



**The Greens' Book**  
**Policy papers of**  
**the Greens in the**  
**European Parliament**



**The Greens | EFA**  
in the European Parliament

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# The Greens' Book, Policy papers of the Greens in the European Parliament



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## Stop Climate Change, Start the Green Energy Revolution

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Oil prices have subsided with the onset of the financial crisis but we must not forget that global climate change continues and fossil energy is still running out. Either crisis could cripple modern society by itself, but the combination will be catastrophic. Tackling climate change by a Green energy revolution to reduce consumption, use energy more efficiently and switch to renewable energies and not nuclear is the only responsible path to take.



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EU-driven economic globalisation has greatly increased social inequalities while putting social standards and public finance for basic services at risk. Greens think that market rules should never be allowed to override fundamental social rights. As a first step, Greens want to protect social and health services from free market legislation at EU level, recognising the priority of social policy over economic policy.



06

## A Europe of equal opportunities and rights

P.45

The social dimension of the EU is not progressing as rapidly as it should. Member States are still allowed to compete unfairly with each other by offering the lowest working and living standards to encourage investment. Greens think that each person must have the right to equal pay for equal work within any given workplace. As a first step, Greens want EU laws on posted workers, fair minimum wages, and working times to be effective and without national opt-outs.

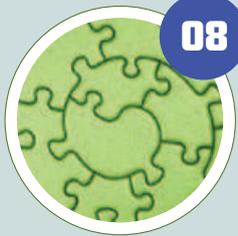


07

## Sustainable development in a equitable world

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Enabling global social justice and halting climate change are often seen as contradictory goals, but they can and must be resolved together. The EU must set an example in this challenge, by reducing the size of its ecological footprint to its fair share and by no longer beating up on poorer partner countries through its trade and investment policy. As a first step, Greens want the EU to scrap its aggressive foreign market access strategy "Global Europe" ..

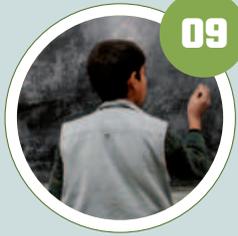


08

## Democracy in European policy-making

P.61

European citizens often feel that they cannot influence what happens in the EU and, as powers shift to the EU level, Member States hide behind a smokescreen of what is in their own competence and responsibility. Greens want to reverse this erosion of democracy by ensuring that EU legislation is made and implemented in a way that citizens can easily understand who is responsible. As a first step, Greens want to strengthen the offices to which citizens can address complaints, make sure that documents are really accessible and control the influence of lobbies.



09

## Protecting individual rights and liberties within and outside the EU

P.69

The EU was founded on a community of values and fundamental rights, however experience has shown that some of these commitments only exist on paper. Greens want to establish a genuine culture of human rights in EU policy and practice. As a first step, Greens want the systematic inclusion and enforcement of a binding human rights clause in all EU agreements and for EU Member States to allow EU scrutiny of their human rights practices.



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## A Europe that promotes peace and conflict resolution

P.77

Conflict often results from violation of basic rights and lack of access to resources. Greens want an effective foreign policy that precludes the need for military intervention. As a first step, Greens want the European Parliament to have oversight and scrutiny of all security issues.



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## Immigration as an opportunity

P.85

Europe needs immigration. It also has a moral duty to provide asylum to those in need. Greens want open mechanisms for migrants to enter and work legally and coherent efficient asylum procedures which has humanitarian treatment at its core. As a first step, the EU should acknowledge its need for migrants and give legal immigrants the same rights as EU residents, and integrate international human rights into forthcoming revisions of asylum legislation.



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## Making gender equality a reality

P.93

Gender equality has been a fundamental principle of the European Community since its creation in 1957, but practice lags behind promises. The pay gap of 17,5 % is just one, albeit important indicator. The Greens want the European Commission to impose sanctions against Member States that do not fully implement the EU directives on gender equality. As a first step, Greens want the EU Directive on equal treatment of women and men in the working place to be fully implemented in all Member States.

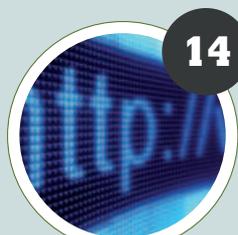


13

## Cleaning up the Planet

P.101

The production of chemicals is steadily increasing. Many of them are probably dangerous, but no one knows precisely because until 2007 there was no information available on the environmental impact of the 100 000 substances that had entered the EU market before 1981. The new EU Regulation to Register, Evaluate and Authorise Chemicals (REACH) could redress this situation. However, further improvements of REACH are needed in order to guarantee the effective protection of humans and the environment. As a first step, Greens want a comprehensive list of substances of very high concern, in order to increase consumer information rights and facilitate substitutions.



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## Free knowledge flows in a sustainable global information society

P.109

The global information society could become the basis for a socially and environmentally sustainable economic growth model, promoting democracy worldwide, provided that access to information and knowledge remains open and is even expanded. The Greens fight all attempts to further privatise the internet and to limit knowledge transfer through excessive patent rights. As first steps, Greens want the non-commercial use of the internet to remain principally exempted from all sanctions and the European Patent Office to be turned into an institution of the European Community.

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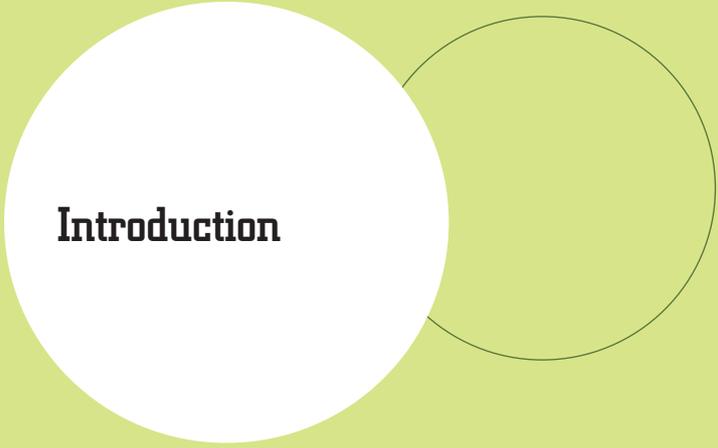
Tackling climate change by a Green energy revolution to reduce consumption, use energy more efficiently and switch to renewable energies and not nuclear is the only responsible path to take.

01

**Stop Climate Change,  
Start the Green  
Energy Revolution**



**The Greens | EFA**  
in the European Parliament



## Introduction



**Stop Climate Change,  
Start the Green  
Energy Revolution**

The combination of global climate change, due to increasing greenhouse gas emissions, and the imminent energy crunch, due to the depletion of oil and other conventional energy sources, poses the most serious environmental, social and economic threat that humanity has ever faced.

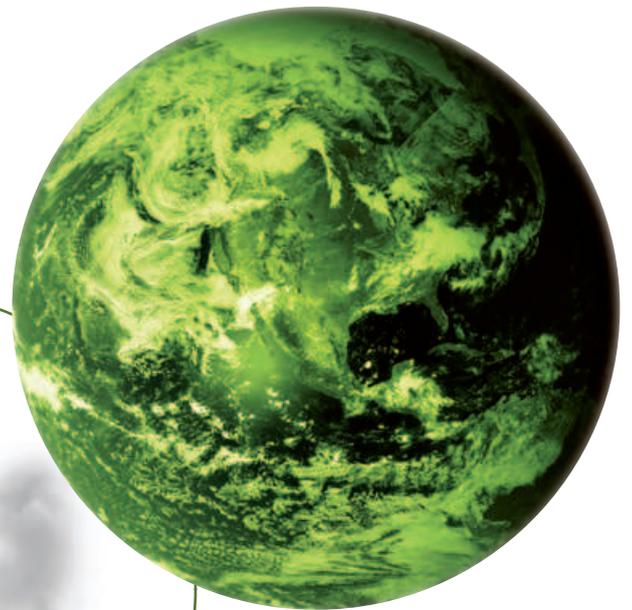
If they are addressed together, as the Greens propose, the threat could become an opportunity - an opportunity to finally undertake the energy revolution to wean ourselves from our damaging dependence on fossil fuels and cut emissions to prevent dangerous climate change. Technologies and strategies exist to transform our society by shifting to sustainable sources of energy and reducing our total consumption, while stimulating the economy and creating millions of green collar jobs.

Nuclear power is not the solution, despite the nuclear industry's insistence that it does not contribute to climate change. It is, rather, a threat, given the problems of waste, proliferation and the danger of accidents.

## Key Facts and Figures

The EU has accepted the need to limit the increase in global temperatures to below 2° C, compared to pre-industrial levels, to avoid dangerous climate change. According to the fourth assessment report of the Intergovernmental Panel on Climate Change (IPCC) in 2007, temperature has already risen by 0.7° C overall and by about 1.0° C in Europe over the past century. The IPCC stated that industrialised countries need to reduce their greenhouse gas emissions by 25-40% by 2020 (compared to 1990 levels) and 80-95% by 2050 to have a 50:50 chance of limiting warming to 2° C and avoiding dangerous climate change.

We consume vast quantities of oil and at some point, we will deplete global reserves more rapidly than new fields are found - the so-called "peak oil" - leading to reduced oil supplies and higher energy prices. Most independent experts think that point will be reached soon and even the International Energy Agency has now accepted the inevitability of peaking supply. The EU is already dependent on foreign supplies of energy, importing over 75% of its oil and 42% of its gas, proportions that will increase unless urgent action is taken. For its nuclear power plants, the EU imports 99% of the uranium used as fuel.



## Consequences of Non-Action

Failure to combat climate change and to find alternative renewable energy sources would be catastrophic for citizens of Europe and the planet. We are already having to deal with disappearing glaciers and rising sea levels, as well as an increase in extreme weather events. Plant and animal species are altering their distribution in response to changing climate conditions.

The Stern Report of 2006, commissioned by the UK government, examined the potential financial consequences of climate change, the costs of non-action and what it would take to cut emissions. Continuing on our present path could result, within a generation, in a temperature rise of at least 2°C and possibly as high as 5°C - a change as great as the difference between the last ice age and today. The result would be coastal flooding, changes in water availability, profound alterations to ecosystems and redistributed agricultural productivity. Hundreds of millions of people would become "climate refugees" and climate wars could

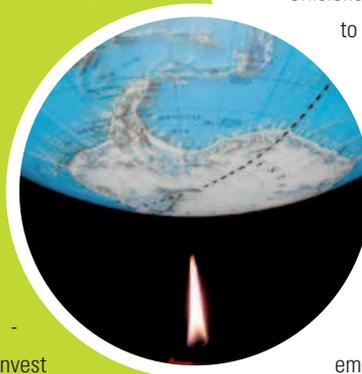
erupt. The poorest countries would be the most vulnerable, regardless of the fact that they have contributed least to global warming, but rich countries in Europe would not escape the crisis.

Calculations made by the Stern Report showed that the overall costs and risks associated with climate change will be the equivalent of 5% of global GDP each year - forever. By contrast, if we invest now to reduce emissions of greenhouse gases, the costs could be limited to 1% of global GDP per year - one fifth the costs of inaction. In 2008, Lord Stern revised that figure upwards, saying that 2% of GDP would be necessary to contain climate change.

Economic and social systems in the EU are built on a reliance upon cheap and abundant energy. Given the imminent energy resource

crunch, we must realign our economy and develop alternative, sustainable and renewable energies, as well as energy savings and efficiency. If we develop a strategy to do this now, the imminent decline and disappearance of fossil fuels will not overwhelm us. It would be a "controlled change" that would even be positive from many points of view, not least considering the increased employment that would result.

However, if we do not begin to prepare now, the rapid reductions in energy supplies that will surely happen could cause considerable hardship for society in most industrialised countries. Yet very few studies are being made to predict the detailed consequences of a sudden collapse in the supply of oil and gas, even less how to avoid them.



## Feasibility in the EU Framework



The only legal provision in the Treaty giving the EU the competence to legislate on energy relates to energy infrastructure under the Trans-European Networks, in which the European Parliament has co-decision power, i.e. equal decision making powers with the Council. However, general practice has evolved so that in most other aspects of energy policy, the EP also has co-decision, as legislation is often adopted under environment policy, the internal market, etc.

All aspects of nuclear power are dealt with under the Euratom Treaty, which gives the European Parliament no decision-making role.

Should the Lisbon Treaty be ratified, energy policy will become, as most other fields, a shared competence between the Member States and the EU, with measures decided by co-decision. The Lisbon Treaty also stipulates that measures at international level to deal with climate change would be agreed under co-decision.

## Green Achievements 2004-2009

The Greens were the first to bring political attention to climate change and the upcoming energy crunch. We have called for fundamental changes to our energy, industrial and research policies to accelerate the energy revolution that is essential to minimize climate change and move to renewable energies. Among Green demands have been binding targets for greenhouse gas emission reductions in line with the latest science, increases in the use of renewable sources of energy and improvements in energy efficiency across the board, from home insulation and domestic appliances to all sectors of the transport industry (trucks, shipping, passenger vehicles, aviation).

While other political groups now claim to support some of these policies to a certain extent, in their actions they often continue to favour the old industries and thwart serious changes.

In 2007, the EU committed to a unilateral reduction of at least 20% in its emissions of greenhouse gases by 2020 (compared to 1990 emissions) that would rise to 30% if a binding, international agreement is reached to replace the Kyoto Protocol. A second commitment was made to increase the use of renewable forms of energy to 20% by the same date. The "climate package" was designed to meet those commitments and the Greens pushed for the most stringent controls possible:

### Auctioning of emission permits under Emissions Trading System (ETS):

Improvements were proposed to the flawed market-based system set up under the Kyoto Protocol to cap and trade the emissions of certain segments of heavy industry, including a reduction of 21% of emissions by 2020, compared to 2005 levels. The Greens wanted as many industry sectors included as possible with all emission permits to be subject to auctioning, rather than allocated for free. The principle of full auctioning was secured for the power sector, but the Council exempted industries accounting for over 90% of the remaining emissions from full auctioning and allowed up to 50% of the emission reductions to be achieved by purchasing 'external offsets' (buying 'credits' in emissions reduction projects in developing countries instead of delivering actual domestic emissions reductions).

### Use of renewable energy:

The EU adopted an objective for at least 20% of energy to come from renewable sources by 2020. The Greens pushed for binding targets for the use of renewable energies for both Member States and the EU, as well as better access for electricity generated by renewables to the electrical grid, and biogas to the gas grid, so they can be marketed. Council agreed to both. The Council insisted on including a binding target for renewables in transport, including agrofuels, despite the efforts of the Greens to scrap this target



# What Greens want

## Emissions reduction and a UN climate deal

Most important is a strong EU commitment to negotiate an ambitious, aggressive and binding international agreement to combat climate change after 2012. That would result in new targets for the reduction of greenhouse gas emissions, both in the EU and around the world. The EU must make deep cuts in its emissions in line with the latest scientific evidence, i.e. by at least 40% by 2020 and 95% by 2050 compared to 1990 levels, and these must be done within the EU, rather than "exported". A guaranteed and sufficient source of funding must be made available for climate change adaptation and mitigation in developing countries.

## Energy Efficiency and Savings

The EU's current non-binding target of at least 20% savings in energy by 2020 must be made binding with a rapid energy saving programme in the building sector. New houses must have net energy consumption of zero and existing buildings need to be retrofitted. Massive public support is needed. Less energy-efficient electrical appliances, such as incandescent light-bulbs, must be phased out.

## Renewable Energy

There is enormous potential to generate environmentally-friendly energy from renewable sources such as wind, biogas, solar power, hydro, geothermal and biomass. Greens demand that at least 25% of the EU's energy come from renewable sources without delay. This requires decentralisation of the energy production as well as building a European Supergrid to connect every European citizen. The Greens also want ambitious renewable targets beyond 2020, at least 50% in 2030 for electricity.

## Green Jobs

Europe is a technology leader in the renewable energy sector. In 2006, the sector employed 250,000 people and had a turnover of €15bn. A true commitment to an energy revolution would lead to the creation of millions of jobs in the renewable energy and related sectors.

## No to nuclear Power

Greens believe that nuclear power is not a solution for climate change. The nuclear industry is in global decline and any attempts to reverse this decline would be both overly costly and would not be realised in time to contribute to the urgently-needed reduction of greenhouse gas emissions. The risks of nuclear energy have been known for years and none of them have been resolved. We can meet ambitious emissions reductions targets while phasing out nuclear power.



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## References

### Stern report

[http://www.hm-treasury.gov.uk/stern\\_review\\_report.htm](http://www.hm-treasury.gov.uk/stern_review_report.htm)

### Lord Stern revises his conclusion

<http://tinyurl.com/c8dhz2> and <http://tinyurl.com/dlhpgq4>

### "A Green New Deal"

[http://www.neweconomics.org/gen/z\\_sys\\_publicationdetail.aspx?pid=258](http://www.neweconomics.org/gen/z_sys_publicationdetail.aspx?pid=258)

### European Environment Agency report on emissions

<http://tinyurl.com/ckn9jj>

### European Environment Agency report on energy

[http://reports.eea.europa.eu/eea\\_report\\_2008\\_6/en/Executive\\_summary](http://reports.eea.europa.eu/eea_report_2008_6/en/Executive_summary)

## Useful websites

### Greens webpage on climate change

<http://www.stopclimatechange.net/>

### Intergovernmental Panel on Climate Change

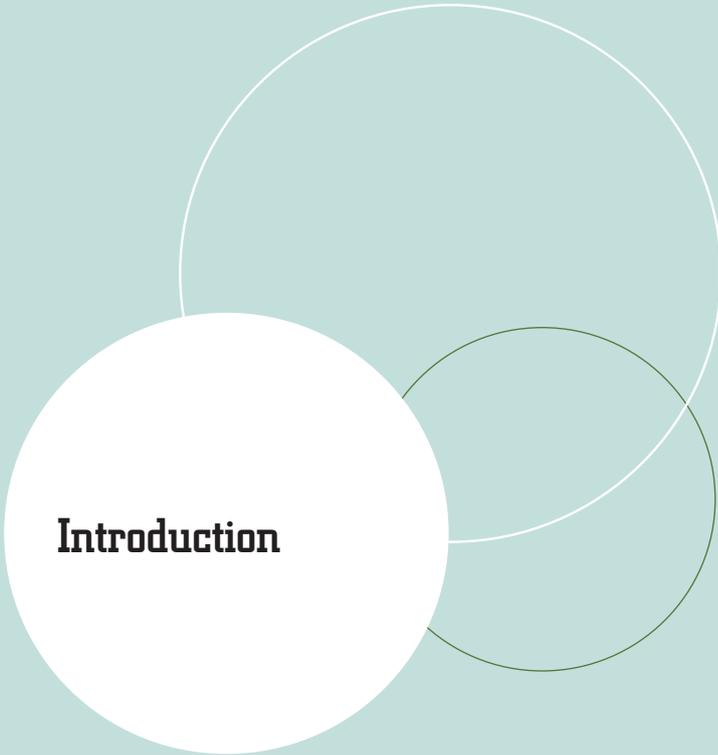
<http://www.ipcc.ch/ipccreports/assessments-reports.htm>

According to the Intergovernmental Panel on Climate Change, we must reduce CO<sub>2</sub> emissions by 50-80% in order to have any chance of limiting global warming to 2°C. However, CO<sub>2</sub> emissions from transport continue to rise. Greens do not expect people to stay at home but we need to be more efficient in what transport modes we use, reducing use of transport if necessary. As a first step, Greens want to apply the “polluter pays” principle whereby users pay the real cost of transport, including environmental and social costs.

02

**Move Green -  
Changing how  
we get around,  
not the climate**





## Introduction

Use of transport has increased 30% over the last 15 years. The transport sector is the only sector whose CO<sub>2</sub> emissions have risen since 1990. All other sectors have reduced their CO<sub>2</sub> emissions but due to the increasing contribution of transport, total EU27 CO<sub>2</sub> emission remains close to 1990 levels.

Greens fully acknowledge the need for mobility but we need to be more efficient in what transport modes we use; we need to choose the most appropriate mode of transport, reducing transport use if possible. For example, unnecessary long distance road transportation across Europe would be discouraged in favour of more local transport if the price of road transport reflected the real costs for society (noise, pollution, accidents etc). This could be aided by a greater focus on local consumption of local produce. Finally, good urban planning and comprehensive public transport networks can reduce the time, distance and environmental impact of daily commutes.

This is particularly important given the 2007 report from the Intergovernmental Panel on Climate Change which states that in order to have a 50:50 chance of limiting global warming to 2°C, we must reduce CO<sub>2</sub> emissions by 50-80% by 2050, compared to the EU's goal of 20% by 2020.

Currently, transport relies on oil-based fuels which will soon run out. Agrofuels are not the answer. Supporters claim that agrofuels are carbon neutral - that is, when used for fuel, they only release the CO<sub>2</sub> used for growth, thus not adding extra CO<sub>2</sub> into the atmosphere. However, this is often not the case once the CO<sub>2</sub> released during cultivation, harvesting and processing are considered, making agrofuels no better than conventional fuel. Furthermore, agrofuels will not encourage us to use less transport and move to more sustainable modes.



**Move Green**  
changing how  
we get around,  
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We need a radical rethink of the way we use transport. We want to prioritise measures that encourage mobility that is sustainable in all areas (economic, environmental, social etc), e.g. a shift to greater use of public transport, car pooling/sharing, cycling and walking in urban areas, and discourage the use of the worst-environmentally performing forms of transport. This shift should be accompanied by measures promoting electrified transport systems in urban areas. Greens also want tax on aviation kerosene and an Emissions Trading Scheme which covers all forms of transport.

The costs of transport are not just limited to CO<sub>2</sub> emissions; transport causes noise and air pollution, traffic accidents, increased traffic and jams in urban areas and its infrastructure disrupts countryside and carves up urban areas, all of which has led to a reduction in our quality of life, e.g. greater stress and longer journey times. We want the cost of transport to reflect all costs; financial, environmental and social. In addition to mitigating climate change, a truly sustainable transport strategy will significantly improve quality of life for all and provide more green jobs.

## Key Facts and Figures

In 2008, transport accounted for 27.4% of all EU27 CO<sub>2</sub> emissions (a 61% increase since 1990) and private car use alone in urban areas accounts for 10% of EU total CO<sub>2</sub> emissions. Half of all journeys in the EU are less than 5 kilometres. Many of these could be either avoided or shifted to more sustainable modes of transport - trains, public/collective transport, cycling and walking.

Aviation is the fastest growing source of CO<sub>2</sub> emissions, increasing 87% since 1990, the number of flights doubling between 1990 and 2006 and forecast to double again by 2020 and triple by 2030. Furthermore, the

climate impact of air transport is 2-4 times greater than their CO<sub>2</sub> emissions alone because airplanes emit other greenhouse gases whose effect is magnified at high altitudes.

Shipping (including fishing trawlers and cruise ships) is the second fastest growing source of CO<sub>2</sub> emissions and is currently responsible for 5% of global greenhouse emissions. Shipping still uses fuels that are outlawed by legislation in cars and lorries and it is crucial that standards are set for shipping fuel quality and to also improve engine performance to adapt to less polluting fuels.



## Consequences of Non-Action

During the period 1990-2005, improvements in emissions in other sectors were counterbalanced by the increase in emissions by the transport sector. If we do not act now, **we risk not lowering net EU emissions at all**. This would be disastrous in the fight against climate change and the future of the planet.

