Balkan exports to the EU. The EU was, in 2013, the region's largest trading partner both in terms of imports (72,7%) and exports (81,8%). Together with the bilateral agreements in place, these trade preferences support economic integration with the EU and hence foster political stability and economic progress in the entire region. These measures should also be seen in the wider context of our policies regarding the Western Balkan countries - our ultimate goal being to bring them closer to the EU.

The Commission's proposal also seeks to fill a gap existing in Regulation 1215/2009, namely the absence of a human rights clause, allowing for the suspension of the trade preferences in case of violations of the fundamental principles of human rights, democracy and the rule of law occurring in one of the countries and territories of the SAP. While this idea is to be welcomed, as a practical application of Article 21(1) TEU and an incarnation of the obligation to mainstream human rights in EU's external action, the wording of the Commission's proposals is not entirely satisfactory in the Rapporteur's opinion. A positive formulation of this clause, in line with the Copenhagen criteria, would be preferable. Furthermore, if the threshold set for the activation of this clause is set too high, it could become inoperable. The Rapporteur would like to stress that, as a co-legislator and co-branch of the budgetary authority, and having also a major role to play regarding enlargement countries, the European Parliament is entitled to fully exercise its prerogatives if a decision regarding suspension of the trade preferences is to be taken. In a broader perspective, bringing more clarity and

consistency into the way human rights clauses are drafted in autonomous trade preferential regimes seems necessary in the Rapporteur's view.

Finally, the Commission's proposal takes into account the fact that Bosnia and Herzegovina has not yet accepted to adapt trade concessions granted under the Interim Agreement on trade and trade-related matters with the EU following the accession of Croatia. If no agreement is found on this issue by the end of the year, preferences granted to Bosnia and Herzegovina under this Regulation could be suspended as of 1st January 2016.

The Rapporteur would however like to underline that the suspension of the trade preferences for Bosnia and Herzegovina should be seen as an incentive to resolve the current disagreement with the EU over the adaptation of the Interim Agreement. The Rapporteur hopes that the new authorities in Bosnia and Herzegovina will take advantage of the positive impetus given by the adoption of the new EU Approach regarding the country by the Foreign Affairs Council on 15 December 2014 to solve also this outstanding issue.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on International Trade, as the committee responsible, to take into account the following amendments:

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 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 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.

Justification

As countries seeking EU membership must conform to the Copenhagen Criteria, it is important to introduce a clause ensuring that action can be taken in case of serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law. Such a clause should be expanded to include core labour and environmental standards, so as to promote and protect human rights and principles of sustainable development and to help the countries align with the Community acquis.

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 Kosovo³. In ***June 2013, the Council authorised the Commission to start negotiations for a Stabilisation and Association Agreement with Kosovo.***

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.

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 Kosovo³. In ***May 2014, the negotiations for a Stabilisation and Association Agreement with Kosovo were completed and the Agreement was initialled in July 2014.***

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.

Amendment 3

**Proposal for a regulation
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) The newly elected institutions of

Bosnia and Herzegovina should seize the opportunity of the renewed Union policy approach towards Bosnia and Herzegovina to conclude the Agreement on the adaptation of Stabilisation and Association Agreement and the Interim Agreement taking into account Croatia's accession to the EU and maintaining preferential traditional trade.

Amendment 4

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 1215/2009

Article 2 – paragraph 1 – point d

Text proposed by the Commission

"(d) *the abstention of* the countries and territories referred to in Article 1 *from engaging in serious and systematic violations of human rights, including core labour rights, fundamental principles of democracy and the rule of law.*"

Amendment

"(d) *respect for democratic principles, human rights and fundamental freedoms and respect for the principle of rule of law by* the countries and territories referred to in Article 1."

PROCEDURE

Title	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
References	COM(2014)0386 – C8-0039/2014 – 2014/0197(COD)
Committee responsible Date announced in plenary	INTA 3.7.2014
Opinion by Date announced in plenary	AFET 3.7.2014
Rapporteur Date appointed	Cristian Dan Preda 22.9.2014
Discussed in committee	24.2.2015
Date adopted	9.3.2015
Result of final vote	+: 29 –: 15 0: 21
Members present for the final vote	Lars Adaktusson, Michèle Alliot-Marie, Nikos Androulakis, Petras Auštrevičius, Amjad Bashir, Bas Belder, Goffredo Maria Bettini, Elmar Brok, Klaus Buchner, James Carver, Fabio Massimo Castaldo, Lorenzo Cesa, Aymeric Chauprade, Andi Cristea, Arnaud Danjean, Mark Demesmaeker, Georgios Epitideios, Eugen Freund, Michael Gahler, Richard Howitt, Sandra Kalniete, Manolis Kefalogiannis, Tunne Kelam, Afzal Khan, Janusz Korwin-Mikke, Eduard Kukan, Ilhan Kyuchyuk, Arne Lietz, Barbara Lochbihler, Sabine Lösing, Andrejs Mamikins, Ramona Nicole Mănescu, David McAllister, Jean-Luc Mélenchon, Tamás Meszerics, Francisco José Millán Mon, Javier Nart, Pier Antonio Panzeri, Demetris Papadakis, Kati Piri, Andrej Plenković, Cristian Dan Preda, Jozo Radoš, Sofia Sakorafa, Alyn Smith, Charles Tannock, Eleni Theoharous, László Tőkés, Ivo Vajgl, Johannes Cornelis van Baalen, Geoffrey Van Orden, Hilde Vautmans, Boris Zala
Substitutes present for the final vote	Nicolas Bay, Reinhard Bütikofer, Ana Gomes, Andrzej Grzyb, Gabrielius Landsbergis, Juan Fernando López Aguilar, Antonio López-Istúriz White, David Martin, Helmut Scholz, Traian Ungureanu, Janusz Zemke
Substitutes under Rule 200(2) present for the final vote	Eric Andrieu

PROCEDURE

Title	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		
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Date submitted to Parliament	26.6.2014		
Committee responsible Date announced in plenary	INTA 3.7.2014		
Committees asked for opinions Date announced in plenary	AFET 3.7.2014		
Rapporteurs Date appointed	Goffredo Maria Bettini 3.9.2014		
Discussed in committee	5.11.2014	24.2.2015	19.3.2015
Date adopted	19.3.2015		
Result of final vote	+: -: 0:	31 6 0	
Members present for the final vote	William (The Earl of) Dartmouth, Maria Arena, Tiziana Beghin, David Campbell Bannerman, Daniel Caspary, Santiago Fisas Ayxelà, Yannick Jadot, Ska Keller, Alexander Graf Lambsdorff, Gabriellus Landsbergis, Bernd Lange, Emmanuel Maurel, Emma McClarkin, Alessia Maria Mosca, Franck Proust, Viviane Reding, Matteo Salvini, Helmut Scholz, Joachim Schuster, Joachim Starbatty, Adam Szejnfeld, Iuliu Winkler		
Substitutes present for the final vote	Clara Eugenia Aguilera García, Eric Andrieu, Bendt Bendtsen, Goffredo Maria Bettini, Victor Boștinăru, Dita Charanzová, Aymeric Chauprade, Danuta Maria Hübner, Pedro Silva Pereira, Davor Ivo Stier, Jarosław Wałęsa, Pablo Zalba Bidegain		
Substitutes under Rule 200(2) present for the final vote	Seb Dance, Jean-Luc Schaffhauser, Marco Valli		
Date tabled	24.3.2015		