The benefit of agrofuels as a means to mitigate climate change and to address dwindling oil supplies is a fallacy. The Commission's proposed mandatory target for agrofuels to be 10% of transport fuel by 2020 will lead to greater food insecurity, more hunger, reduced biodiversity and land erosion, which will only serve to increase climate change and worsen its effects, increasing the risk of conflict, climate refugees and poverty.



## Feasibility in the EU Framework

Since 2002, the EU has competence for a common transport policy. Pure transport legislation is adopted through the co-decision procedure, with Council deciding through qualified majority at first and second reading, and simple majority at third reading.

## Green Achievements 2004-2009



### Promotion of public transport over private road transport

Greens obtained funding for a rail project (Rail Baltica) over a road project (Via Baltica) in the same area under the auspices of the Trans-European Transport Network (TEN-T), an EU initiative which promotes movement of passengers and goods in the EU. One of its key objectives is to ensure that the most appropriate transport mode is chosen for any given stage of a journey. It covers roads, railways and inland waterway systems.

### Agrofuels are not the solution

We have made clear that the use of agrofuels for transport is not a viable concept - the current generation of agrofuels is unsustainable; causing environmental damage, threatening food security and food sovereignty and creating a number of social pressures.

### Lowering car CO<sub>2</sub> emissions

Although the majority shied away for making the target binding without a further review, the Greens were instrumental in getting a medium term indicative average car CO<sub>2</sub> emissions target of 95g/km by 2020, despite strong industry pressure that led to the watering down of the 2012 target (which was 130g/km in the original 2007 Commission proposal).

### Aviation in the ETS

Despite industry opposition, we managed to include aviation in the ETS; from 1 January 2012, all flights arriving at, or departing from EU airports will be part of this scheme. We

highlighted shipping as another growing source of significant emissions and it will also be included in the EU ETS should the International Maritime Organisation fail to produce a sufficiently stringent scheme.

### Integration of external costs in transport pricing

Regarding the integration of all costs when charging for transport, we included some external environmental and social costs in the Eurovignette Directive which sets rules for charging heavy goods' vehicles to use EU motorways. Lorries will have to pay to use motorways and this price will reflect external costs, e.g. congestion, air pollution and noise.

### Revealing the CO<sub>2</sub> footprint of the Strasbourg commute

The Greens strongly influenced opinion in the EP and the wider public by revealing the carbon footprint of the EP's monthly commute to Strasbourg: this releases 13 000 tonnes of CO<sub>2</sub> per year (equivalent to 20 000 people flying London - New York return) as well as needlessly using 200 million euro a year of taxpayers money. We hope these data will be key in persuading the Council to designate Brussels as the single EP seat and thus restore the EU's credibility when it comes to mitigating climate change.

### Improving rail links between new and old Member States

Greens took an initiative to give a preference to East-West-Train-Connections over those in

North-South-direction to improve connections between new and old Member State railways.

### Better infrastructure and environmental protection

We included in the EP report evaluating TEN that there should be better links between rail and inland waterways, better logistics and more respect for environmental questions when constructing new lines or improving existing ones. In addition that improving existing rail-tracks should be promoted over waiting for the construction of expensive giant new infrastructures (like cost intensive tunnels).

### Improving road safety

We improved working conditions (driving times, rest times) for transport workers to limit exploitation and ensure better road safety. We also worked for more and better controls by the Member States regarding working conditions in heavy goods transport.



Photo European Parliament

## What Greens want

### Favour rail links over road links

In order to promote better modes of transport, particularly public transport, we want to continue to favour rail links over road links in the TEN-T, advocating greater and better sustainable investment into rail infrastructure over road infrastructure, i.e. more funding for projects such as Rail Baltica rather than Via Baltica.

### Strengthen the details for aviation in the EU ETS

We want to overturn the advantages enjoyed by aviation as a transport mode over forms of transport so we want VAT to be charged on cross-border EU flights and tax to be levied on aviation kerosene.

### Binding targets for lower car CO<sub>2</sub> emissions

We want to make the 95g/km by 2020 target for average car CO<sub>2</sub> emissions binding, and push for more ambitious longer-term targets as it is clear that industry will not honour targets unless they are legally obliged to do so.

### No agrofuel target

The EU push for biofuels in transport is foolhardy. Given all the evidence about the negative environmental and social consequences of fuel from crops, the EU should not promote these fuels. The EU target for 10% of renewables in transport by 2020 must be revised during the planned review in 2014 to ensure that agrofuels (biofuels from food or feed crops) are excluded.

### Integration of ALL external costs in transport pricing

We will push for the inclusion of the "polluter pays" principle and for all external costs to be internalised when charging for transport. The Eurovignette Directive will continue to be further developed and we want to ensure to include further external costs than those caused by noise, local air pollution or congestion, e.g. climate change (CO<sub>2</sub> emissions), oil dependency, landscape damage and accident costs other than those covered by insurance.



**MORE**



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### Transport statistics

<http://tinyurl.com/dzqwuf>  
<http://tinyurl.com/dc7hf6>

### Transport competence in the EU Treaties

TEU Part 1 (Principles), Article 3f "Common policy in the sphere of transport" and Title 5 articles 70-80  
<http://tinyurl.com/5kdhfy>

### Eurovignette Directive

<http://tinyurl.com/cyunem>

### 2007 EU climate goals announcement

<http://tinyurl.com/d57823>

### Green position paper on biofuels

<http://tinyurl.com/cjj4e2>

### Green TEN-T website

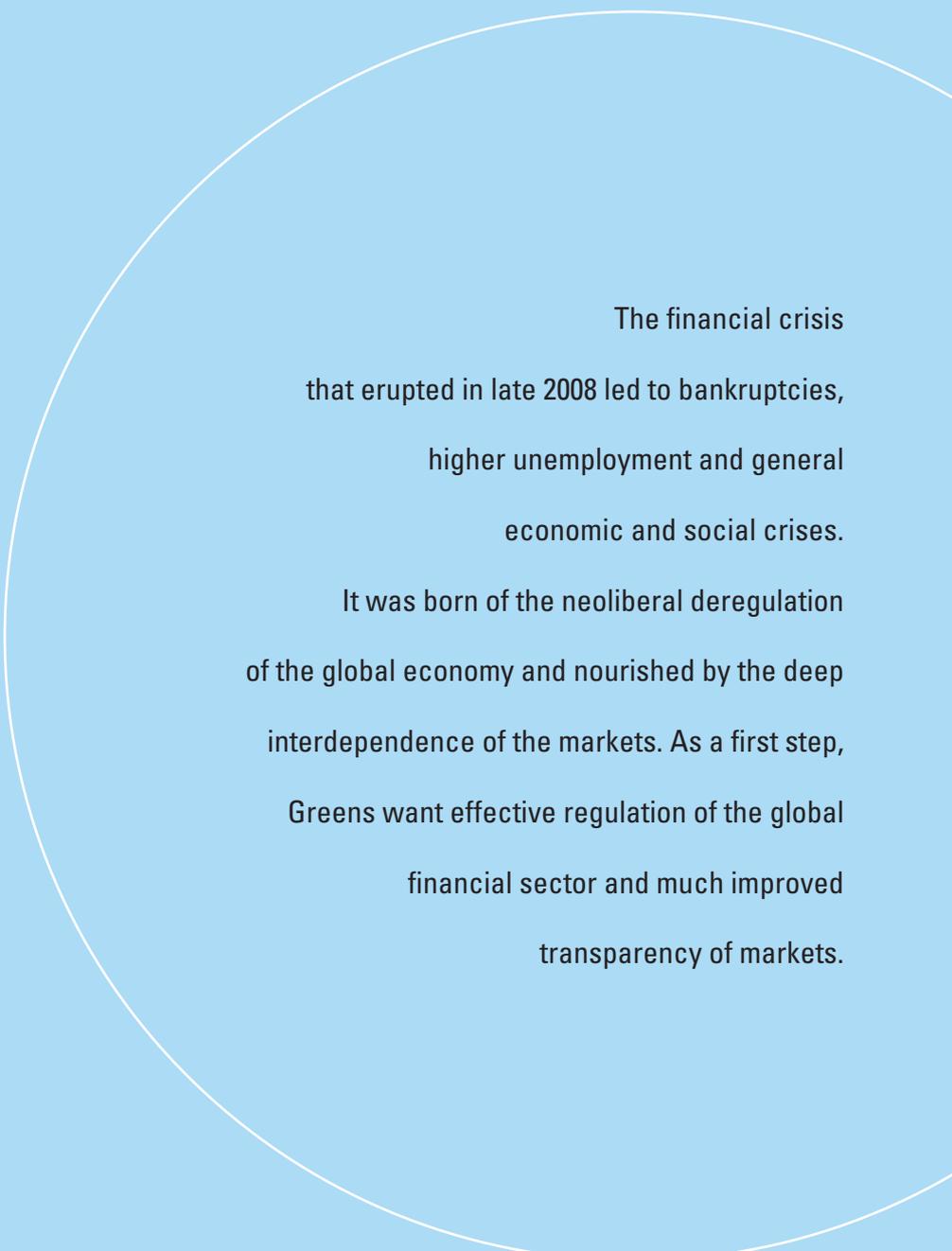
<http://ten.greens-efa.org/> <http://ten.greens-efa.org/>

### Green one-seat study

<http://tinyurl.com/c9h7m3>

## Useful websites

IPCC draws upon work from hundreds of scientists worldwide, producing peer reviewed report which are seen as a reference in climate change science. The purpose of the IPCC is to inform policy-makers about the causes of climate change, potential impacts and possible options for response. <http://www.ipcc.ch/>



The financial crisis that erupted in late 2008 led to bankruptcies, higher unemployment and general economic and social crises.

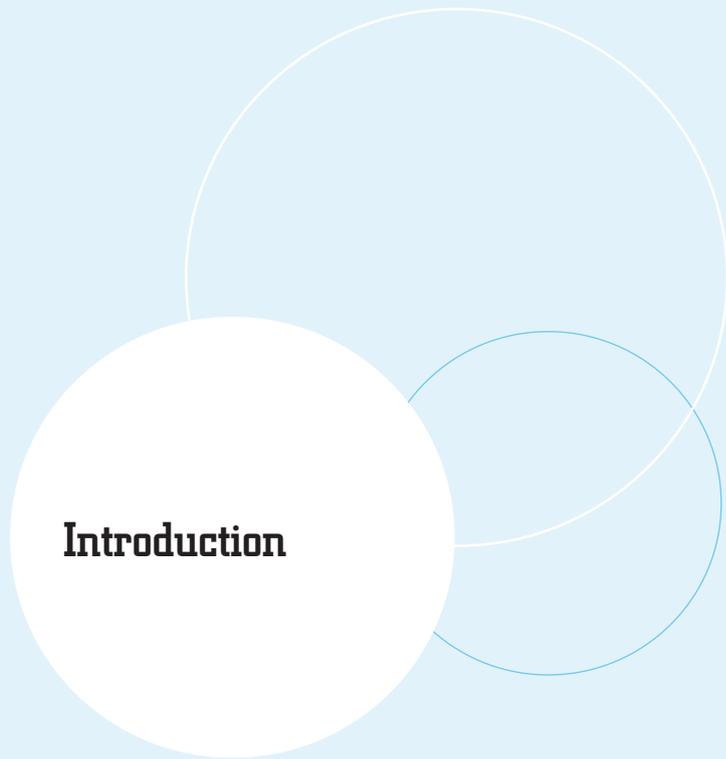
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# Taming Financial Markets



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in the European Parliament



## Introduction

The global financial crisis that began in the autumn of 2008 was precipitated by the so-called sub-prime mortgages in the US, essentially cheap and excessively risky home loans. The crisis was able to spread so far and so fast because the current system of financial regulation allowed the risk in these home loans to be disguised through the use of increasingly sophisticated financial techniques and sold to investors around the world.

The origins of the crisis were far deeper than that. Over the past two decades the international regulations governing financial markets and transactions have been steadily and progressively weakened through the process of financial deregulation, while the global economy has become interdependent to an unprecedented degree. At the same time, increasingly complex financial instruments were developed that spread and hid investor risks, since the contents of the new instruments became so complicated that they cannot be properly evaluated. This has been made possible by lax regulations, which allow banks and financial institutions to keep risky investment securities off their balance sheets, so that even shareholders remained in the dark about the true exposure of the institution's assets to risk. Consequently, this lack of transparency in the financial markets means that it is increasingly difficult for regulators, be they national or international, to evaluate market developments and financial transactions and therefore to provide the necessary supervision - if the regulators don't know what is happening, they cannot control the markets or protect investors.

Hedge funds and private equity funds have become important actors in financial markets due to heavy investments by pension funds and insurance companies. They are subject to considerably fewer rules and regulations on transparency, disclosure requirements and exposure to risk and internal governance, compared to traditional financial institutions such as banks, insurance companies and pension funds. Yet given the deep interdependence among all financial actors, the extreme risks taken by managers of these funds spread throughout the system, contributing to the development of the crisis.



## Taming Financial Markets

The EU banking sector has been heavily consolidated with many banks operating across Member States. Yet banking supervision remains a national competence, so national supervisors do not have a European view of the risks created by the complexity of the new financial innovations.

The result of these developments suddenly erupted in the autumn of 2008, with the collapse of three large American investment banks, which was followed by rapid reductions in interest rates, bank bail-outs, bankruptcies, chaotic commodity fluctuations and other economic and social crises. The result was the "credit crunch", which then became an economic crisis. This should not have been a surprise since in the wake of earlier crises (1997, 2001) some people had warned that this could happen if action were not taken to improve regulation.

## Key Facts and Figures

The financial crisis has led to a loss of confidence in the financial and economic system which has already caused economic and social havoc in Europe and around the world, leading to increases in unemployment, reductions in inflation and higher government budget deficits.

The Member States at first reacted individually, attempting to support their own national industries, e.g. by bailouts of national banks at the expense of foreign-owned banks or by a refusal to cooperate or contribute to a European plan.

In November 2008, the crisis in Hungary was so severe that it had to go to the IMF to request structural assistance, which highlights the failure of the EU to act decisively and in an effective manner.

The European Central Bank lowered its key interest rate four times over five months, from 5.25% on 9 July to 3.0% on 10 December, the lowest rate since the ECB was created.

As the crisis deepened, the Commission encouraged better coordination and proposed a European Economic Recovery Plan in November 2008, whose broad lines were agreed by the European Council on 11-12 December. It envisages a framework for action to be taken at the EU level as well as actions for the Member States, including a stimulus package of around €200 billion, equivalent to 1.5% of the Community GDP, coming from national and EU budgets, the EIB and the EBRD. The Plan would promote investments in energy efficiency, interconnectivity (both energy and broadband infrastructure) and clean technology (including a "green" car initiative), among others. Projects to be funded should have real additionality by helping the EU in its campaign against climate change and to deal with the energy crisis.

The Commission has promised to be flexible in its application of the Stability and Growth Pact, which limits Member State budget deficits, in line with the reform of the Pact in 2005.



## Consequences of Non-Action

The crisis has clearly shown that there are very serious structural problems with the global financial structures, such as insufficient supervision and regulation by public authorities, excessively complex markets and a lack of transparency of the markets and financial instruments. Measures taken so far (buy-outs and bail-outs of banks and other companies, injections of liquidity into the system, reductions in interest rates) may help to manage the present crisis but will do nothing to resolve the underlying causes that provoked it. Ensuring financial stability is a long term objective which requires more fundamental changes than simple crisis management. If no serious, profound reform is made of the global financial system, the crisis may well diminish in intensity but there will still be a systemic risk that it would reappear or expand even further into the real economy. We would also face the prospect of further "bubbles" of increasing frequency and severity, in property, commodities, energy, and other industries.

Further, the combination of risk of repeats of the current financial crisis, plus the threats posed by global climate change and an impending energy shortage, could create a greater crisis than we have ever faced before. It is thus essential that the funds used to alleviate the financial crisis also simultaneously address these other problems as well - a Green New Deal.



## Feasibility in the EU Framework

The EU has limited competence to influence Economic policies (Articles 98 to 104 of the EC Treaty).

- Member States are required to cooperate in economic policies as stipulated in Article 98 of the EC Treaty. A series of committees and other bodies have been set up to monitor and exchange information but they have no decision-making power.
- Regulation of financial services is an EU competence (under the Lamfalussy Process) and the EP has co-decision powers.
- Article 104 and Protocol 20 attached to the Treaty cover fiscal policy and create the Stability and Growth Pact that requires Member States to avoid excessive government deficits (3% of GDP per year and a public debt-to-GDP ratio of 60%).
- The European Central Bank is responsible for monetary policy of the Eurozone countries and the currencies of other Member States are contained within the Exchange Rate Mechanism II.
- National subsidies (state aid) are strictly regulated under Articles 87 to 89 of the EC Treaty. The basic rules are decided by qualified majority voting in Council and the EP is only consulted. The Commission has the power to decide if subsidies are compatible with the internal market and to take sanctions against either companies or Member States in cases of infringement of competition law.

## Green Achievements 2004-2009

Greens have consistently pushed, at every opportunity, for legislation on financial matters to bring in stronger pan-European supervision and regulation of financial institutions, stricter requirements for financial institutions to keep sufficient assets to cover their risks, greater guarantees for depositors, a ban on practices such as "short selling", controls over credit-rating agencies, reform of the remuneration system for fund managers that encourages excessive risk-taking;

We have opposed further de-regulation in the above issues or the introduction of voluntary "codes of conduct" rather than binding legislation;

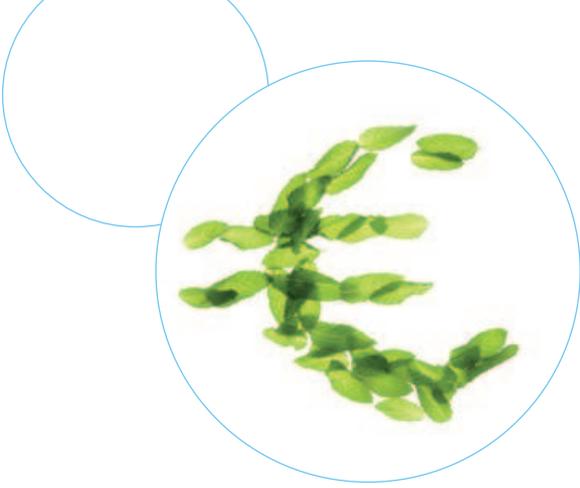
The Greens have hosted several conferences to highlight the problems with the global financial system and the lack of oversight. We have used those conferences to propose concrete improvements that would help to put the system on a firmer footing, reduce risk and contribute to the achievement of the objectives of the Lisbon Strategy



MORE



# What Greens want



Increased transparency in financial markets and instruments, combined with stricter regulation of what the markets are allowed to do, is essential for reforming the system and preventing further crises. The Greens have many specific proposals for action, within the EU and at a global level.

## In the EU:

### Supervision and Regulation of the EU Financial System:

EU level arrangements and institutions are needed to oversee pan-European banks. Greens want

- a. an increased role for the ECB in supervision;
- b. an EU register for structured products;
- c. an EU supervisory structure to cover all financial services sectors to preserve financial stability, to collect and analyse relevant data and to act rapidly in crisis situations that affect the EU.

### Hedge Funds and Private Equity Funds:

A level playing field must be created for all financial actors, so as not to distort competition. Therefore, Greens want these funds to be regulated as is the case with banks, insurance companies and other players. An EU regulatory framework for hedge funds and private equity funds must include transparency and disclosure rules, registration of funds and their managers and of other structured products and an EU supervisory structure to cover all financial structures.

### Financial Markets and the Lisbon Objectives:

Green believe that the integration of the European financial markets can contribute to the achievement of the Lisbon-Göteborg Strategy if three major conditions are met:

- a. effective financing is ensured for long-term investments which are crucial to attaining the objectives (tackling climate change, funding renewable energy policies...);

- b. market imperfections are properly addressed (non-transparency, asymmetric information, insufficient disclosure rules...);
- c. systemic risks to the stability of financial markets are reduced by strong prudential rules and supervision.

## Globally:

### Financial Transaction Tax:

Greens have long called for the introduction of a financial transaction tax to fight against financial speculation, thereby stabilising financial markets and providing substantial finance for long term investments.

### Basel II Revision:

Greens are pushing for legislation requiring banks to maintain sufficient levels of capital on their books to cover the risks of their investments, via a revision of the Basel II Accord.

### The EU's Free Trade Agreements:

Greens insist that the Commission stop demanding the liberalisation of financial services during negotiations with third countries on bilateral Free Trade Agreements.



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## References

### For EU global ecological policy:

<http://www.eea.europa.eu/about-us/international-cooperation>

### Commission's European Economic Recovery Plan (COM 2008 800)

<http://tinyurl.com/cpdxg4>

### December 2008 Council Conclusions

<http://tinyurl.com/d9olx3>

### "A Green New Deal"

<http://tinyurl.com/dlf858>

### Green New Deal- Greens/EFA workshop, Brussels 4-5 March 2009

<http://tinyurl.com/bhxrlm>

### Consequences of the financial crisis - Greens/EFA conference, 13 November 2008

<http://tinyurl.com/dngw3f>

### European Commission webpage on Financial Crisis

<http://tinyurl.com/ddxftw>

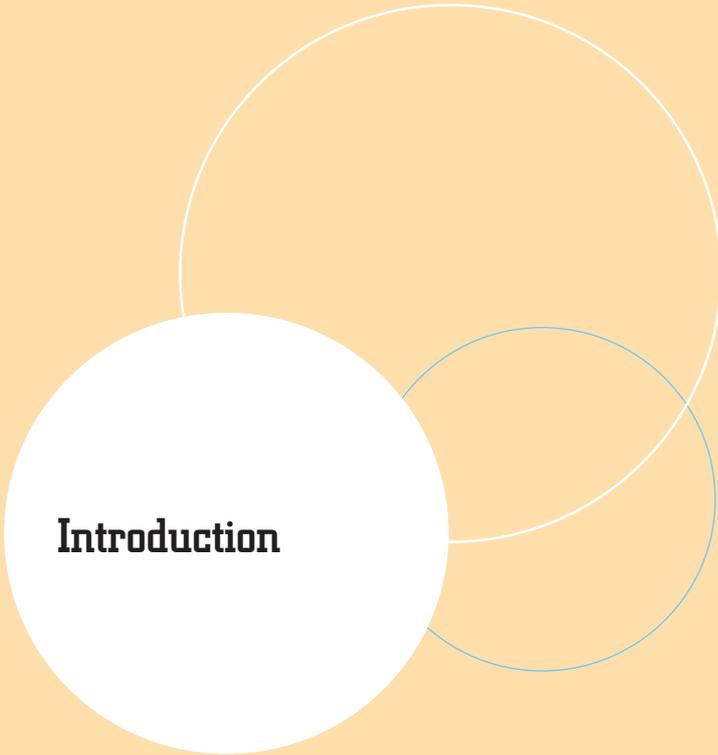
Europe's enormously diverse food culture is under threat. An industrialized and heavily subsidized model of food production, in both agriculture and fisheries, has polluted our environment as well as our food, eliminated many traditional varieties of crops and livestock, and depleted our sea. Green food policies would respect environmental limits on food production by banning GMOs altogether, eliminating subsidies for harmful agricultural practices and reducing the size of EU fishing fleets.

04

**Giving Europe  
safe, diverse and  
sustainable food**



**The Greens | EFA**  
in the European Parliament



## Introduction



**Giving Europe  
safe, diverse and  
sustainable food**

Over its long history and with its geographical diversity, Europe has developed a very rich and varied food culture, from tomatoes to cheeses, wines and regional dishes. However, this diversity is threatened by the industrial model of food production of the Common Agriculture and Fisheries Policies. When the EU was founded in the 1950s, the emphasis was on rapidly increasing production, using chemical fertilisers and pesticides. This is reflected in the Treaty of Rome and remains unchanged in the Lisbon Treaty. While boosting production by any means was understandable after World War II, when food was still short, Greens believe it is not an appropriate policy for the EU today.

The industrial approach to agriculture and fishing has caused enormous environmental and social damage in Europe. The mantra of “ever greater production” while ignoring the consequences has resulted in contaminated land due to excessive use of chemicals and depletion of fish stocks by over-fishing. Farms have become ever larger and more industrialised, to the detriment of small, family farms. That trend has been encouraged by enormous farming subsidies geared towards intensive animal husbandry and cultivation, with the majority of funds going to larger farms. The search for higher yields and lower processing costs leads to the elimination of traditional varieties with varied shapes or sizes. Years of subsidies to the fishing industry led to fleets that are far too large compared to the available fish stocks and vessels that cause heavy damage to the marine environment.

The emphasis on cutting costs often results in extensive transport of food. For instance, fish caught in Europe sometimes travels around the planet to be processed before being returned to Europe for sale. Food miles add to energy consumption and greenhouse gas emissions and increase the need for preservatives to keep the food from rotting.

The EU and a few other industrialised countries, through the World Bank and the International Monetary Fund (IMF), have forced developing countries to reduce import tariffs and open their markets to subsidised EU products that are cheaper than food produced locally, while preventing them from supporting their own agriculture and local food security. The result is enormous damage to rural economies in developing countries.

However, many Europeans reject this model. There is stiff resistance to hormone-treated beef and GMOs. The Slow Food movement and the organic community specifically celebrate the quality and variety of European food and cooking.

Fishing and farming are different activities - one involves the exploitation of wild, renewable species while the other is based on cultivation of domesticated plants and animals. Yet both are subject to limits on what can be produced without damaging the ecosystems they depend upon. Green food policies respect these limits and operate within them to produce healthy, local and diverse food.

## Key Facts and Figures

EU agricultural subsidies are slowly falling. Before 1990 they accounted for over 60% of the EU budget, whereas in 2009 the figure is 42% (€56 billion). Of this, in 2009 direct payments to farmers and market subsidies are €41 billion while aid for rural development (improving the rural environment, managing natural resources, etc.) is about €13 billion.

Organic farmland occupied over 4% of agricultural land in 2006 (6.8 million hectares) and is increasing. This is a vital antidote to the use of chemicals in agriculture and general loss of biodiversity.

Out of the 7,000 varieties of apples growing and consumed in Europe at the beginning of the last century, just 15% are left. The UN's Food and Agriculture Organisation estimates that 75% of the biological diversity found in agriculture in the last century has been lost in the past 50 years, since food production was increasingly industrialised.

Farmers raising chickens in West Africa are unable to compete against cheap imports of subsidised European frozen chicken, since the IMF imposes low import tariffs as part of their Structural Adjustment Programmes. In Cameroon, the local poultry industry suffered heavily until a grass-roots and NGO movement forced the government to increase tariffs and taxes and instituted reference prices and import quotas. EU exports continue, but have shifted to other African countries.

The European Fisheries Fund has a budget of €4.3 billion for the period 2007-2013 (over €1.1 billion to Spain). These funds can no longer be used to build new boats but much money is still used to prop up the fishing industry rather than to bring it into line with the fish that are available and to reduce the environmental consequences of fishing.

Since most fish stocks in European waters are depleted, almost 70% of the fish eaten comes from elsewhere - imported or caught by EU vessels operating in distant waters. The EU has negotiated 18 to 20 Fisheries Partnership Agreements in order for EU vessels to gain access to the waters of developing countries, for total payments of €150 million.



## Consequences of Non-Action

The EU has already experienced several health crises in agriculture (BSE, dioxin, bird flu) as a consequence of the sector's industrialised model. Such crises will multiply if Europe persists in its current direction. The rural environment, including water, soil fertility and biodiversity, will continue to degrade from agricultural practices that are too intense and energy-hungry. Policies that favour ever larger farms will reduce rural employment and encourage the flight from the countryside to the cities. Loss of yet more traditional varieties of crops and animals will reduce our ability to adapt to changing environmental conditions, such as climate change.

Failure to fundamentally reform the Common Fisheries Policy so that it follows a precautionary approach to fisheries management will result in continued depletion of fish stocks and ever increasing imports of fish into the EU.

This will have serious consequences in Europe and around the world, both for the marine environment and fishing communities that are dependent upon abundant fish for their livelihoods and food security.



## Feasibility in the EU Framework

Fishing and farming are both regulated at the EU level, as the Treaty creates a Common Fisheries Policy (CFP) and a Common Agricultural Policy (CAP). Both are decided by the Council in qualified majority voting with a simple consultation of the Parliament.

Should the Lisbon Treaty be adopted, the Parliament would have co-decision rights on both fisheries and agriculture legislation. Exceptions would be quotas and price policy in agriculture and setting fisheries quotas (decided by Council) and fisheries partnership agreements with third countries (assent procedure).

## Green Achievements 2004-2009



### Pesticides

Greens won a landmark battle - protection of public health is the emphasis of the new pesticides regulation. In principle, new substances that are carcinogenic, mutagenic, toxic to reproduction or endocrine disrupting, or substances that are persistent, bioaccumulative and toxic, can no longer be put onto the market and existing ones will be banned when their current authorisations expire. Specific attention will be paid to chemicals that adversely affect bees, which are rapidly disappearing in Europe yet are crucial for agriculture and nature conservation.

### GMOs

The Greens have always fought against the importation and cultivation of GMOs and we obtained rules to protect the environment and human and animal health, and to secure transparency. Greens dominate this issue in the Parliament and have ensured that organic farming excludes GMOs. Since 2004, food and feed producers must label their products if they include elements of GM plants. This label offers farmers and consumers the right to say "no" to GM plants.

### Conservation of genetic diversity

Greens have been successful in establishing legislation and programmes in favour of the conservation of genetic diversity in farming. We obtained a regulation providing financial support to NGOs, breeders, farmers and universities that engage in conservation and promoting the use of local and traditional seed varieties and animal breeds, as well as a new EU seed law which allows specific marketing of these varieties in the EU.

### Illegal fishing

The Greens exposed the failure of the EU to combat illegal fishing both in European waters and around the world. We forced the Commission to propose a regulation to keep illegally-caught fish off the European market, create a "black list" of vessels that operate illegally and impose strict penalties. We steered the proposal through Parliament and successfully fought efforts to have it only apply to non-European vessels.



JOIN  
THE FOOD  
REVOLUTION



## What Greens want

### No to GMOs

Greens want GMO-free agriculture and believe that regions and countries should have the right to ban GMOs. Strict rules to prevent contamination are necessary. Currently, labels for animal products, like eggs, milk and meat, do not specify whether the animals were fed with genetically modified plants. The Greens insist that consumers have the right to know when they are consuming GM products even indirectly, so we continue to fight for a regulation on the labelling of products from animals that are fed GMOs.

### Local consumption

Greens favour consumption of locally produced food as much as possible. Plant and animal varieties that are adapted to specific areas should be promoted. Local and regional marketing of quality food needs more support from the EU. We are also working on new legislation favouring the short transport of food for consumption.

### Intensive farming and subsidies

Greens believe that the objectives of farm subsidies must change. They must support sustainable practices that respect environmental and animal welfare criteria, conserve the rural environment and increase rural employment. Farming practices that harm water, soil and food quality must be phased out, and agro-industry and factory farms that damage the environment must be penalised, not subsidised, following the "polluter pays" principle. That way, organic products that contribute to a healthier diet, reduce costs for the public health system and repair environmental damage would no longer be more expensive.

### Fisheries

Greens believe that a fundamental reform of the CFP is urgent. It must drastically reduce both the size of fishing fleets and the intensity of fishing, while favouring low-impact fishing gears and practices that use less fuel and provide more employment.

### Trade

Export subsidies must be eliminated. Developing countries must be allowed to protect their markets from being flooded by cheap, subsidised imports that endanger the survival of local farming communities. EU fishing and fish imports must not threaten food security in developing countries.



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### Letting the World Feed Itself

<http://tinyurl.com/dl7z92>

### Health check of the CAP reform - European Agriculture Policy is in bad shape

<http://tinyurl.com/cg2awu>

### Pesticide Use Reduction Strategies in Europe by Pesticide Action Network Europe

<http://tinyurl.com/dywxz6>

### No More Chicken, Please. How a strong grassroots movement in Cameroon is successfully resisting damaging chicken imports from Europe, which are ruining small farmers all over West Africa

<http://tinyurl.com/cbuzgf>

## Useful websites

### Letting the World Feed Itself

<http://www.eat-better.org>

### Pesticides Action Network

<http://www.pan-europe.info/default.htm>

### IFOAM, the worldwide umbrella organization for the organic movement

<http://www.ifoam.org/index.html>

### Greenpeace International webpage on GMOs

<http://tinyurl.com/ck8fkr>

### European Commission website on fisheries

[http://ec.europa.eu/fisheries/index\\_en.htm](http://ec.europa.eu/fisheries/index_en.htm)

### European Commission website on agriculture

[http://ec.europa.eu/agriculture/index\\_en.htm](http://ec.europa.eu/agriculture/index_en.htm)

EU-driven economic globalisation  
has greatly increased social inequalities  
while putting social standards and public finance  
for basic services at risk.

Greens think that market rules should never  
be allowed to override fundamental social rights.

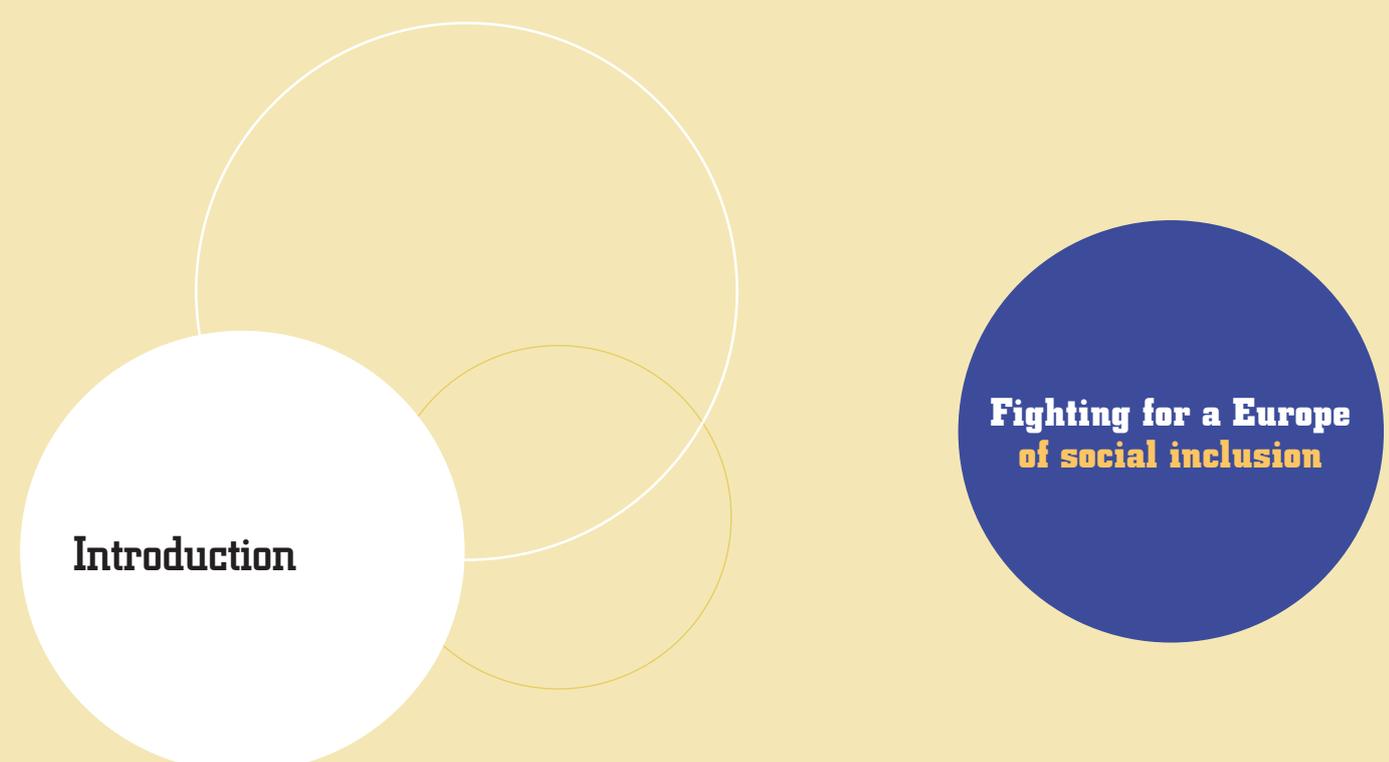
As a first step, Greens want to protect social  
and health services from free market legislation  
at EU level, recognising the priority  
of social policy over economic policy.

05

**Fighting for a Europe  
of social inclusion**



**The Greens | EFA**  
in the European Parliament



## Introduction

**Fighting for a Europe  
of social inclusion**

The current political majority in the European Union strongly supports a neo-liberal economic globalisation. However, the accelerated globalisation in this decade has strongly increased social inequalities across the EU and within most Member States. It encourages a race to the bottom of social standards among the Member States and unhealthy tax competition which reduces government funds at all levels, putting financing of basic social services at risk. Until 2005, the EU fully supported this course through a too rigid budget-deficit limitation policy in the name of monetary stability, reducing the margin of manoeuvre of Member States' for redistributive social policies. The consequences of this policy challenge the solidarity model which is fundamental to the EU.

Greens fight for an inclusive society of which the cornerstones are a new and better Lisbon Agenda taking full account of social sustainability goals, and a Stability and Growth Pact that promotes better public spending, that is, high-quality investment with binding social and environmental targets. Internal Market rules should never be allowed to override fundamental rights or to impede the well functioning of the services of general interest, that is, public services fulfilling the daily needs of people, such as education and transport. The EU must act against social dumping practices in Member States and set the framework for a fair corporate taxation and the elimination of tax havens.

The EU also has the duty to safeguard the universal access to affordable services of general interest for all people residing in the Union and to encourage its Member States to guarantee a decent living income for all their citizens, above the poverty line. It must guarantee that the EU anti-discrimination laws are fully applied in all Member States and that existing gender gaps are no longer tolerated. Greens want also a EU framework directive on consumer protection.



## Consequences of Non-Action

Social sustainability cannot be achieved if the EU continues to permit unequal distribution of economic growth. Poverty and social exclusion undermine any policy goal regarding access to social and democratic life and participation in society - a shameful situation for rich societies. Gender gaps in working conditions undermine any action to end child poverty.

If we don't push for a social Europe there will be important political consequences for public acceptance of the EU, especially in the current time of economic crisis, fostering perceptions of mistrust among Member States and possibly a return to nationalism.

Low corporate tax rates are not felt as long as economic growth enlarges the overall tax base.

However, in times of recession, low corporate taxes have a disproportioned effect on public finance compared to temporary losses from other forms of taxation, leading to a kind of institutional poverty of government. Poverty will increase and income will be distributed even more unequal. Social and health service providers will be treated like any other commercial service and will not be able to reach out to vulnerable users.



## Feasibility in the EU Framework

Competences on social policies remain largely with the Member States. Where Community competence exists, the Council often decides unanimously and EP is only consulted.

Since 1999, the EP has co-decision rights on all implementing decisions relating to the European Social Fund (ESF). Moreover, co-decision rights of the EP were extended on provisions for facilitating the exercise of citizen's right to move and reside freely within the territory of the Member States, on social security for Community migrant workers, and on tackling social exclusion. EP co-decision powers concerning equal opportunities were strengthened.

In 2000, the "Open Method of Coordination" (OMC) was introduced for employment policy

and social protection. This is an inter-governmental procedure (as opposed to the traditional Community method) by which the Member States transpose the broad guidelines of the Council of Ministers into national policies, agree upon benchmarks to measure best practice, and monitor the results. The OMC works through peer-review and depends on the Member States to deliver.

The new Treaty of Lisbon would mainly change the voting procedures in the Council. Almost all issues would become subject to majority instead of unanimity decisions. This would ease the introduction of new EU wide regulations and directives. The EP would get co-decision powers regarding Services of General

Economic Interest. The Lisbon Treaty provides also for an article which would allow the adoption of a framework directive on services of general economic interest, and a Protocol protecting Member States' right to organise their services of general interest.

Combating discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is a full EU competence.

Since 1992, consumer protection is in Community competence, requiring co-decision for all measures involving closer alignment of Member States' legislation on completion of the single market where consumer protection is concerned.

## Green Achievements 2004-2009

### Bolkestein Service Directive

Greens fought against the “country of origin principle” and obtained its removal. The principle would have meant that the applicable rules for service providers are those of their Member State, rather than those of the Member States where the service is provided. This would have led to a race to the bottom regarding social and security standards, and legal uncertainty for consumers.

### Stability and Growth Pact

Greens resisted its “one size fits all” approach oriented exclusively at quantitative targets and pushed for greater flexibility during its 2005 reform, e.g. enabling anti-cyclical spending and taking into account the quality of public finance. This allows long-term public investments, such as the ones aiming to de-couple growth from energy consumption, transport and resource use, as well as investments needed to meet the Kyoto targets.

### Lisbon Strategy

Greens have defended the equal importance of all dimensions as defined in Gothenburg in 2001: economic growth, social cohesion, and environmental protection. We strongly criticized the European Commission when it abandoned the environmental pillar of the strategy in 2005 and reduced it to growth and jobs only.

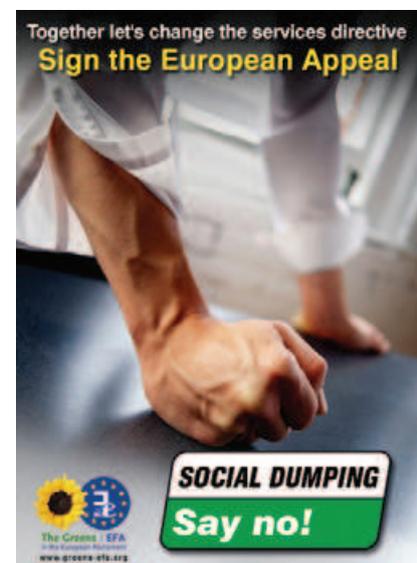
### Job security

Greens voted against the Parliament report on “Flexicurity”. This report promoted neoliberal ideas about flexibility of workers rather than increasing workers security in order to promote flexibility.



### Anti-Discrimination

Greens forced the Commission to fulfil their 2004 promise that they would propose an anti-discrimination directive, and within the EP ensured that the Directive is as encompassing and coherent as possible.





## What Greens want

Greens want a social clause in the Treaties which states that fundamental rights always have priority over market rights. This should recognize the priority of social policy over economic policy.

Greens want a framework directive on Services of General Interest ensuring that public authorities at all levels are able to define, organise, finance and evaluate their services of general interest.

Greens ask for a directive to protect Social and Health Services from market and competition legislation at EU level. This Directive should guarantee that social actors can deliver at local level without EU interference.

Greens want a corporate tax rate convergence within a reasonable range, including a minimum corporate tax rate. Greens ask that the Common Consolidated Corporate Tax Base (CCCTB) which the Commission proposes is oriented at this goal.

Greens want the Consumer Rights Directive with high standards, preserving the right for Member States to apply even higher standards than the Community law.



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### 2008 review of social trends in EU countries in the fields of Social Protection and Social Inclusion

<http://tinyurl.com/59jgyy>

### Key facts and figures of this 2008 yearly report: EC Memo/08/625 of 16 Oct 2008

<http://tinyurl.com/cla4ym>

### On public spending of Member States comparing 1996 and 2006 figures:

<http://tinyurl.com/c4c5t8>

### On evolution of corporate tax rates in the EU see tables in:

<http://tinyurl.com/c4y7qk>

### On the different Guaranteed Minimum Income Schemes in EU Member States:

<http://tinyurl.com/cpsztm>

### On the legal base of EU social and labour policy, and the role of the European Parliament in it:

<http://tinyurl.com/dcwcdk>

### On the EU Open Method of Coordination in the fields of Social Protection and Social Inclusion:

<http://tinyurl.com/cgu4og>

### On gender equality: 2008 European Summit on the equality of men and women in working life

<http://tinyurl.com/c2z5je>

## Useful websites

### Social platform of European NGOs:

<http://tinyurl.com/dgvsxe>

### European Anti-Poverty Network:

<http://www.eapn.ie>

### Eurofound Foundation:

<http://www.ifoam.org/index.html>

### Tax Justice Network:

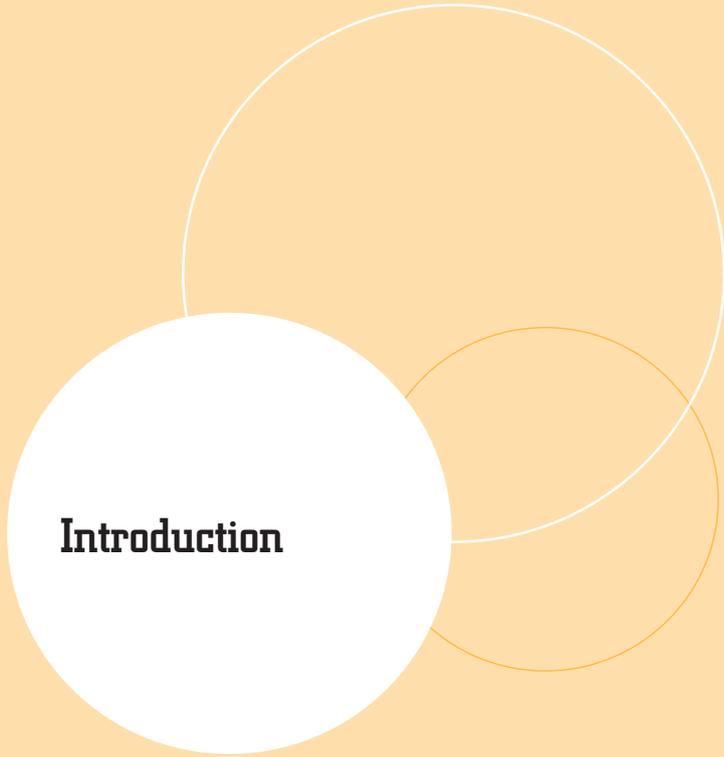
<http://www.taxjustice.net>

The social dimension of the EU  
is not progressing as rapidly as it should.  
Member States are still allowed to compete unfairly  
with each other by offering the lowest working  
and living standards to encourage investment.  
Greens think that each person must have the right  
to equal pay for equal work  
within any given workplace.  
As a first step, Greens want EU laws  
on posted workers, fair minimum wages,  
and working times to be effective  
and without national opt-outs.

06

**A Europe of  
equal opportunities  
and rights**





The Internal Market gives power to the European Union to set the rules for most of the economic policies of the Member States. But while economic policy has become an EU affair, this is not the case with regard to social policies and social rights. This creates a strong imbalance between economic and social policy in the EU. The social dimension of the EU is not developing in lockstep with the Internal Market. Member States are still allowed to compete unfairly with each other for offering the weakest working and living standards to investors.

Greens fight for a Social Europe, a Citizen's Europe, and in order to achieve this we need to transform the EU Internal Market into an EU Social Space. Internal market rules should never override fundamental social rights. The Citizen's Europe is not about markets. It is about people. It aims at improving the working and living conditions for all European citizens, in a framework of social rights. Its baseline is that each person must have the right to receive the same salary and conditions for equal work within any given work-place, no matter the gender of the worker. Equal pay for equal work! A Social Europe is the condition for all EU citizens to be able to freely choose where to live and work in the European Union, and to stop regarding citizens from other Member States as unfair competitors.

For Greens, this framework of rights consists of three core elements: a decent living income, including fair minimum wages in each Member State; equal treatment of workers regardless of where in the EU they come from; and better working conditions, including equal working time conditions across the EU. On all three elements, EU legislation is underway, but riddled with loop-holes.

## Key Facts and Figures

European rule-setting for the Internal Market is laborious. Since its inception in 1992, the European Union has passed legislation on more than 800 Internal Market issues, covering the entire spectrum of free movement of goods, services and capital across all Member States. On social and labour issues, the EU has less legal competence and, thus, is much less active. Since 1992, the EU has passed less than 90 acts shaping the social and labour policy of its Member States.

Such lack of attention comes with high costs. The Internal Market has spurred continued growth in the EU, but this has translated into growing gaps between rich and poor in almost all Member States and between them. The risks of falling into poverty and of social exclusion are rising. The Internal Market by itself fails to eliminate the differences between Member States with regard to poverty and unemployment.

In 2006, the rate of citizens living under the poverty threshold - defined as 60% of their country's median income - ranged from 10% in the Netherlands and the Czech Republic to over 20% in Greece and Latvia.

Even more striking are the differences with regard to employed people whose income remains below the poverty threshold. In 2006, Belgium, the Czech Republic, Denmark, the Netherlands and Finland had 4% or less of the employed citizen living below the poverty threshold, against 13% in Poland and 14% in Greece. Such figures underline the need for a decent living income, including fair minimum wages, in all Member States.

The equality of men and women in working life is guaranteed, on paper. In reality, however, women on average still earn 15% less than men in the EU. The employment rate for women falls by an average of 12 percentage points

when they have children. Such figures underline the need for a European legislation that produces results and gives teeth to the implementation of existing gender rights.

Gender equality in working life is particularly dependent on a legal limit of working hours per week. The number of people working more than 48 hours a week remains stubbornly high in the EU: almost 1 out of 10 employed worker. People working long hours suffer disproportionately from heart diseases, immune system failures and stress. Such figures underline the need for a working time directive without any national opt-outs.



## Consequences of Non-Action

Social sustainability cannot be achieved if the EU continues to permit the unequal distribution of economic growth. Poverty and social exclusion undermine any policy goal regarding people's access to social and democratic life in the EU. In any case, the existence of poverty is a shame for so-called rich societies. Gender gaps in working conditions undermine any policy goals of tackling child poverty. The lack of true freedom of movement of workers undermines the mitigating effect that the Internal Market could have on escaping from unemployment and poverty, and creates a first and second class Europe. High numbers of people working long hours impact negatively on health costs. It also impacts negatively on family life and child rearing.

Lack of action towards a social Europe will also have important political consequences on the public acceptance of the EU, especially in the current time of economic crisis, fostering perceptions of mistrust among Member States and possibly a return to nationalism.



## Feasibility in the EU Framework

Competences on social policies remain largely with the Member States. Where Community competence exists, the Council often decides unanimously and EP is only consulted.

Since 1999, the EP has co-decision rights on all implementing decisions relating to the European Social Fund (ESF). The ESF is the EU's main financial instrument for supporting social inclusion and employment in the Member States as well as promoting economic and social cohesion, accounting for around 10% of the EU's total budget). Moreover, co-decision rights of the EP were extended on provisions for facilitating the exercise of citizen's right to move and reside freely within the territory of

the Member States, on social security for Community migrant workers, and on tackling social exclusion. EP co-decision powers concerning equal opportunities were strengthened.

In 2000, on employment policy and social protection, the "Open Method of Coordination" (OMC) was introduced. This is an inter-governmental procedure (as opposed to the traditional Community method) by which the Member States transpose the broad guidelines of the Council of Ministers into national policies, agree upon benchmarks to measure best practice, and monitor the results. The OMC works through peer-review and depends on the Member States to deliver. Moreover, it

strengthens the role of the European Commission to get a foot in the door of the social policies of the Member States.

The new Treaty of Lisbon would mainly change the voting procedures in the Council. Almost all issues would become subject to majority instead of unanimity decisions. This would remove the constant blocking of the Council in the field of social and employment policy and ease the introduction of new EU wide regulations and directives. The EP would get co-decision powers regarding Services of General Economic Interest.

## Green Achievements 2004-2009

### Anti-Discrimination Directive

Greens have achieved the recognition of the concept of multiple discrimination and have managed to convince other political groups to fight discrimination regardless of the reason of discrimination.

### Working Time Directive

Greens have been instrumental in making sure that the directive is a strong instrument to protect workers health and safety. We have managed to remove the so-called opt-out, which endangers workers because if an opt-out is used, this directive is not applied and protection of the workers is not assured. This is especially important as tired workers cause accidents and can become a danger to themselves and others. Greens also succeeded in protecting workers with more than one work contract.

### Social Security

Greens are responsible for the implementing regulation of the new Social security regulation. This important regulation sets the rules to make sure that persons moving in the European Union have access to their social security rights.

### Equal pay for equal work

Greens succeeded in having the Parliament demand that the "right to equal pay for equal work at the same workplace" (Posting of Workers Report) has to come first and that all workers, especially mobile workers have access to the same rights. We succeeded in criticizing the European Court of Justice (ECJ) which ruled that Freedom to provide services can overrule fundamental rights such as the right to collective action.

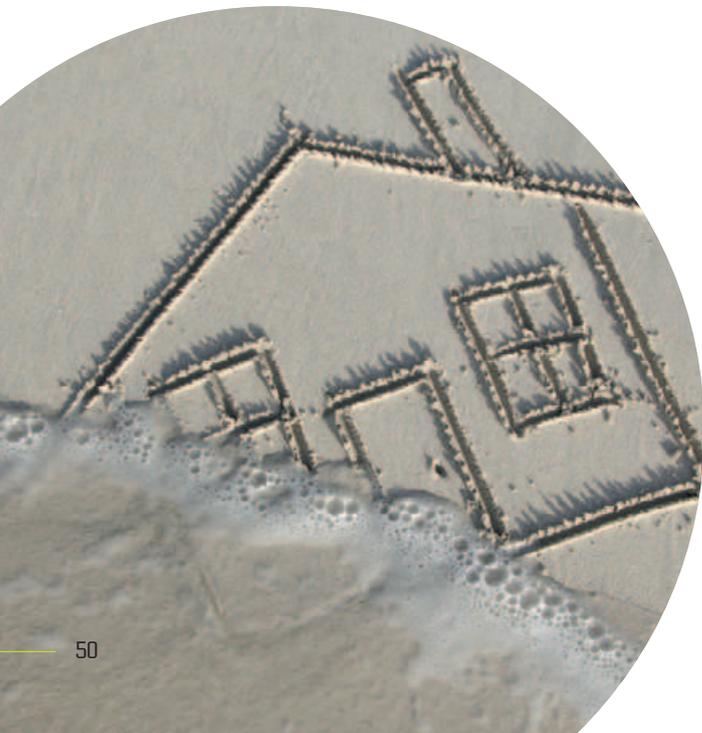
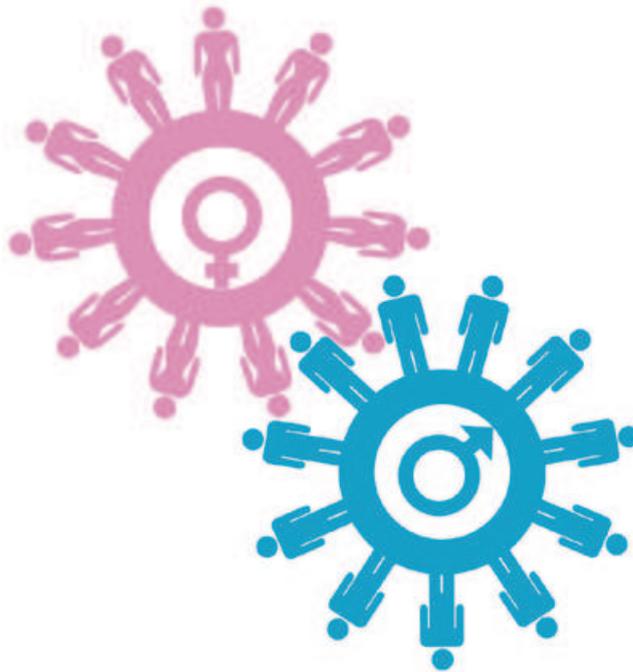


## What Greens want

Greens want to revise the Directive on posted workers. So far, it is too weak to guarantee equal rights for workers at the same workplace. Posted workers only have access to minimum rights, and even these are often not sufficiently protected.

Free movement of workers should be available to all EU citizens. If we restrict free movement, xenophobia will rise and we create a 1st class and 2nd class Europe. Greens demand to remove all restrictions to free movement for workers from new Member States. Greens also demand minimum rights for all workers to stop social dumping.

Greens demand Social Clauses safeguarding that fundamental rights always have priority over market rights. This would be a fundamental step to recognize the importance of social policy in relation to economic policy at European level.



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### 2008 review of social trends in EU countries in the fields of Social Protection and Social Inclusion:

<http://tinyurl.com/59jggy>

### Key facts and figures of this 2008 yearly report:

EC Memo/08/625 of 16 Oct 2008

<http://tinyurl.com/cla4ym>

### On the legal base of EU social and labour policy, and the role of the European Parliament in it:

<http://tinyurl.com/dcwcdk>

### On the EU Open Method of Coordination in the fields of Social Protection and Social Inclusion:

<http://tinyurl.com/cgu4og>

### On gender equality: 2008 European Summit on the equality of men and women in working life

<http://tinyurl.com/c2z5je>

### On the EU "Working time directive":

<http://tinyurl.com/d6aqc3>

### Eurofound 2005 survey on working time in the EU according to gender, sectors and other parameters:

<http://tinyurl.com/d4eq85>

### On long working-hours consequences on health and safety in the UK

<http://tinyurl.com/cgx7dm>

### On the EU "Posted worker directive":

<http://tinyurl.com/c5tye9>

## Useful web-sites

### Social platform of European NGOs:

<http://tinyurl.com/dgvsxe>

### Eurofound Foundation:

<http://www.eurofound.europa.eu>

### ESF side of the Commission:

<http://tinyurl.com/c5juhj>

### Basic Income network:

<http://www.basicincome.org>

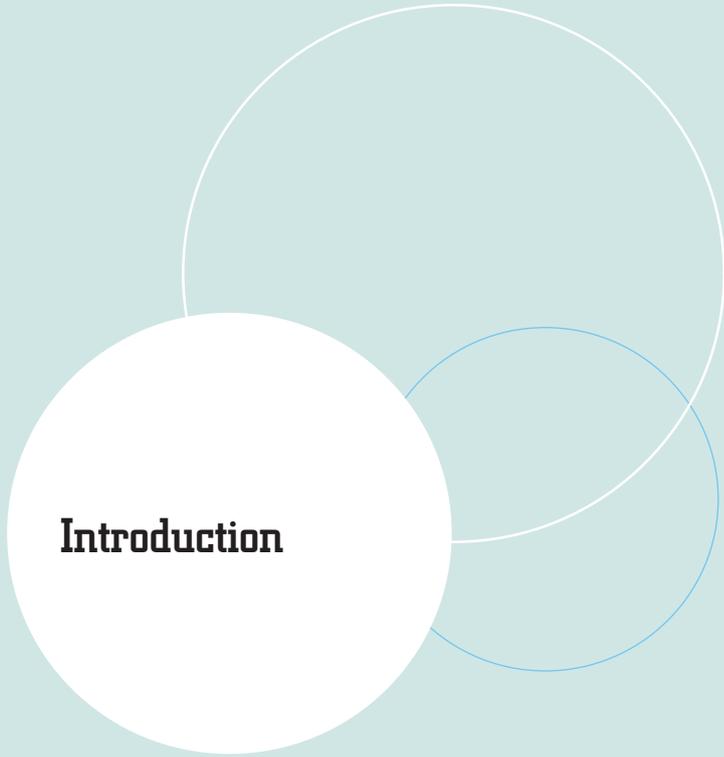


Enabling global social justice and halting climate change are often seen as contradictory goals, but they can and must be resolved together. The EU must set an example in this challenge, by reducing the size of its ecological footprint to its fair share and by no longer beating up on poorer partner countries through its trade and investment policy. As a first step, Greens want the EU to scrap its aggressive foreign market access strategy “Global Europe”.

07

**Sustainable  
development  
in an equitable  
world**





As the world's largest economic bloc, the EU has elevated responsibility to actively address the twin challenge of combating climate change while enabling global sustainable development and social justice. Greens do not see these two goals as contradictory, if the EU advocates global governance structures strong enough to set stringent ecological standards and avoid conflict during the transition towards a sustainable low-carbon economy, and acts responsibly on the global stage.

Greens want the EU to set an example in this challenging task. For the Greens this means that the EU must reduce the size of its ecological footprint to a fair global share, and foster through trade and investment policy a model of sustainable economic life in partner countries. Regarding global governance structures, this means that the EU must advocate reform of the UN enabling it to effectively and legitimately tackle global problems. The EU also needs to allow developing countries more influence in the global economic institutions (World Bank, International Monetary Fund and WTO) to give these organisations more legitimacy for the establishment of effective global rules. A more active and principled EU foreign policy, abiding fully to the international rule of law, can support both goals through bilateral and regional relations.

The present EU strategy of global competition with other political and economic powers for resources and influence undermines the opportunities for the EU to lead the way towards high ecological standards and a global economic democracy ruled by effective and legitimate global institutions. Greens therefore reject the EU's "Global Europe" trade strategy and criticise the reluctance of Member States to give up their over-representation in World Bank and IMF.

## Key Facts and Figures

Following the latest rounds of accession, the EU has replaced the USA as the largest economic bloc, with a GDP of 16.62 trillion USD (2007; USA 13.84 trillion USD). In comparison, the fast growing economy of China is only the fifth of the size of the EU (3.28 trillion USD).

GDP figures say little about the living conditions of people - and the planet. Economic growth has a direct impact on the ecological systems and humanity. According to the Ecological Footprint methodology, humans are now using the equivalent of 1.25 planets' worth of resources. The footprint of the EU is 2.2 times larger than its own biological capacity. The EU's economic strength hence depends on the access to resources, of which Europe has little itself, e.g. energy, minerals and timber.

The economic strength of the EU also depends on easy access to foreign markets, in order to sell its goods and services, and to enable European companies to invest in the exploitation of natural resources. Given that in the WTO developing countries now defend more assertively their economic interests, the EU has embarked on an aggressive bilateral strategy of market opening in 2006 (Global Europe strategy). Its goal is the unhindered access to raw materials and the creation of a seamless chain for European companies to source, produce and sell wherever it is cheapest.

Full market opening is in many cases detrimental to social development in poorer countries which often need some protection in order to develop their own economies. Market opening can also contribute to food insecurity and the destruction of local farming communities. Especially in Africa, local farmers cannot compete with agricultural imports from the EU which receive massive subsidies under the EU's Common Agricultural Policy. While global poverty has slightly fallen in the last decade, this is due mostly to economic development in a handful of emerging countries, especially in China. Meanwhile, most Africans remain poor or plunge ever deeper into poverty.

Overseas Development Assistance (ODA) is supposed to overcome poverty and enable poorer countries to meet the targets of the UN 2000 Millennium Development Goals. However, only Denmark, Luxembourg, the Netherlands and Sweden meet the UN target for developed countries to spend 0.7% of their Gross National Income (GNI) on ODA. On average, the EU Member States spend just 0.4 % of their GNI on ODA - and that figure has decreased in recent years. Moreover, the EU development policy is undermined by the aggressive EU trade policy and resistance to debt relief for the poorest countries.

At present, developing countries are under-represented in the global economic institutions. While EU Member States hold 8 of the 24 seats in the boards of the World Bank and the IMF, 43 African countries are represented by just one board member in each of them. At the WTO, many African countries are represented by only one diplomat.



## Consequences of Non-Action

Any delay in tackling the twin challenges of halting climate change while enabling sustainable global development and social justice will dramatically increase the number of people living in poverty and encourage migration towards the rich countries, as wider regions suffer the consequences of climate change.

Lack of political will to cede power in global governance will increase the likelihood of conflict over access to raw materials and energy. It would also undermine political coordination at regional level to prevent local conflicts over scarce resources and climate-related migration.



## Feasibility in the EU Framework

The EU Treaty calls upon the Member States to coordinate their actions in international organisations and “uphold common positions”. However, the EU has no competence to represent the Member States in international organisations, e.g. in the UN, the World Bank and the IMF. In practice, many international organisations grant an observer status to the European Commission. Moreover, the rotating EU Presidency coordinates the European Directors in World Bank and IMF and organizes a yearly exchange of views with the European Commission and the EP in Brussels. The European Central Bank (ECB) coordinates the Directors of the Eurozone in the IMF.

The EU has more power with regard to development cooperation which is a shared competence between the EU and the Member States. The EP must approve new development cooperation agreements. For African, Caribbean and Pacific countries (ACP) finance is provided by the Member States through the European Development Fund (EDF). The EP is not consulted. All other developing countries receive funds through the Development Cooperation Instrument (DCI) on which the EP has co-decision powers. The situation is different in trade matters. For WTO policy and for all bilateral trade agreements the Community has exclusive competence and the European Commission negotiates

on behalf of EU Member States. The EP is consulted only with regard to certain types of trade agreements

Under the Lisbon Treaty the biggest change for trade policy would be the EP gaining co-decision rights. With the Lisbon Treaty the EU would acquire legal personality, and a High Representative of the Union for Foreign Affairs and Security would represent the EU in all cases where a common EU position exists. Lisbon would classify development cooperation as “shared parallel competence”: this means that the EU conducts a fully autonomous policy, alongside the fully autonomous policy of the Member States.

## Green Achievements 2004-2009

Greens have been the only political group to consistently argue against the EU meeting its Kyoto objectives by “exporting” their emission reductions through a financial contribution to clean projects in developing countries (CDM, Clean Development Mechanism), rather than by achieving real reductions domestically. At the same time, we consistently asked that half of the auction revenues from the Emissions Trading Scheme (ETS) be dedicated to financing climate action in developing countries.

Greens fought for the “qualification” of trade in Free Trade Agreements (FTAs) with third countries, through the setting of minimum social and ecological standards. We persuaded the EP to demand that FTAs include a binding and enforceable chapter on sustainable development.

Greens consistently voted in favour of abolishing all EU export subsidies for agricultural goods. Greens obtained EP majorities to reconsider the free market approach to agricultural trade and to “qualify” the market access for agricultural goods with social and ecological standards.

Greens kick-started a “Global Energy Efficiency and Renewable Energy Fund” for third countries, which has now been endowed with EUR 80 million for the years 2007-2010 under the Development Cooperation Instrument.

Greens gained support in the EP for the introduction of border adjustment measures, so that EU companies do not suffer competitive disadvantages vis-à-vis imports from industrialised countries without carbon taxes. Greens also got EP support to ask for the reform of “anti-dumping” rules, so that imports from countries not signing Kyoto climate goals can be punished for “environmental dumping”.

Greens got the EP to call for a EU Policy Framework for Fair Trade, making sure that companies entering the Fair Trade market comply with the Fair Trade criteria, and making available “Aid for Fair Trade” to foster sustainable production in poorer countries.

Greens succeeded in convincing the EP that technical innovation for climate-saving ought to be shared as widely as possible with poorer countries - if needed, also with measures that suspend the rights of patent holders, as is already the case for essential drugs for poorer countries facing a health crisis.



## What Greens want

Greens insist that any post-Kyoto climate agreement include further deep and mandatory reductions in emissions by Member States. A maximum of the EU's reductions must be achieved domestically rather than "exported" through external offsets. At least 50% of revenue from auctions under the EU's Emissions Trading System should be used to help fund programmes in developing countries.

Greens want a complete overhaul of the Economic Partnership Agreements (EPAs) strategy of the EU with the countries of Africa, the Caribbean and the Pacific (ACP) in order to take full account of development concerns. ACP countries shall be able to re-negotiate those EPAs that have already been signed.

Greens want a complete overhaul of the EU's Global Europe trade strategy, so that it actively contributes to the goal of combating climate change. Unnecessary trade must be discouraged and remaining trade "qualified" in order to support the sustainable production of imports according to EU or global social and ecological standards.

Greens want the European Commission to proactively engage in a reform of the WTO that makes international trade rules more legitimate and development friendly, renders them subject to overarching climate change concerns, and ensures that trade rules do not supersede but support global social, environmental and public health standards.

Greens want the EU to actively promote a reform of the UN in order to strengthen its role in ecological and economic global rule-setting. An Environmental Council should be created, as well as an Economic Security Council, to which the World Bank, the IMF and the WTO should be accountable.



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**For constantly updated EU (and other countries) economic key figures**

<http://tinyurl.com/c822ht>

**On the Ecological Footprint methodology and figures for the EU**

<http://tinyurl.com/dkd4mu>

**2008 annual report on MDG achievement:**

<http://tinyurl.com/cgjir9>

**Latest official data on Overseas Development Assistance (ODA) of the EU Member States**

<http://tinyurl.com/cgafuj>

**A NGO critique of the Global Europe trade strategy is under**

<http://tinyurl.com/cry8rr>

**A very extensive analysis of the EPAs is under**

<http://tinyurl.com/csx5wp>

**The EU coordination in the World Bank and the IMF is described in**

<http://tinyurl.com/dcbqgo>

**The EP financed study on EU's emission reduction target, intended use of CDM and implications regarding the +2°C objective in under:**

<http://tinyurl.com/d53tum>

## Useful websites

**For global social justice:**

<http://www.socialwatch.org/en/portada.htm>

**For global poverty numbers and MDGs:**

<http://www.un.org/millenniumgoals/reports.shtml>

**For EU trade policy:**

<http://www.s2bnetwork.org/>

**For EPAs:** <http://www.ecdpm.org/>

**For European policy in the World Bank and IMF:**

<http://www.if-watch.net.org/>

**For EU development policy and debt relief:**

<http://www.eurodad.org/>

**For EU global ecological policy:**

<http://tinyurl.com/d7jgwf>

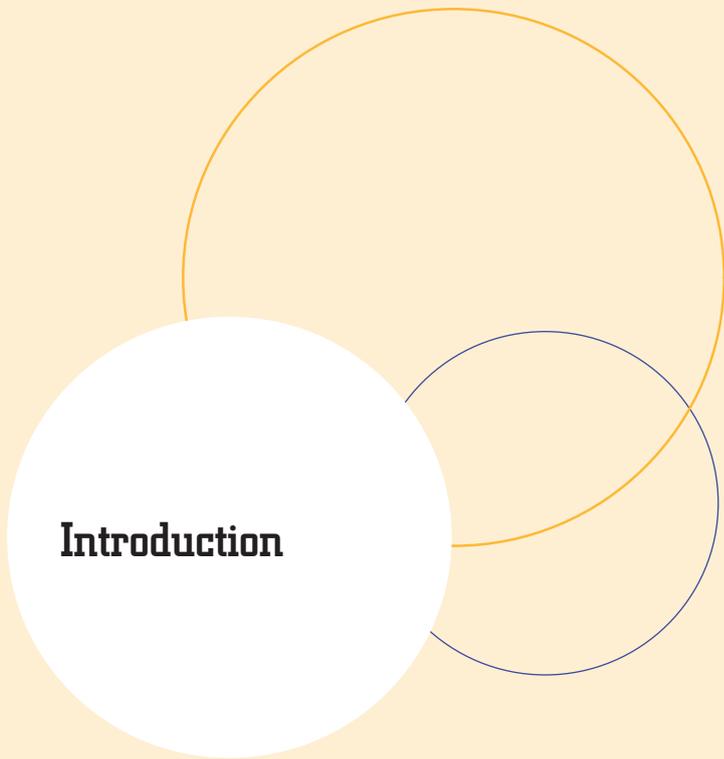


European citizens often feel that they cannot influence what happens in the EU and, as powers shift to the EU level, Member States hide behind a smokescreen of what is in their own competence and responsibility. Greens want to reverse this erosion of democracy by ensuring that EU legislation is made and implemented in a way that citizens can easily understand who is responsible. As a first step, Greens want to strengthen the offices to which citizens can address complaints, make sure that documents are really accessible and control the influence of lobbies.

08

**Democracy in  
European  
policy-making**





Democracy and the rule of law at all levels of decision-making are the basis of the EU Treaty's claim that the Union acts on behalf of its citizens. The practical fulfilment of this claim is the very key to the future of the EU. Due to the persistent lack of clear and transparent accountability structures, democracy in the EU remains incomplete. Most European citizens feel that, while they cannot influence what happens in the EU, strong economic lobbies do have direct access to the decision-making process. Successive EU Treaties have indeed removed many decisions from the remit of the Member States and the influence of their citizens. More has to be given back to European citizens in the form of efficient control of and participation in EU policy-making. The commitment of citizens to European integration depends directly on their personal experience with the EU.

On the other hand, the governments of the Member States contribute to an erosion of democracy, nationally and locally. As many powers have been shifted to the EU level, Member States hide behind a smokescreen of what is in their own competence and responsibility. Because they remain in control of many decisions at national as well as at the EU level, we must ensure that EU legislation is made and implemented in a way that citizens can easily understand who is to be held accountable so that they can address their concerns and protests to the right places. The European Parliament must guarantee to all EU citizens that violations of their rights are addressed when European rules or national rules implementing them are violated.

The current lack of democracy is aggravated by a lack of transparency. In Brussels, powerful lobbies are accustomed to backroom deals with the European institutions in order to create loopholes for special interest groups and influence legislation. Public access to EU documents is still difficult. Such twilight fosters corruption. The media does not fulfill its potential role as a watchdog. European affairs are still seen from a national perspective by most newspapers and TV stations. Truly European affairs that are equally important to all EU citizens rarely make it into the news. Ultimately, European democracy requires an engaged European public.

## Key Facts and Figures

In recent years, the problem of democratic legitimacy of the EU has come more clearly to the fore. A series of studies show that citizens strongly favour the EU taking the lead in responding to environmental and social challenges, and also regarding daily concerns, such as unemployment or food safety. However, at the same time, these studies report a dramatic collapse in the popular legitimacy of the EU in the last 15 years, showing that the majority of EU citizens do not believe that the EU represents them, or defends their interests.

The European Commission is aware of the problem. Since 1995, it regularly consults civil society. It publishes 10 or more “Green Papers” every year, laying out the broad aims for EU legislation in a certain policy field, which are then discussed with a wide range of stakeholders. However, these consultations take place largely in Brussels and are too dominated by business lobby groups. The problem of legitimacy at the EU level has spurred direct democracy actions on EU affairs in many Member States: since 1957, there have been 50 referenda organised on European issues in

25 countries, with over half of them in the last 15 years. Moreover, citizens increasingly contact the European Ombudsman to investigate acts of bureaucratic abuse of powers and the withholding of information by the European institutions.

European citizens and residents have the right to petition the European Parliament on any subject within the fields of activity of the European Union. The increasing number of petitions shows that they have become an important instrument for citizens to denounce Member States’ failure to correctly implement EU legislations. The European Parliament has the duty to insist that the Commission ensures the application of Community law by Member States. In certain policy fields, particularly the environment, freedom of movement, and social policy, violations of Community law are still very common.

The number of organisations involved in lobbying with offices in Brussels is estimated at 2600, employing more than 15 000 lobbyists. In June 2008, the European Commission launched

a voluntary lobby transparency register. By January 2009, just 458 Brussels-based groups registered, less than 20%. The lax reporting requirements developed by the European Commission allow lobby consultancies to avoid meaningful financial disclosure and hide the extent of the lobbying work they undertake for their clients. The absence of a clear definition of what to include when calculating lobby expenses allows lobby firms, corporations and business lobby groups to register amounts that are almost certainly lower than their real expenditure.

The agreement in 2001 between the European Institutions regarding the public access to documents (Regulation 1049/2001) is currently under revision. The Commission is trying to exempt further policy areas from the public access to documents, e.g. international trade negotiations.





## Feasibility in the EU Framework

Under the current EU Treaty, the EP has co-decision power in 40 policy fields, most of which are related to the internal market (environmental protection, transport, consumer protection ecc). However, only the Commission has the right to initiate legislation. The EP can only give a "recommendation" which the Commission can refuse. Under the Lisbon Treaty co-decision power would be extended to another 40 policy fields, but the principle of the Commission initiating all legislation remains in place.

The Member States of the EU are obliged to incorporate the provisions of the EU Treaty and the legislation adopted at the European level into their national law. The role of the European Commission is specifically to ensure that Member States observe and implement Community law properly and to take action when they fail to do so. The "infringement procedure" (Art. 226, EC Treaty) gives the Commission significant power to bring enforcement proceedings against Member States which it considers to be in

breach of their obligations under Community law. Where necessary, the Commission may refer the case to the European Court of Justice which may impose a penalty payment. The number of citizens' complaints relating to infringements of Community law shows that European citizens play a vital role in its application, and that the ability of the EU Institutions to address citizens' concerns properly is important for the credibility of the European Union.

The EU legal system gives only very limited possibilities to citizens to directly claim their rights before the European Court of Justice. This is, mainly, a prerogative of the Commission (and the Member States). Therefore, it is highly important to make sure that the Commission fulfills its task and duty and to act against Member States violating EU law. To give an example touching on citizen's daily life: according to the EU Treaty, patients can benefit from non-hospital care throughout the EU and be reimbursed by their Member State of affiliation without prior

authorisation being required and at the level which would have been granted domestically. However, the vast majority of Member States is reluctant to comply properly with this, resulting in legal uncertainty and the deprivation of citizen's right to medical reimbursement.

The European Parliament has the essential task of controlling if and how the Commission fulfils its task of ensuring the application of Community law by Member States.

The Lisbon Treaty would introduce a series of substantial modifications that focus on reinforcement of the transparency, coherence, democratic control and democratic legitimacy in the EU. Chapter V of the Lisbon Treaty is devoted entirely to the concept of European citizenship. It would provide citizens with tools to directly participate in the decision-making process, e.g. through Citizen's initiatives. The EP would obtain the right to initiate the process which would amend the EU Treaty.

## Green Achievements 2004-2009

Greens obtained the support of the Convention on the Future of Europe to insert the instrument of "citizens initiatives" in the new Lisbon Treaty, so that European citizens for the first time can initiate EU legislation by collecting 1 Million signatures from a certain number of Member States for a legislative proposal.

Greens wrote the EP-Reports on "EU law implementation" which insists on the Commission's duty to launch infringement proceedings in a systematic and determined way against those Member States which do not apply EU law, and on the need to increase transparency of the whole process of infringement.

Greens have strengthened the role of petitions, ensuring that the Commission acts seriously and in an efficient and timely manner, when the petitions show that European laws on the environment or citizens' rights are not respected by the Member States. On behalf of petitioners, Greens succeeded in stopping the destruction of the unique Rospuda Valley in Poland, getting strong action against the hunting of protected birds in Malta, and on bringing the disastrous urbanisation policies in many parts of Spain onto the EU's agenda.

Greens have strengthened the role of the European Ombudsman, in the recent revision of its Statute, by extending its remit. On initiative of the Greens, the EP supported the Ombudsman to conclude an agreement with the European Investment Bank (EIB) about the Bank's lending policy, so that citizens of third countries can complain about undue procedure in projects financed by the EIB.

Greens have been at the forefront ever since the adoption of general rules on public access to EU documents in 2001 to defend the principle of openness and public access to information, and a public-friendly application of these rules.

Greens succeeded in shutting down the "European Business and Parliament Scheme" (EBPS), following Green's discovery that the



EBPS over years worked from rent-free offices within the EP to assist its corporate affiliates with lobbying EP Members.

Greens proposed and developed the "Citizen's Agora" of the EP, an open gathering of interested citizens in the EP to discuss an urgent political topic. This is a good example of what the European institutions can do to stimulate and enhance participative democracy at the EU level.



## What Greens want

Greens want to make sure that the new instrument of “citizens initiatives” in the Lisbon Treaty (Art.11) is applicable also to EU Treaty revisions. In this sense, Greens will engage in the organisation of a European “citizen’s initiative” calling for a First Amendment to the Lisbon Treaty, focusing on the extension of European democracy and the creation of a European order of peace and an area of social security, justice and solidarity.

Greens want all EU citizens’ complaints which denounce a breach of Community law to be properly registered, considered, answered and solved by the European Commission as the “Guardian of the Treaty”.

Greens want the European Ombudsman to have sufficient means to respond effectively to citizens complaints against maladministration by any EU institution.

Greens want that the European Parliament uses the power it has to bring serious cases of proven administrative abuse to the European Court of Justice on behalf of the Ombudsman if an institution refuses to comply with the Ombudsman’s recommendations.

Greens want to develop the European dimension of the EP electoral campaigns and the role of European political parties, by adding a single EU constituency to the existing national EP constituencies through which 10% of all EP members are elected. All citizens shall be able to cast one vote for the EU-wide list in addition to their vote for the national or regional list.

Greens want a fundamental overhaul of the European Commission’s lobby register, making registration mandatory, with detailed requirements for financial disclosure, and reporting needs, including an obligation to report the names of individual lobbyists.

Greens will promote the principle of public access to documents and resist the attempts to exempt further policy areas from the rule of the current regulation. Greens want to give the European Ombudsman the right to decide, on citizens’ request, on access to documents.

Greens want to include into public access to documents the correspondence between the European Commission and Member States, when the Commission is investigating complaints and petitions by citizens against violations of EU norms and rights.



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## References

### EP Working Document on challenge of democracy:

Empowering the EU citizen

<http://tinyurl.com/c9assf>

### On studies about the EU legitimacy, see:

Simon Hix, What's wrong with the European Union and how to fix it, Polity Press, 2008; Robert Rohrschneider, The democracy deficit and mass support for an EU-wide government, in: American Journal of Political Science, April 2002; European Commission, White Paper on European Governance, COM(2001) 428

### On numbers of lobby organizations in Brussels, see:

Alliance for Lobbying Transparency and Ethics Coalition (Alter-EU), a coalition of over 160 civil society groups:

<http://www.alter-eu.org/>

## Useful websites

### On the activities of the European Ombudsman:

<http://www.ombudsman.europa.eu/start.faces>

### On how to submit a Petition to the European Parliament:

<http://tinyurl.com/cmhnsu>

### European Referendum Campaign:

<http://www.erc2.org/>

### Corporate Europe Observatory

<http://www.corporateeurope.org/>

**Statewatch:** <http://www.statewatch.org/>

The EU was founded on a community  
of values and fundamental rights,  
however experience has shown that  
some of these commitments only exist on paper.

Greens want to establish a genuine culture  
of human rights in EU policy and practice.

As a first step, Greens want the systematic inclusion  
and enforcement of a binding human rights clause  
in all EU agreements and for EU Member States  
to allow EU scrutiny of their  
human rights practices.

09

**Protecting  
individual rights  
and liberties  
within and outside  
the EU**





## Introduction

## Protecting individual rights and liberties within and outside the EU

The EU is founded on a community of values and fundamental rights. The respect for the democratic principles and fundamental freedoms established by the Universal Declaration of Human Rights inspires the internal and external policies of the EU. Therefore, one of the EU's main objectives is to establish an area of freedom, security and justice and to implement the principles of liberty, democracy and respect for fundamental rights and the rule of law.

However, experience and practice has taught us that there is a clear discrepancy between EU commitments in terms of human rights and its internal and external policies and practice. In addition, the lack of coherence and consistency between EU internal and external policies has in some cases led to double standards.

The European Parliament, as the directly elected representative of EU citizens, has a clear responsibility to uphold the principles of fundamental rights. The Greens deplore the fact that Member States continue to refuse to allow EU scrutiny of their own human rights policies and practices, thereby undermining the active role played by the EU in the world as "a defender of human rights" and damaging the credibility of its external policy in the area of the protection of fundamental rights.

## Key facts and consequences of non-action

Since 9/11, international cooperation in the fight against terrorism has often served as an excuse to diminish the level of protection of fundamental freedoms. There has been a worrying erosion of civil liberties in the EU under the guise of the fight against terrorism e.g. use of European countries by the CIA for the transportation and illegal detention of prisoners. The practice of extraordinary renditions, prohibited by the UN Convention against torture, must be condemned and the use of diplomatic assurances rejected. The EU should act with greater resolve at international level to promote a genuine counterterrorism strategy based on full compliance with international human rights standards and obligations. Member States must acknowledge their responsibility in the illegal practice of extraordinary rendition and must take all necessary measures, including in-depth investigations, so as to ensure that the EU and Member States never become involved in similar breaches of human rights again.

Equal opportunities are a fundamental right for all individuals. All forms of discrimination must be combated. Special attention should be paid to ethnic and linguistic minorities and to stateless persons permanently resident in the Member States. In particular, the Roma community needs special attention.

The EU has demonstrated its commitment to promote human rights by including a human rights clause in all framework agreements signed with third countries. Exceptions are agreements on agriculture, textile and fisheries. This clause must be extended to all new agreements, including sectoral agreements. Although the human rights clause constitutes an essential element of agreements, the violation of this clause has very rarely led to revocation of agreements in cases of serious and persistent violations of human rights. The exception is the Cotonou Agreement which contains a clear mechanism to be followed in causes of suspected violation. A similar mechanism for all EU agreements would ensure the consistent application of this clause.

The European Parliament, in particular the Greens, have systematically highlighted the need for an effective and transparent monitoring and implementation process of all human rights instruments - we have the instruments but what is lacking is proper implementation. The accession procedure, with the clearly defined Copenhagen criteria, is an example of how clear procedures for monitoring and implementation can improve the effectiveness of human rights instruments. The negotiation and evaluation of bilateral Action Plans within the European Neighbourhood Policy might offer additional opportunities for the establishment of more human rights commitments.



Photo European Parliament

## Feasibility within the EU framework

The EU is based upon and defined by universal principles of liberty and democracy, and respect for the rule of law and human rights as guaranteed by the European Convention for the protection of Human Rights. To complement Article 6 and 7 of the Treaty on the EU, the Union adopted the Charter of Fundamental Rights in 2002. Irrespective of its legal status, the Charter has since become a reference in the case law of European courts. The Lisbon Treaty, if ratified, will confer a binding legal status to the Charter and will require the accession of the EU to the ECHR.

The Treaty on the EU establishes the promotion of human rights as an objective of the Common Foreign and Security Policy (CFSP) and these rights will be reinforced by the Charter of Fundamental Rights. Article 21 of the Lisbon Treaty clearly emphasises the interdependence of the internal and external dimensions of the EU

human rights policy by stating that “the Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement”.

The EU is also responsible for actions to combat discrimination on grounds of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

In addition, Corporate Social Responsibility (CSR) is part of the Lisbon Strategy and sustainable development and the Commission is working towards integrating CSR with growth and promotion of fundamental rights.



Olympic rights  
for human games

## Green Achievements 2004-2009

### Balancing the fight against terrorism with protection of civil liberties

Greens partly managed to modify the Parliament’s position on the fight against terrorism in order to take into consideration that civil rights are part of security. Greens integrated three main principles:

1) principle of necessity and proportionality: a State can never abuse its power. We refuse to consider that the fight against terrorism can be made at the expense of fundamental rights and freedoms

2) effective coherent measures, to guarantee that we do not undermine the very purpose of the laws we adopt, and finally

3) that within police and judicial cooperation, targeted investigation is something the EU should always strive for when putting in place measures to fight crime.

### Balancing judicial measures with civil liberties

In the field of judicial cooperation in criminal matters, the Greens denounced

the lack of balance between repressive measures, such as the European arrest warrant, the framework decision on terrorism and the terrorist list, and the necessary improvements in protective measures, in particular the rights of persons in judicial systems. Greens were responsible for a report on minimum standards in procedural law, which is not adopted yet. Thanks to the Greens, the majority of the Parliament is now convinced of the necessity to protect civil rights.

## Antidiscrimination

Greens forced the Commission to fulfil their 2004 promise that they would propose a horizontal (wide-ranging) anti-discrimination directive. The Greens are responsible for drafting the EP report on this Directive and this gives us the opportunity to ensure that the Directive is as encompassing and coherent and feasible as possible.

## Data protection

The right to privacy and in particular, the protection of personal data, are also fundamental rights. Following pressure from the Greens, the Commission put forward a legal instrument insuring personal data protection in the field of police and judicial cooperation at EU level which was recently adopted by the Council.

## Evaluation of fundamental rights in the EU 1

Thanks to Green pressure, the annual report on fundamental rights in the EU, suspended since 2004, is now once again underway for 2004-2008. This report had and will once again have a major role in evaluating the implementation of Fundamental Rights in Europe on the basis of the annual report produced by the Agency for Fundamental Rights (FRA). The Greens deplore the limited remit of the agency which may exclude from the systematic scrutiny areas like anti-terrorist policies, mistreatment and use of force by the police, the right to a fair hearing, violence against women and trafficking in human beings.

## Evaluation of fundamental rights in the EU 2

Through the Green Presidency of the sub-committee on Human Rights, we reformed the structure of the annual report on human rights in the world and the EU policy in this matter so as to mainly focus on the evaluation of the implementation of all human rights instruments and the role to be played by the EP instead of listing human rights violations. The Greens consider that regular assessment of the implementation of EU guidelines on specific human rights aspects on the ground is to be progress in the right direction and welcomes the

recent adoption of the EU guidelines on violence against women and girls and combating all forms of discrimination against them. Greens are of the opinion that an EU Special Envoy on women should be appointed so as to enhance the EU action in this field.

## Funding to promote fundamental rights

Under pressure from the Greens, the European Parliament obtained from the Commission a specific and separate instrument on Human Rights and Democracy to promote civil society actors without requesting the consent of third country authorities. The Greens as co-author of this report, stressed the need for flexibility when implementing this instrument so as to finance NGOs which are not recognised by repressive authorities. Urgent aid for human rights defenders at risk has also been established as a priority matter.

## Coherency in external policies

The Greens drafted the report on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights. A series of concrete recommendations were made including the definition of a clear methodology in order to put an end to the current *ad hoc* nature of responses. This should be accompanied by a

clear decision-making process, objectives, benchmarks and review mechanisms. The establishment of a network of independent experts which would publish regular progress reports would also increase transparency and coherence.

## Highlighting and suggesting actions to combat human rights violations

Greens have had many successes highlighting and recommending actions regarding human rights violations through European Parliament urgency resolutions e.g. our resolution on murders of women in Mexico and Central America did much to publicise the problem as well as our resolutions on the human rights situation in China, Russia, Tunisia, and Egypt, and on cyber-dissidents. This resolution also offered practical support and expertise from the EU and put pressure on the Governments of these countries to address the issue.



## What Greens want



### A genuine culture of fundamental rights in the EU

Greens want to establish a genuine “culture of fundamental rights” in the EU through the development of a comprehensive monitoring system for the application of these rights. To this end, Greens propose to conclude cooperation agreements with international institutions responsible for the protection of fundamental rights such as the UN Office of the High Commissioner for Human Rights (OHCHR) and the Office for Democratic Institutions and Human Rights (ODIHR) to reinforce our action in this matter, e.g. the establishment of a focal point for human rights defenders in all EU institutions in close cooperation with OHCHR and ODIHR. In addition, Greens call on the EU to conclude a framework agreement with the OHCHR in order to promote the ratification and implementation of UN Conventions by all EU Member States.

### EU scrutiny of fundamental rights in Member States

Greens want to ensure that Member States allow EU scrutiny of their own human rights and practices in order to prevent double standards. This will support the EU’s active role in the world as a genuine defender of human rights, e.g. Annual Report on the state of Fundamental Rights in the EU.

### Systematic inclusion and enforcement of human rights clauses in trade agreements

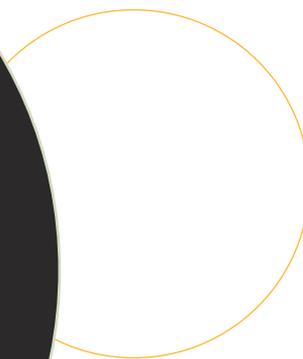
Greens are of the opinion that a human rights clause must be systematically included in all agreements signed with third countries but argue in favour of a more explicit clause based on the indivisibility of human rights (two international human rights Covenants). Moreover, this clause should be accompanied by clear implementation mechanisms, including a procedure for consultation between the parties. The EP should play a role in defining the negotiating mandate for new agreements with third countries, particularly regarding their political objectives and the promotion of human rights.

### Regular scrutiny of human rights clauses in trade agreements

Regarding EU trade policy, Greens want proper regular scrutiny of third country eligibility for the Generalised System of Preferences (GSP+). This scheme offers preferential access to EU markets to developing countries and economies in transition that have ratified key international treaties on labour standards, human rights, good governance and environmental protection.

### Corporate Social Responsibility (CSR)

Greens will push legislation for EU corporations to integrate real CSR throughout their supply chains. Reports delivered by International Labour Organisation (ILO) partners to the ILO’s monitoring mechanism about States violating systematically core ILO standards should automatically lead to an investigation by the European Commission.



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## References

### EU relations with third countries

<http://tinyurl.com/c8khsh>

**Legal basis for fundamental rights in the EU Treaty on European Union 2002, Title I Article 6 and 7, Title V Article 11.1, Title VIII Article 49 and Article 11.**

<http://tinyurl.com/cy75ol>

**Treaty on European Community 2002, Part 1 Article 13.1 and Title XX Article 177.2**

<http://tinyurl.com/cfjaht>

### EU Charter for Fundamental Human Rights

<http://tinyurl.com/dyjwod>

### Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

### UN Universal declaration on Human Rights

<http://www.un.org/Overview/rights.html>

### Commission pledge for horizontal anti-discrimination Directive

<http://tinyurl.com/6c6d4h>

### European Parliament on media pluralism

<http://tinyurl.com/d3yddr>

### European Parliament resolution on murders of women in Central and South America

<http://tinyurl.com/cyucwf>

## Useful websites

### European Court of Justice

<http://tinyurl.com/dkzgfik>

### Council of Europe

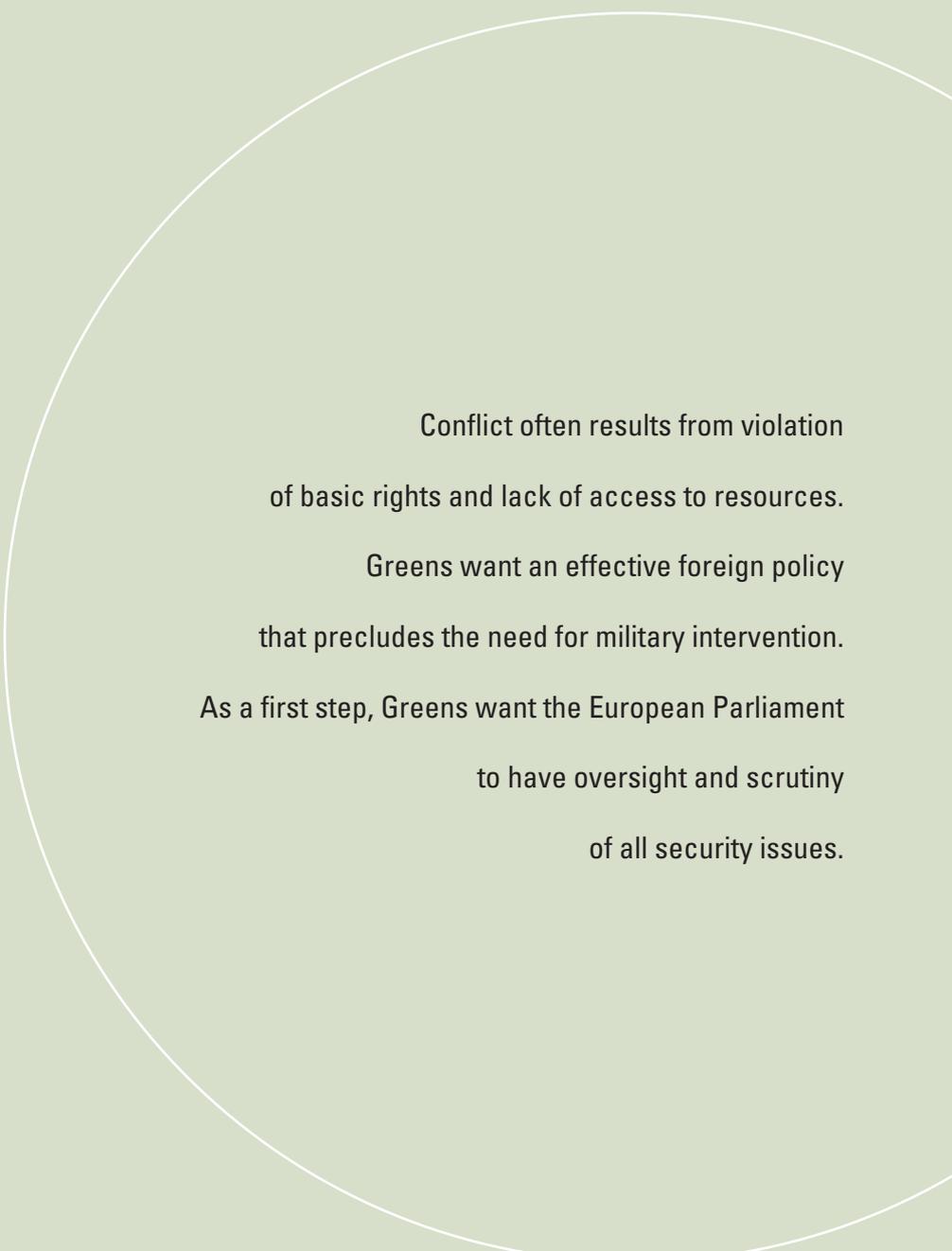
<http://www.coe.int/>

### UN Office of the High Commissioner for Human Rights

[www.ohchr.org](http://www.ohchr.org)

### Office for Democratic Institutions and Human Rights

<http://www.osce.org/odihr/>



Conflict often results from violation  
of basic rights and lack of access to resources.

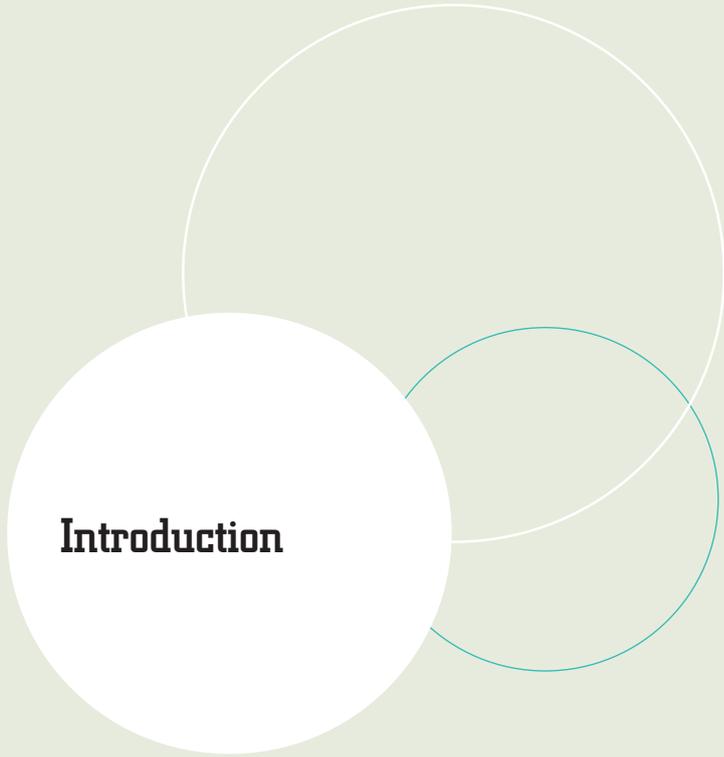
Greens want an effective foreign policy  
that precludes the need for military intervention.

As a first step, Greens want the European Parliament  
to have oversight and scrutiny  
of all security issues.

10

**A Europe that  
promotes  
peace and conflict  
resolution**





In 2003, the EU defined a unified approach to international conflicts and their causes (European Security Strategy - ESS). The ESS defines 5 main threats and challenges: terrorism, regional conflict, state failure and organised crime, proliferation of Weapons of Mass Destruction (WMD) and nuclear weapons. However, most contemporary threats are non-military and the ESS needs to recognise and tackle the root causes of conflict, e.g. violation of basic rights including social rights, poverty and access to resources. In the 2008 ESS evaluation, Council acknowledged that greater attention should be given to development, energy security, cyber attacks and climate change in the future.

Greens are convinced that conflict resolution strategies should not have an emphasis on military solutions and should not focus on protection of states rather than protection of human beings.

Preventing conflict is preferable to resolving an erupted conflict and Greens advocate for a holistic approach to conflict resolution. All EU policies should be examined so that conflict prevention can be mainstreamed in all EU policies to ensure that the EU does not exacerbate the underlying causes of conflict. Working with civil society and forming partnerships is key to gathering information about and addressing causes of conflict at grassroots level. The EU is the largest provider of Overseas Development Aid (ODA) and through working to achieve the 2000 UN Millennium Development Goals we could significantly improve global security.

The best contribution the EU can make regarding peace and conflict prevention is to lead by example in our external policies. This is not a self serving interest as EU citizens will not be secure until all (world) citizens are secure.

## Key facts and consequences of non-action

Since its inception, the EU approach to foreign affairs has combined military and civilian instruments. The Civilian Planning and Conduct Capability (CPCC) was set up in 2008 to plan and conduct civilian operations under the European Security and Defence Policy (ESDP) and currently supports a number of projects including missions that support policing, border management and creation of viable judicial and penal systems.

There are some Member States who still have nuclear weapons. Greens believe that if we do not have complete nuclear disarmament, then nuclear weapons will be used sooner, if not later. Nuclear weapons are also targets for

terrorism, may be stolen and are at risk of accidents during processing, transportation and storage. In addition, a state with nuclear capabilities could come under control of a Government who will not hesitate to deploy them. All the problems we face today: climate change, economic crisis and energy scarcity, can lead to conflict, e.g. through poverty, injustice and competition for resources. If we do not take responsibility for our contribution to these crises and put in place measures to address them now and prevent them from reoccurring, the future will only hold further conflict.



Photo European Parliament



## Feasibility within the EU framework

The EU's foreign policy is known as the Common Foreign and Security Policy (CFSP), whose objectives include safeguarding "common values, fundamental interests, independence and integrity of the Union" and development of "democracy and rule of law, respect for human rights and fundamental freedoms". The 2003 ESS is the reference document for the CFSP. It outlines an integrated approach (civilian and military instruments) to conflict prevention and crisis management, and other security threats. Decisions regarding CFSP require unanimity in Council and the EP is simply consulted. If the Lisbon Treaty is ratified, the EU will become a single legal personality, which means that the EU can join the UN and the Organisation for Security and Cooperation in Europe (OSCE), the world's largest security-oriented intergovernmental organisation which focuses on early warning, conflict prevention, crisis management and post-conflict resolution. Also under the new Lisbon Treaty, the EU will have a High Representative of

the Union for Foreign Affairs and Security Policy who will represent the EU on common foreign positions and coordinate EU foreign policy with greater consistency.



## Green Achievements 2004-2009

### EU crisis prevention facility

Greens obtained funds to develop a EU crisis prevention facility with NGOs and local authorities (Peacebuilding Partnership). There are update meetings every four months with the Commission and NGOs which gives the Greens the opportunity to monitor Council and Commission action in this area.

### Citizen dialogue with the Commission

Greens have facilitated dialogue between third country citizens and the Commission through participation in follow up working groups with NGOs and civil society on EU development programmes, e.g. Multi-annual Indicative Programmes and Annual Action Plans.

### EU funding for media diversity

Greens secured EU funding for a European News station in Farsi in order to support more media diversity in Iran without interfering in their internal affairs.

### US Anti-missile system

Greens have pushed the EP to adopt a resolution on the US anti-missile system criticising Member States for signing individual agreements with the US on an issue which has fundamental security implications for the whole continent.

### Disarmament

Following Green initiatives, the EP now strongly supports the international initiative to establish a global treaty to ban cluster munitions covering all types of munitions including those produced by EU industries. Furthermore, we played a pivotal role in the promotion of the Ottawa Treaty to ban antipersonnel landmines. Subsequently the EP supported an extension of the ban to cover all landmines, including anti-vehicle mines, and the imposition of fines for those investing in companies that research and produce mines. Finally, following Green action, the EP ensured continued EU financial support for mine clearance and increased funds for mine victims.



### EU code of conduct on arms exports

Greens made significant contributions to the adoption of the legally binding EU code of conduct on Arms Exports, which prevents arms export to regions where there is conflict, instability and violation of human rights. In addition, Greens were the driving force to ensure EP support for implementation and improvement of the UN Programme to combat transfers of illegal light weapons and small arms and to support all initiatives leading to the elimination and control of arms brokering.

### Policy coordination

Greens highlighted the security dimension of climate change - there will be more conflict as the effects of climate change become more apparent, e.g. drought and famine, making prevention and mitigation ever more urgent. Furthermore, without policy coherence in external policy, we will exacerbate causes of conflict, e.g. through overfishing in foreign waters, we reduce livelihoods of local fishermen, increasing poverty and social tensions.



## What Greens want

### Coordination of policies

Long-term approaches should coincide with short-term ones, so that Member States do not undermine CSFP through action at their own (national) levels. Increasing ODA (to the goal of 0.7% GDP) and improving effectiveness of development programmes will also go a long way to ensuring peace.

### Clear limits on military-based foreign policy

We want clear limits on military-based foreign policy, with full emphasis on human rights protection and protection of people rather than states.

### Military intervention should only occur when given a mandate by the UN

#### Move towards promotion of peace

Reduce Member State military capability and expenditure and transfer some capacities to the EU with clear peacekeeping and peace-building mandates

#### UN reform

UN reform is necessary in order to increase legitimacy and efficacy of global governance, e.g. wider mandate for UN Peacebuilding Commission and a more effective UN Human Rights Council

#### EP oversight

EP to have scrutiny, accountability and transparency on security issues (including ESDP missions) with EP authorisation for military missions which must be clearly defined and have a strict remit.

### More EU engagement with civil society on the ground

We want to prioritise and strengthen the role of and EU engagement with, NGOs and local communities in the prevention of violent conflict, e.g. forming partnerships to promote democracy and respect for human rights.

### Gender mainstreaming

We want to prioritise and strengthen the role of women in conflict prevention and resolution, as it is often women who are more affected and most able to resolve and mediate

### Creation of European civil peace corps

We want a European civil peace corps which respects international humanitarian law and human rights agreements, which would work in conflict prevention and resolution, and in post-conflict situations, e.g. NGO civilian experts which mediate, enable open unbiased communication and offer counselling

### Extension of EU neighbourhood policy

We want extension of EU neighbourhood policy which would strengthen the prosperity, stability and security of EU border countries

### Complete nuclear disarmament

The 2008 ESS review states that the EU wants negotiations on a multilateral treaty banning the production of fissile material for nuclear weapons. Whilst this is a start, we want complete EU nuclear disarmament by 2020. In addition, we want the US to withdraw its weapons and cease deployment of its anti-ballistic missile system on EU territory.



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## References

### Legal basis for EU foreign policy

Title I, Title VIII, Protocol on Article 17, Title V, Articles 11-28  
of the 2002 Treaty on European Union  
<http://tinyurl.com/cmqlab>

Articles 296, 297, 300 and 301 in the Treaty on the European Communities  
<http://tinyurl.com/cy75ol>

### European Security Strategy (ESS)

<http://tinyurl.com/dmfdmh>  
<http://tinyurl.com/d8nska>

### European Parliament report on policy coherence for development and the effects of the EU's exploitation of certain biological natural resources on development in West Africa

<http://tinyurl.com/d2mz87>

### EU Charter of Fundamental Rights

[http://www.europarl.europa.eu/charter/default\\_en.htm](http://www.europarl.europa.eu/charter/default_en.htm)

### Council of Europe Convention on Human Rights

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

### UN Universal declaration on Human Rights

<http://www.un.org/Overview/rights.html>

### Details of military expenditure by NATO members

<http://www.nato.int/docu/pr/2007/p07-141.pdf>

## Useful websites

### EU Common and Security Policy

<http://tinyurl.com/2psnco>

### EU Neighbourhood Policy

[http://ec.europa.eu/world/enp/index\\_en.htm](http://ec.europa.eu/world/enp/index_en.htm)

### North Atlantic Treaty Organisation (NATO)

[www.nato.int](http://www.nato.int)

Europe needs immigration.

It also has a moral duty to provide asylum to those in need. Greens want open mechanisms for migrants to enter and work legally and coherent efficient asylum procedures which has humanitarian treatment at its core.

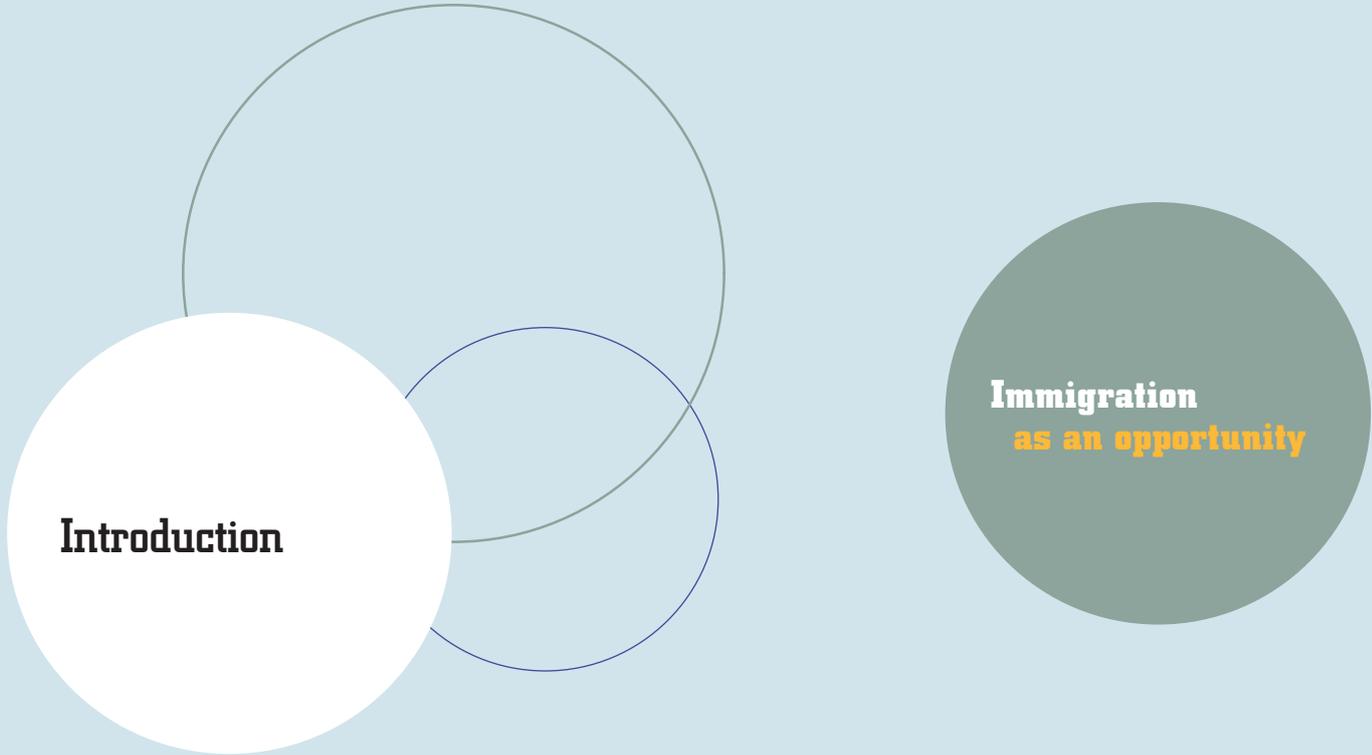
As a first step, the EU should acknowledge its need for migrants and give legal immigrants the same rights as EU residents, and integrate international human rights into forthcoming revisions of asylum legislation.

11

**Immigration**  
**as an opportunity**



**The Greens | EFA**  
in the European Parliament



## Introduction

## Immigration as an opportunity

Immigration is a contentious topic, yet Greens believe that immigration is an opportunity and when managed responsibly, is a win-win situation for all. It is increasingly acknowledged that for Europe, migrant workers of all skill levels are an economic necessity as a result of our ageing population plus our Lisbon goal to become the most dynamic and competitive knowledge-based economy in the world.

Migration has existed throughout history and is a global phenomenon in which EU citizens participate. The right to free movement is a human right, as enshrined in the UN 1948 Universal Declaration of Human Rights. Migration assists development: migrants have and will continue to shape cultures and societies and bring knowledge and skills.

Greens want the EU and Member States to acknowledge our need for and recognise the contribution of migrants and provide clear mechanisms for them to enter and work legally. There will be no reduction to irregular (illegal) migration until there are mechanisms for legal migration. Restrictive immigration policies may give citizens a false sense of security but they increase pressure at external borders, increase vulnerability and promote trafficking as a profitable enterprise.

There is a clear difference between asylum and migration. A migrant is a person who seeks, works or has worked in a country other than their own. A refugee is a person who seeks refuge in another country as a result of war or violence or fear of persecution on account of "race, religion, nationality, political opinion or membership in a particular social group". An individual seeking to be recognised as a refugee is an asylum seeker until their request for refuge has been granted. Asylum seekers have rights as enshrined by the UN 1951 convention and 1967 protocol relating to the status of refugees. The EU has a legal and moral obligation to respect the rights and provide asylum to refugees who are vulnerable and genuinely in need.

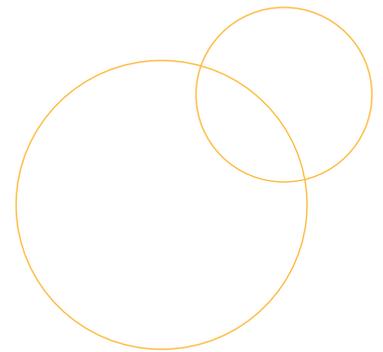
## Key facts and figures

Europe needs immigration. According to the Commission's 2005 Policy Plan on Legal Migration, given demographic projections of migration and ageing, there will be 20 million less workers in the EU 25 by 2030. Labour and skills shortages are already noticeable in a number of sectors, such as construction, teaching and healthcare. The EU needs more workers, be they high, medium or low skilled. Furthermore, migration facilitates development and poverty reduction abroad - it is estimated that in 2004, migrants

in the EU sent €18.7 billion ("worker remittance") to countries outside the EU and worldwide, worker remittances represent the second largest source of external funding for developing countries, after overseas development aid.

Although migration and asylum are distinct, there is also a degree of interrelation. Environmentally-induced migration is increasing, particularly as a result of climate change. In addition, natural disasters and climate change have

created more refugees than any other factor; 60% of refugees are environmental refugees and it is estimated that a significant number of economic migrants are actually environmental refugees.



## Consequences of Non-Action

Employment opportunities in EU are a strong pull-factor for migration. At the moment, some migrants arrive, find work and overstay their tourist visas. They contribute to the economic output of the EU but are vulnerable because of their irregular status. If we continue not to provide legal entry for the purpose of employment at or before the point of entry, there will be an increasing number of migrants who arrive but overstay their visas. If there is no way of regularising their status after they have arrived, we will have a growing number of irregular immigrants who will form a vulnerable underclass who are exploited by employers, cannot access health services and are victims of petty crime. They will not seek help from authorities for fear of highlighting their irregular status. Furthermore, they are not inclined to leave the EU for fear of not being able to re-enter, thus increasing the population of vulnerable irregular migrants. Finally, criminalising migration

boosts irregular migration and trafficking and increases the number of migrants trying to reach the EU through any (often dangerous) means possible.



## Feasibility in the EU Framework

The 1999 Amsterdam Treaty gave the EU the competence to develop a common EU asylum and immigration policy, based on four core elements: partnership with countries of origin, common European asylum policy, fair, if not equal treatment of third country nationals and effective management of migration flows (e.g. FRONTEX, the EU border management agency and the Visa and Schengen Information

Systems - VIS and SIS). The European Parliament has codecision power, i.e. equal decision making powers with the Council (QMV under Pillar I and unanimity under Pillar III), in procedures regarding visas, asylum and immigration policy for fighting irregular immigration and irregular residence. In matters of legal immigration (immigration for the purposes of employment), the Council acts unanimously;

the Parliament is consulted but the Council are under no obligation to integrate the Parliament's position into legislation. Member States retain the competence to decide how many migrants to admit to their own country. More practically, given that most EU Member States share land borders, it is more logical for Member States to join forces to address migration issues together.

## Green Achievements 2004-2009

### Broadening the immigration debate

The Greens have broadened and changed the focus of the debate regarding the fight against irregular immigration by highlighting the consequences of inaction. Thanks to our efforts, it is now widely recognised that we cannot effectively address irregular migration unless we provide mechanisms for legal migration - employment is a too strong a pull-factor for migration.

### Coherence between EU development and external policies

The Greens authored a European Parliament report, laying out the path to be followed to ensure a coherent approach to development and external policies. EU trade and external policies inadvertently promote migration as they often sideline developing countries in such a way that migration is considered as the only way out. For example, foreign fishing boats and methods are more efficient than those in developing countries and there are instances where we and others catch so much fish in their waters that local fishermen have difficulties in catching enough for themselves, forcing them to migrate. This is compounded by local fishermen selling fish to foreign markets for higher prices than the local market, which reduces local investment and employment.

### Improving asylum legislation

Regarding asylum, the Greens are very critical of the Dublin Convention which determines the Member State responsible for processing an asylum claim, thus contributing to the harmonisation of asylum policies and guaranteeing protection in line with international obligations. We were responsible for a European Parliament report criticising the Commission's evaluation of this convention: The convention is not fit for purpose, and it is arguable if it is even necessary. We made a number of recommendations which we hope will be adopted when the Regulation is revised in 2009, e.g. a mechanism which will stop transfers of asylum seekers to Member States that do not guarantee full and fair treatment of their claims.



### Emphasising the human rights and human aspect of migration

Migrants and refugees have rights as enshrined by international and European human rights conventions and these must be respected. For example, we increased the humanitarian aspect of the mandate of FRONTEX, which undertakes surveillance of the EU's external borders. We inserted in a European Parliament report the need for their mandate to include rescue at sea as currently they are under no obligation to rescue boats and people in danger of drowning as they try to travel towards the EU.



## What Greens want



### Integration of human rights standards in asylum legislation

There will be revision of the Dublin II Regulation, the Eurodac system for comparison of fingerprints for Dublin II and the Directive laying down minimum standards for the reception of asylum seekers. Greens want their revision such that they deliver high quality decision making that recognises human rights consistent with international law, such as the right to be close to family, the right to privacy and to safeguard appeal procedures. Greens also strongly support the proposed asylum agency which can help deliver a high-quality system.

### Independent scrutiny and monitoring of FRONTEX's activities

Currently there is no oversight of FRONTEX's work. In addition, Greens will continue to work to ensure that FRONTEX's mandate is better balanced and incorporates humanitarian concerns.

### Legal migrants to have same rights as EU residents

Greens want to ensure that legal migrants who have resided in the EU for 5 years have the same rights as long-term EU residents. This includes the right to vote, which would also aid integration. Greens also want migrants with long-term residence status in the EU (more than 6 months) to have basic rights, e.g. the right to seek employment whilst resident in the EU. Greens want women to have residence/work visas separate from their partners so that they are not dependent on the rights of their partners to remain in a country.

### Protection of migrant workers

Greens want to ensure that migrants are not exploited by employers in the field of work and receive the same protection as EU residents. Greens want to ensure that they benefit from integration packages which allow them to integrate easily into their new country. Integration must be accompanied by proper planning in order to accommodate them into social, education and health services.

### Synergise migration and development

Greens will continue to monitor all EU policy making processes and press for coherence regarding migration and EU external policies, and if possible synergise migration and development. Whilst the EU's external policies must not sideline developing countries, these policies can also include development projects which invest in third countries such that it becomes more attractive for their citizens to stay, e.g. jobs and infrastructure. Furthermore, Greens will push Member States to be responsible, properly plan and have legal migration policies which complement development policy in the poorest countries so that they are not left without essential workers.

In general Greens want a more holistic and humanitarian approach to migration and asylum. The causes of migration are many and varied and migration initiatives must be coherent with Member States sharing the responsibility, both in financial terms and in terms of manpower and expertise. Greens will continue highlighting the humanitarian and compassionate aspect of migration and asylum, and to safeguard the rights of both migrants and refugees, such as the right to be close to family.



## Contacts in the Green/EFA Group in the European Parliament:

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## Useful websites

**Eurofound**  
www.eurofound.europa.eu

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## References

### EU competence for immigration and asylum

#### Articles 61-69 EC Treaty

<http://tinyurl.com/cfjaht>

### Lisbon Agenda

[http://europa.eu/lisbon\\_treaty/index\\_en.htm](http://europa.eu/lisbon_treaty/index_en.htm)

### European Commission Green Paper on managing economic migration

<http://tinyurl.com/d66qns>

### European Commission Policy Plan on Legal Migration

<http://tinyurl.com/cwbmdc>

### EU Directive laying down minimum standards for the reception of asylum seekers

<http://tinyurl.com/dl397h>

### Eurodac system

<http://tinyurl.com/c8ba6n>

### European Parliament report on policy coherence for development and the effects of the EU's exploitation of certain biological natural resources on development in West Africa

<http://tinyurl.com/d2mz87>

### European Parliament report on the evaluation of the Dublin system

<http://tinyurl.com/dar2oq>

### 1951 UN Convention and Protocol on the status of refugees and 1967 Protocol relating to the status of refugees

<http://tinyurl.com/d3fhqs>

<http://tinyurl.com/c3323f>

### Worker remittances

Ratha D. (2003), "Worker's remittances: an important and stable source of external development finance", Global Development finance.

<http://tinyurl.com/cnagw9>

### Paper on the effects of climate change and migration

Refugees and the Environment: the forgotten element of sustainability. Jean Lambert MEP 2002

Gender equality has been a fundamental principle of the European Community since its creation in 1957, but practice lags behind promises. The pay gap of 17,5 % is just one, albeit important indicator.

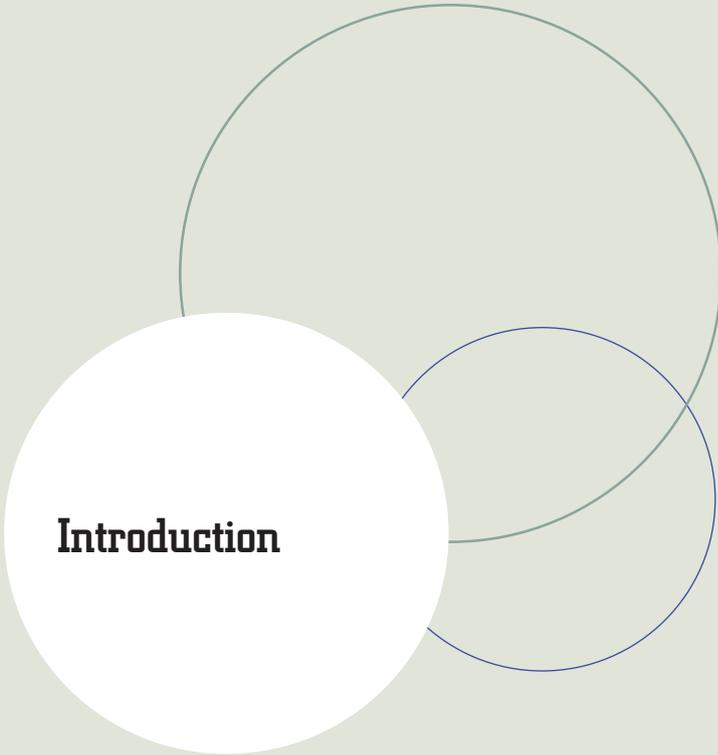
The Greens want the European Commission to impose sanctions against Member States that do not fully implement the EU directives on gender equality.

As a first step, Greens want the EU Directive on equal treatment of women and men in the working place to be fully implemented in all Member States.

12

**Making gender  
equality a reality**





## Introduction



**Making gender  
equality a reality**

Gender equality is one of the fundamental principles of the European Union. It is enshrined in the founding Treaties and is one of the main objectives and tasks of the Community. Since its creation in 1957, Community legislation on gender equality has made extensive progress, starting with guaranteeing equal pay for women and men and extending to cover all forms of sexual discrimination in the workplace.

However, despite progress in legislation, there remains a large discrepancy between rights on paper and their practical implementation. Despite EU legislation on equal treatment between women and men in terms of employment and working conditions and despite EU legislation aiming to fulfil the equal pay for work of equal value, a fundamental principle in the EU Treaty, the gender pay gap has been increasing at a greater rate in recent years.

The transformation of family patterns, with a growing number of female-headed households, significantly affects women's domestic lives. In addition, the ageing population will cause an increase in care duties, mainly performed by women and is in conflict with the working time patterns of women and men. Both men and women should assume an equal share of responsibility in the public and private domains of economic, political and family life. The persistent trend of the feminisation of poverty in European societies today demonstrates that the current framework of social protection systems and the wide range of EU social, economic and employment policies are not designed to meet women's needs.

So, whilst progress has been made, these hard-won rights are threatened by demographic, cultural and economic change. In addition, the current financial crisis also has particular consequences for women. Despite social and employment rights in many EU Member States that have made possible for women to combine work and family life - flexible working, more maternity rights and part-time work - women remain over-represented in precarious jobs which make women particularly vulnerable as these are the first jobs to go when the economy contracts.

## Key facts and figures

Female employment in the EU has increased and is now close to the Lisbon objective of 60%, having increased from 51.1% in 1997 to 58.3% in 2007. However, national rates vary from 36.9% to 73.2%. In 2007, the percentage of women employees working part-time was 31.2% in the EU-27 while the corresponding figure for men was 7.7%. There is also a risk of 'enforced' part-time work, a choice often forced on women by the lack of affordable and available childcare facilities. One way to eliminate obstacles to the participation of women in the labour market is to fulfil the 2002 Barcelona childcare targets - Member States must introduce by 2010 childcare for 90% of children between three years old and the mandatory school age, and for at least 33% of children under three years old.

Despite the 1975 Directive on equal pay for women and men, the average pay gap is 17.5%, and in some Member States, as high as 33%. This gap increases with age, education and years spent in the workforce, for example, the gap is more than 30% in the 50-59 year age group compared to 7% for the under 30s. Women remain over-represented in low-wage, low-status and precarious jobs and under-represented in managerial and professional occupations.

The wage gap has a significant impact on the risk of poverty, especially for single parents, who in most cases are women (at-risk-of-poverty rate 32%), and for women over 65 (at-risk-of-poverty rate is 21%, 5 percentage

points higher than for men). In addition, many pension schemes in Member States base women's pension rights on their husband's employment record (with a reduction in amount of pension following the husband's death), or penalise women for taking time out to raise children or to look after dependants.

Women are still under-represented in all EU and Member State decision-making bodies and in economic and social decision-making. The number of female managers in the EU has stopped increasing over the last few years, averaging 30%, and but the figures are lower in many Member States. Only 3% of directors in top quoted companies in the EU are female, whilst 10% of company board members are female.

Women are the main victims of gender-based violence. Large-scale prevalence studies in Sweden, Germany and Finland show that at least 30-50% of women between 16 and 67 have at least once been victims of physical or sexual violence. If psychological violence is included the figures raise to between 45-50% in Europe.

Women immigrants encounter specific problems in their integration efforts. The number of undocumented immigrant women is growing in Europe. As a result, a large number of immigrant women in the EU are living and working without any social protection, with only limited access to rights and services, and no opportunity to work outside the unregulated labour market and the so-called "three D" job: dirty, degrading and dangerous.



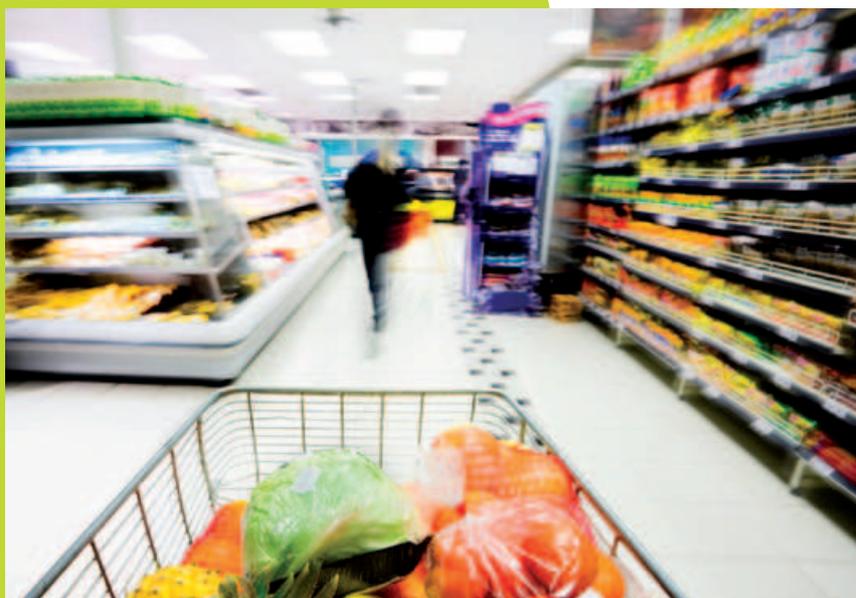
Photo European Parliament

## Feasibility in the EU Framework

Gender equality is a fundamental principle of the European Union; the principle of equal pay for equal work (article 119) was enshrined in the Treaty of Rome. In 1997, the Amsterdam Treaty introduced equality between men and women as one of the objectives of the EU. Article 13 of the Treaty enables the EU institutions, Member States and citizens to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Whilst there is no specific legal basis for gender equality in EU external policy, articles 179 and 181 cover development cooperation. In addition, the EU as the largest donor of Overseas Development Aid, and signatory to the International Agreements and Declarations supporting gender equality has made a strong commitment to accelerate progress in this

area, e.g. Commission's 2007 Communication on gender equality in external development cooperation.



## Green Achievements 2004-2009



### Reconciling work and family life

The Council of Family Ministers confirmed the Barcelona childcare targets in February 2009 and promised to increase their efforts for sufficient and affordable childcare available in all EU Member States in order to allow mothers and fathers to return to work after parental leave. This decision followed the adoption of a Greens resolution on “non-discrimination

based gender equality and intergenerational solidarity” which made clear that men should share family responsibilities on an equal footing with their wives and partners, and that women should no longer have to choose between having children and a professional career.

## Violence against women

Greens put on the political agenda the numerous killings of women, especially in Mexico and Latin America through our EP report on “feminicidios”. This raised popular awareness of the issue and put pressure on these Governments to take action, e.g. legislation to fight impunity from killing women, prevention measures and protection of victims and their families. This report also suggested practical measures that EU institutions can take in the area of violence against women, e.g. implementation of a human rights programme with priorities for eradication of gender based violence and a reform of the legal system.

## Forced prostitution

Greens worked with NGOs on an EU wide campaign “Final Whistle - Red card to forced prostitution”. This led to the adoption of the EU Action Plan on Trafficking, in particular specific measures against trafficking in human beings, particularly women and children, for sexual or other forms of exploitation, in connection with major international events including sports events.

## Increasing the role of women in decision making

In the EP report on women and science, Greens got the EP to support our call for a 40% quota for women in leading positions in public sector in order to address the “glass ceiling”. This barrier to senior positions affects all occupational sectors, even those which are dominated by women.

## Women in international trade

Greens were responsible for a report asking the Council and the Commission for the creation and compulsory use of a Gender Impact Assessment (GIA) prior to the conclusion of trade agreements with third countries. GIA delivers more effective policies as it shows policy makers the consequences of a particular policy on men and women and compares the current situation and trends with the expected results of the proposed policy.



## What Greens want

### Equal pay for work of equal value

This is a basic founding EU principle. Greens want full implementation of Council Directive 75/117/EEC relating to the application on the principle of equal pay for men and women so the principle is implemented properly in all EU Member States. Greens welcome the Commission's decision to make tackling the pay gap a priority in their Roadmap for Gender Equality 2006-2010. Greens call for sanctions against all those Member States who did not implement this Directive correctly and completely.

### Equal treatment at work

Greens want the correct and complete implementation of Directive 2002/73 on the principle of equal treatment between women and men, access to employment, vocational training, and promotion and working conditions. Greens also want the Commission to start infringement proceedings against all those Member States which do not implement this Directive properly.

### Increase representation of women in high ranking positions

Greens welcome the Norwegian Government's decision to increase the number of women on the boards of private and public companies to at least 40% and urge the EU and Member States to follow suit, e.g. equal representation of women in EU Institutions

### Better work-life balance

When striving for a balance between men and women, the traditional gender role of reproduction and housekeeping seems one of the hardest barriers to overcome. Community legislation should therefore be revised, protecting the roles of mothers and fathers, not least through measures to encourage equal shouldering of family responsibilities. In this respect, working time patterns and government structures need to be addressed. Greens want the fact both men and women should assume an equal share of responsibility to be taken into account in the revision of EU Directive on parental leave



### Combating poverty and social exclusion

In addition to equal pay, Greens want a joint effort (at the EU and Member State level) to establish specific gender equality objectives and targets to combat poverty and social exclusion. This includes policies to support non-traditional and one-parent families, and specific initiatives to support groups of women under particular threat from poverty and social exclusion such as migrant/refugee and ethnic minority women.

### Zero tolerance to violence

Greens insist on zero tolerance towards all forms of violence against women by all European institutions throughout Europe. We want the Commission to identify the correct legal basis for combating all forms of violence against women in the EU Treaty and establish an EU wide policy to combat trafficking in human beings and on the related topics of immigration and asylum, specifically on a right to asylum on the ground of gender-based repression and persecution. Greens want a common EU policy and legislation on counter measures, prevention, prosecution and punishment of perpetrators.

### Women and health and reproduction

The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Greens want these human rights to be fully respected and implemented, including the right to a safe abortion for all women and free access to all forms of safe contraception.



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### References

**Articles 2 and 3 EC Treaty 'equality between men and women', as a mission and objective of the EU"**

**Article 13 "sex discrimination within and outside the workplace"**

**Article 141 "equality between women and men in matters of employment and occupation"**

**Article 179 and 181**

<http://tinyurl.com/ofdfp8>

**Article 119 Treaty of Rome - principle of equal pay for women and men for equal work**

<http://tinyurl.com/qlskx5>

**Commission 2006 roadmap for gender equality (6 priority areas for EU action)**

<http://tinyurl.com/r9abjo>

**Commission 2007 Communication on Gender Equality and Women Empowerment in Development Cooperation**

<http://tinyurl.com/ohxn8s>

**EU Commission Equality Report 2009**

<http://tinyurl.com/o4xxbt>

**EP Femicides report**

<http://tinyurl.com/p6fptw>

### Useful websites

**European Women's Lobby**

<http://www.womenlobby.org/site/hp.asp>

**European Trade Union Confederation**

<http://www.etuc.org>

**United Nations Development Funds for Women**

<http://www.unifem.org/>

**Gunder-Werner-Institute for Feminism and Gender Democracy / Heinrich Böll Foundation**

mailto: gwi@boell.de

**SOLWODI - SOLidarity with WOMen in DIstress**

mailto: info@solwodi.de

**Terre des Femmes e.V**

<http://www.frauenrechte.de/tdf/index.php>

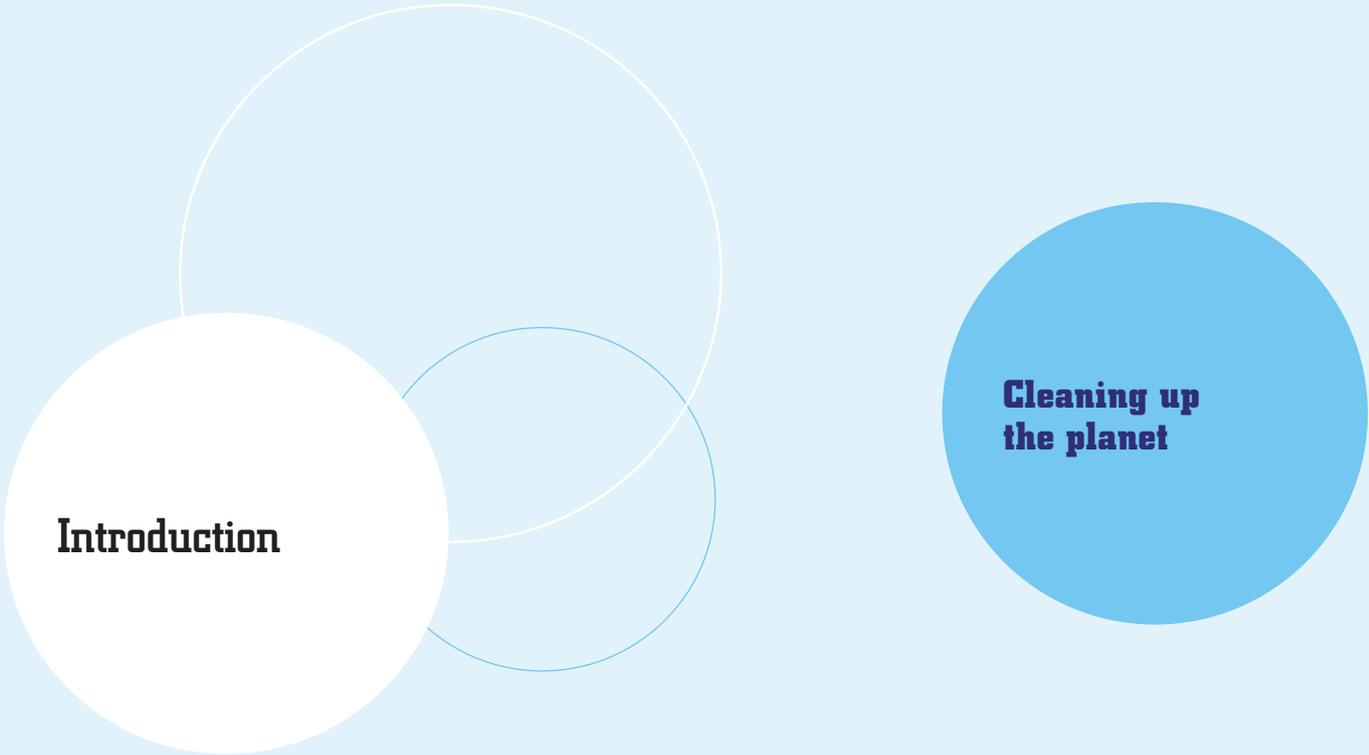
The production of chemicals is steadily increasing. Many of them are probably dangerous, but no one knows precisely because until 2007 there was no information available on the environmental impact of the 100 000 substances that had entered the EU market before 1981. The new EU Regulation to Register, Evaluate and Authorise Chemicals (REACH) could redress this situation. However, further improvements of REACH are needed in order to guarantee the effective protection of humans and the environment. As a first step, Greens want a comprehensive list of substances of very high concern, in order to increase consumer information rights and facilitate substitutions.

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## Cleaning up the Planet



The Greens | EFA  
in the European Parliament



## Introduction

Life without man-made chemicals in Europe is almost unimaginable today. They are in consumer products, the food we eat, the medicines we take, the air we breathe - there is scarcely an aspect of our life that does not include the use of chemicals.

It was in 1962, that Rachel Carson documented the dangers of the rampant use of DDT in "Silent Spring", her seminal book that opened our eyes to the dangers of excessive use of chemicals and led to restrictions in the use of DDT to conserve the environment.

Over 40 years later, very little had changed, and the EU approach to chemicals - substances which have never before been part of the natural environment - remained an uncontrolled, large-scale experiment with the environment and human health. They were considered to be harmless unless there was sufficient scientific evidence to demonstrate a significant risk - the exact opposite of the precautionary principle, enshrined in the Treaty since 1987.

Yet many chemicals are dangerous, even very dangerous. They can be carcinogenic and toxic to reproduction or disrupt our endocrine system, which is critical to the health and functioning of the body. They can accumulate in bodies, both human and animal, and are found in all corners of the globe, far from where they were released.

## Cleaning up the planet

Consequently, in attempt to address this situation, in 2003, the Commission proposed a regulation to Register, Evaluate and Authorise CHemicals (REACH), to remedy the problem of untested chemicals on the market. The Greens agreed with the approach, which essentially reversed the burden of proof - it is now up to the industry to prove the safety of the chemicals they want to use, rather than authorities having to prove that they are not safe - but considered that the original proposal was too weak. In 2006, at the end of one of the most controversial and sensitive dossiers of the 2004-2009 legislature, what emerged was a complex piece of legislation full of derogations and weak requirements, that left many controversial issues unresolved. Greens believe that major improvements are necessary to REACH in order to ensure rapid and effective protection of human health and the environment.

## Key Facts and Figures

The use of chemicals has increased dramatically during our lifetimes - the production of industrial chemicals increased by 31% between 1995 and 2005 while GDP increased by 25%. Chemical production was about one million tonnes per year in the 1930s but has since leapt to 400 million tonnes and dangerous chemicals are likely to represent the majority of the production.

Prior to 1981, there was no EU requirement to assess chemicals before their introduction on the market. There are currently 100,106 existing chemicals that can be used without having been tested. The "existing substances regulation" of 1993 identified 141 of them as "priority substances" to be examined but to date, only thirteen chemicals have been banned as a result.

REACH calls for the registration of chemicals produced or imported in quantities above one tonne/year, with data requirements and submission dates determined by their production volume, properties and/or uses. Another of the key pillars of REACH was meant to be the authorisation system, in theory leading to the progressive substitution of "substances of very high concern" that are not adequately controlled, when suitable alternatives have been identified. An Annex to the regulation contains a list of over 800 substances that fulfill the criteria of substances of very high concern, as they are carcinogenic, mutagenic, or toxic to reproduction (CMR). Persistent, bioaccumulative and toxic (PBT) chemicals also fall into the category of very high concern. However, as of April 2009, the

Commission had put only 15 substances on the candidate list, the first "entrance" into the authorisation system, and only seven of them had been proposed to be prioritised for possible restrictions under the authorisation system. This seriously questions the effectiveness of the authorisation system.



Photo European Parliament

## Consequences of Non-Action

Action taken by the Community in the field of chemicals is done under the internal market provisions of the Treaty - Article 95. Decisions are taken by co-decision by the EP and Council with the latter voting by qualified majority.

Thus REACH, as all former chemical legislation, was adopted under the internal market provisions using the co-decision procedure. As a consequence of REACH, however, future decisions regarding chemicals will be taken by a comitology procedure under which the Parliament has no co-decision rights and only limited control rights.



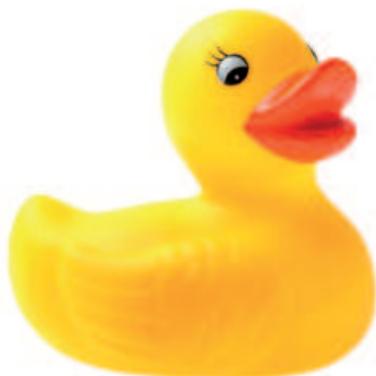
## Green Achievements 2004-2009



### Nanomaterials

These minuscule materials may have some marvellous properties in diverse fields but their very nature can also pose significant problems, which are only poorly assessed. Greens convinced the EP to adopt a position on the need to remedy the lack of provisions in Community legislation specific to nano-

materials, and that the Commission must review all relevant legislation within two years to ensure that uses of nanomaterials are safe. We also inserted special provisions concerning labelling and the use of nanomaterials in the revision of the cosmetics directive.



### Children's toys and PVC softeners

Greens won a long battle when the Council finally agreed to ban the use of phthalates to soften PVC in children's toys. Three phthalates that are toxic to reproduction are banned in all toys, while another three, considered slightly less dangerous, are banned in all toys that children can put into their mouths.

### Paint strippers

Dichloromethane is a carcinogenic chemical with a narcotic effect. It evaporates extremely quickly, and can lead to loss of consciousness and even death. The Greens led the battle in the EP to ban the use of dichloromethane in paint strippers not only for consumers, but also for professional users. A minority in Council blocked a full ban for professional use, but due to the insistence of the EP, the conditions allowing Member States to grant a derogation from the ban for professional use were strengthened. Furthermore, industrial use is more strictly regulated.

### Perfluorinated compounds

This is a relatively new class of compounds that is widely used in consumer products and in industrial processes. However, at least several subclasses of them are very persistent, very bioaccumulative and very toxic to humans and wildlife, such as PFOS. Led by the Greens, the EP achieved a more comprehensive phase-out of PFOS, allowing their use only for essential uses for which no safer alternatives are yet available. These derogations are to be reviewed when safer alternatives are available. Also upon the initiative of the Greens, the Commission must review the risks posed by a related family of perfluorinated compounds: PFOA.

### Brominated flame retardants

In 2003, the EU banned the use of two groups of these chemicals in electrical and electronic equipment. However, in 2005, the Commission (ab)used the comitology rules to adopt a derogation for one major brominated flame retardant ("DecaBDE") in 2005, against the stated position of the Parliament and without qualified majority support by Council. The Green disagreed entirely with the derogation and persuaded the EP to challenge the Commission's action at the European Court of Justice for exceeding their competences in the committee procedure that led to the adoption. The Court fully agreed with the EP and, as of July 2008, this flame retardant is once again banned.



## What Greens want



### Actions under REACH

**a. Comprehensive Candidate List of Substances of Very High Concern for Substitution and/or consumer right to know**

All substances that are CMR, PBT, very persistent and very bioaccumulative (vPvB) or that are of equivalent concern must be put onto the candidate list of substances of very high concern, if their use can lead to exposure of workers or consumers, or result in discharges and losses to the environment. This is crucial to effectively implement the right of consumers to be informed about such substances when present in articles, to provide a comprehensive starting point for authorisation with a view to their substitution, and to have at least minimum information about such substances in imported goods.

**b. Adequate PBT and vPvB Criteria** - One of the priorities of REACH is to tackle PBT and vPvB substances. However, the current criteria for identifying such substances are too restrictive and as such seriously flawed, as they disregard important aspects, so that too few substances will be included, Greens insist that the criteria be reviewed so as to ensure adequate identification of all PBT and vPvB substances in REACH and other related Community legislation that depends upon REACH.

**c. Substitution of Substances of Very High Concern** - Greens insist that all substances of very high concern must be substituted with safer alternatives whenever they exist.

**d. Imported Articles** - The provisions of REACH on imported articles must be reviewed, to ensure that they are treated the same way as EU manufactured goods.

**e. Animal Testing** - There must be full implementation of the requirement to substitute animal tests with alternatives that do not use animals, wherever such alternative tests or testing strategies are available.

### Hazardous Chemicals

All halogenated flame retardants as well as PVC must be phased out of electrical and electronic equipment.

### Nanomaterials

All the demands regarding nanomaterials included in the EP resolution must be implemented, including a clear regulatory and policy framework (comprising legislative and other provisions) that reflects the particular features of nanomaterials and a review by the Commission of all relevant legislation within two years to ensure safety for all applications of nanomaterials in products with potential health, environmental or safety impacts over their life cycle.



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## References

**Europe's environment — The fourth assessment.  
State of the environment report No 1/2007**  
<http://tinyurl.com/orvfq9>

**Towards a European Chemicals Information System:  
a survey on reported monitoring activities of chemicals in Europe**  
<http://tinyurl.com/qn2ds8>

**Navigating REACH, an activists' guide to using and improving  
the new eu chemicals legislation**  
<http://tinyurl.com/ozr4yq>

**Invisible burden: good reasons to get rid of PBT chemicals**  
<http://tinyurl.com/qv9mko>

## Useful websites

**EU webpage on public health and chemicals**  
<http://tinyurl.com/oravpf>

**EU webpage on the environment and chemicals**  
<http://tinyurl.com/raddar>

**WWF**  
<http://tinyurl.com/py9kmn>

**Friends of the Earth website on chemicals**  
<http://tinyurl.com/qmeq2a>

**Greenpeace European Unit webpage on chemicals**  
<http://tinyurl.com/qbgnea>

**International Chemical Secretariat**  
<http://www.chemsec.org/>

**European trade unions**  
<http://www.etuc.org/r/27>

**European Chemical Industry Council**  
<http://www.cefic.be/>



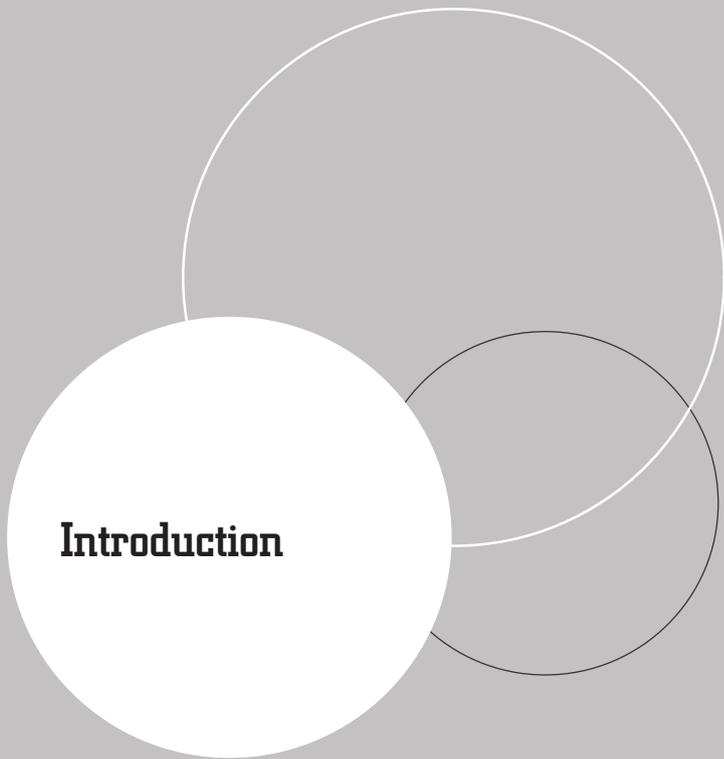
The global information society could become the basis for a socially and environmentally sustainable economic growth model, promoting democracy worldwide, provided that access to information and knowledge remains open and is even expanded. The Greens fight all attempts to further privatise the internet and to limit knowledge transfer through excessive patent rights. As first steps, Greens want the non-commercial use of the internet to remain principally exempted from all sanctions and the European Patent Office to be turned into an institution of the European Community.

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**Free knowledge flows  
in a sustainable  
global information  
society**



**The Greens | EFA**  
in the European Parliament



## Introduction

The global information society has an enormous potential to help decouple the economic growth model from its destructive material base and, instead, base development on innovation, creativity and communication. Greens embrace this potential. Greens stand for a low-carbon and high-knowledge economy, aimed at a low ecological footprint and high culture and technology content.

Global information society is by its nature without borders. It has an enormous potential to bridge north and south, narrow the gaps between poor and rich, and provide local problems with global solutions. It imposes limits to repression and gives voice and protection to political dissidents. Greens therefore support widespread cooperation in the field of knowledge and innovation. Both the struggle for global social justice and the fight to defend the planet need universal access to and massive transfer of knowledge and clean technologies.

However, vested economic and political interests stand in the way of a free flow of information and knowledge, which is a core principle of a sustainable and equitable global information society. Big economic corporations that once fuelled the digital revolution now oppose innovations which could effectively bridge the digital gap for poor and rural areas, weaken the power of monopolies, and protect the privacy and fundamental rights of users and consumers. Large patent holders try to evade the original idea of patents by which an inventor establishes a social contract with society to ensure the dissemination of knowledge and innovation, and instead press for a policy to exclusively secure their profits and to limit further innovation.

**Free knowledge flows  
in a sustainable  
global information  
society**

Greens want an open Intellectual Property (IP) policy. Access to internet content and knowledge should not be subject to unreasonable restrictions or irrational privatisation. We defend the crucial principles of freedom in the digital world, and we defend interoperability, technical neutrality, net neutrality and open standards. These are the building blocks for universal internet access at fair prices. Any legal measure that restricts access to data and sharing of knowledge and information via the Internet can chill innovation. Knowledge created with public funding should be publically available for the benefit of all through wide dissemination and should be free of patents and copyright - particularly regarding clean technologies.

## Key facts and figures

The EU supports the development of the information society through a variety of funding lines. The most important is the EU Framework Programme for Research and Technological Development (FP). Within the current 7th FP, which runs from 2007-2013, research and development of information and communication technology (ICT) receives the most funds with € 9050 million, amounting to approx. 18% of the total budget. Of this, a total of € 1336 million is earmarked for funding SME research support for ICT - this was originally a Green proposal.

Important funding is also provided through the Competitiveness and Innovation Framework Program (CIP). With a budget of € 4212 million, the CIP funds actions in the SME focused Entrepreneurship and Innovation Programme, the ICT Policy Support Programme supporting the use of ICT in businesses, and the Intelligent Energy Europe Programme.



Photo European Parliament



## Consequences of non-action

Presently, the principles of freedom in the digital world, that is, interoperability, technical neutrality, net neutrality and open standards, are seriously threatened. Some EU Member States push for internet traffic control and the excessive application of copyright and Intellectual Property law, under the pretext of addressing serious but well recognised problems in the internet with paedophilic content or with counterfeited drugs,. Though none of these measures would resolve such problems, Spain has already announced strict IP enforcement as a priority for its EU presidency in 2010. This would accelerate the transformation of the internet from its role as open platform for the free exchange of ideas into a supermarket based on private profit interest and strict controls.

Controlling data access and traffic would transform the internet into a highly dangerous instrument of social and political repression. Therefore it is paramount to put the development

of digital human and fundamental rights in the centre of the debate.

Strict enforcement of copyright and other intellectual property rights chills innovation on a large scale and hampers the massive knowledge transfer needed to combat climate change and other environmental crises. In the particular field of digital copyright and related IP rights, strict enforcement would stop the development of free models and open source software, since contributors would fear legal retaliation on their mostly unintended violation of existing IP rights.



## Feasibility in the EU Framework

Research and Technological Development (RTD) based on multi-annual Framework Programmes (FP) has an explicit basis in the EU Treaty since 1987. The adoption of FPs is based on the co-decision procedure, with qualified majority voting in the Council. Specific programmes within the FP are adopted by qualified majority in Council, following simple consultation of the EP. General rules are

instead established under the co-decision procedure. Measures relating to intellectual property policy, such as IPRED (Intellectual Property Rights Enforcement Directive), fall in the ambit of the EU's Internal Market policy. The EP has co-decision powers. The Council decides with qualified majority voting.

## Green Achievements 2004-2009



### No software patents

Greens won a four year battle against the Directive on Software Patents. It would have violated the European Patent Convention principle that computer programmes are not patentable, and would have crippled innovative SMEs in the information technology sector by exposing them to patent litigations of the large software corporations. The overwhelming majority of the EP followed the Greens in rejecting the proposal.

### Research dissemination and generation

Greens convinced the Commission to establish a European Knowledge Bank, which operates as an open access library of research results. Greens also obtained funding in the Community budget, so that civil society organisations for the first time can commission research themselves.

### Use of Open Source Software

Greens insisted at every opportunity that public administrations should use FLOSS information systems (Free/Libre/Open Source Software) or systems that are compatible with FLOSS. Greens secured funds for FLOSS research in EU programs (7th Framework programme for Research; Community and Innovation Programme, Interoperability SA programme). Together with NGOs, the Greens have steered the "Open Parliament" idea which aims at liberating the EP from the Microsoft monopoly and having it switch to FLOSS software.

### Intellectual Property Directive

Greens fought against IPRED (Intellectual Property Rights Enforcement Directive), which attempted to generalise the use of criminal sanctions in all cases of intellectual property infringements. Greens helped to make sure that criminal sanctions only apply in case of violation of intellectual property rights on a commercial scale and not for personal use. This controversy has led to the blockage of the Directive in Council.

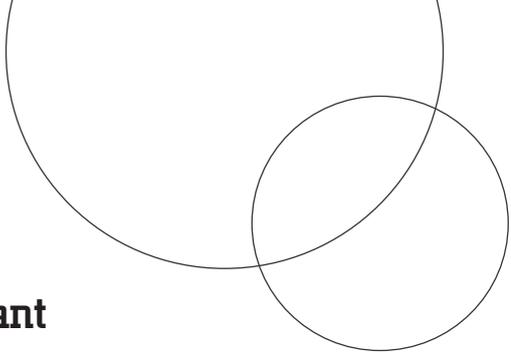
### Extension of copyright protection

Greens succeeded in mobilising more than 200 MEPs from all Groups to vote for the rejection of the "Term Extension Directive" which aims to extend music copyright. Primary beneficiaries of the extension will be large recording companies but the costs will be borne by new, younger artists and European citizens at large. Furthermore, Greens contributed to build up a blocking minority within the Council in order to force the Commission to present a new proposal to effectively improve the situation of performers.

### Neutrality of the internet - no three strikes

Greens fought a hard and lengthy battle for neutrality of the internet in ongoing EU telecom legislation (Telecom Package). Subsequently, the EP rejected the proposed graduated response (three strikes) principle, introduced in the EP by right wing MEPs which would have allowed the removal of - after three warnings, and by an administrative body without trial - the internet connection of users suspected of illegal downloads and uploads. Greens are of the opinion that the internet is a means to guarantee citizens freedom of expression, access to information and education. Only a judge, following a court process, can decide to remove an internet connection.





## What Greens want

### Public documents in open formats

Greens want public documents to be written and conserved in an open format, in order to keep public administrations independent from software publishers and patent holders and ensure document accessibility to all citizens, independent of which software he or she uses.

### European Patent Office (EPO)

Greens want EPO to become a Community Institution, accountable to the Commission and the EP. The EPO shall be publically funded, in order to discourage their practice of issuing high numbers of patents in order to secure EPO financing, which is detrimental to the quality of patents. Greens propose that 5% of the renewal fees of patents are transferred to an independent research and innovation fund.

### Free the Web

Greens support an active vision of the Web as a platform for the exchange of information, with peer-to-peer groups in which each user can upload or download content and applications of choice. The non-commercial use of the internet must be excluded from all sanction systems. Greens oppose a transformation of the internet into "TV-on-Demand", the installation of filtering by internet providers, and any systematic surveillance of the net, because it is incompatible with the right to privacy.

### Global Online Freedom Act

Greens want a European Global Online Freedom Act (GOFA) which aims to protect of Internet freedom. Among others, the GOFA shall strengthen digital basic and human rights, promote the dissemination of anti-censor technology, increase transparency about the technical complicity of IT companies and internet providers in acts of state censorship, and develop minimum standards for IT companies providing internet services in dictatorships.

### Open access to science

Greens support the Open-Access Movement for the widest sharing of scientific knowledge as advocated by the Berlin Declaration on Open Access - signed by 200 universities, research institutions, funding agencies, foundations, libraries, museums and archives from all over the world. The declaration states that "our mission of disseminating knowledge is only half complete if the information is not made widely and readily available to society".



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## References

**Green Paper of the European Commission on Copyright in the Knowledge Economy (2008)**

<http://tinyurl.com/qbwhfv>

**Berlin declaration on open access:**

<http://tinyurl.com/29zvuv>

**7th Framework Programme:**

<http://tinyurl.com/6hlzhr>

**Competitiveness and Innovation Framework Programme (CIP):**

<http://tinyurl.com/4wa5wu>

**US Congress bill 2006 for a Global Online Freedom Act (GOFA)**

<http://tinyurl.com/qvjx9f>

## Useful websites

**La Quadrature du Net (Squaring the Net)**, a citizen group informing about legislative projects menacing civil liberties as well as economic and social development in the digital age:

<http://www.laquadrature.net/en>

**Electronic Frontiers Foundation**, defending digital rights:

<http://www EFF.org>

**Creative Commons**, a non-profit corporation dedicated to making it easier for people to share and build upon the work of others, consistent with the rules of copyright, providing free licenses and other legal tools to mark creative work with the freedom the creator wants it to carry, so others can share, remix, use commercially, or any combination thereof:

<http://creativecommons.org/>

# Legislative Terminology in the European Union

## Legislation and Related Acts

There are three specific types of legislative act in the EU, defined in Article 249 of the EC Treaty. The Treaty specifies which act is to be used for each policy field.

**Regulation** - A regulation is the strongest act. It is binding in its entirety and is directly applicable, as written, to all Member States.

**Directive** - A directive is less strict. It is binding, only as to the result to be achieved, upon the Member States. It leaves the choice of form and methods to use to achieve that result up to the national authorities.

**Decision** - A decision is binding in its entirety upon those to whom it is addressed (one or more Member States, EU institutions, companies, etc.).

## Decision-Making Procedures

There are currently three primary procedures for adopting legislation in the EU, each with a different level of involvement on the part of the Parliament. Which procedure is to be followed for each policy field is stipulated in the EC Treaty, as is the voting procedure in Council.

**Consultation Procedure** - Council may adopt legislation after consulting the Parliament. Even if Parliament heavily modifies the Commission's proposal or rejects it, the Council is under no legal obligation to pay any attention to Parliament's views.

**Assent Procedure** - Council may adopt legislation only after obtaining the formal assent of the Parliament. Parliament may approve the legislation, in which case it is adopted, but it may not modify it in any way. Parliament can also reject the legislation, in which case adoption does not take place. This procedure is mainly used for international agreements.

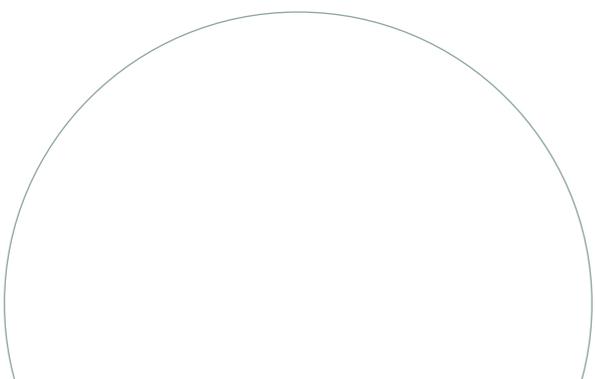
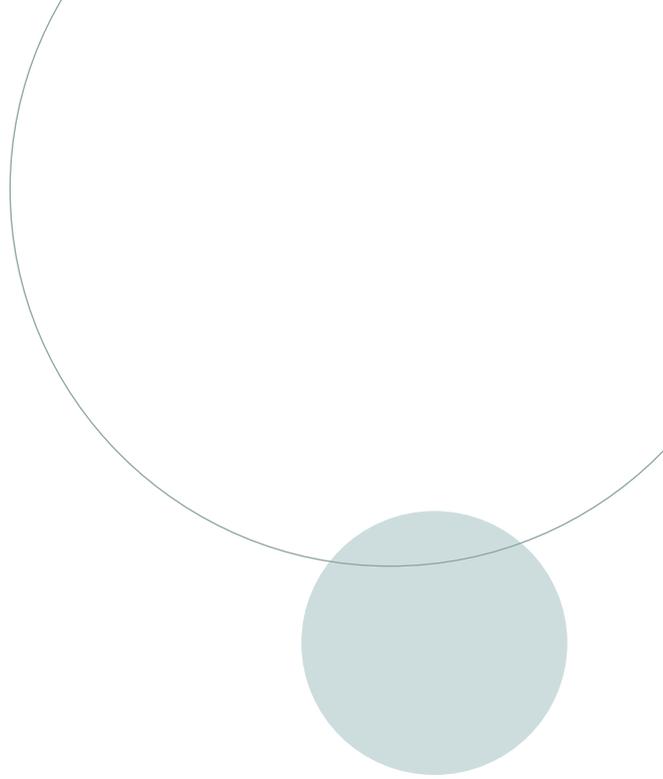
**Codecision Procedure** - This is the procedure that provides Parliament with the most influence; in fact, it becomes co-legislator, on an equal footing with the Council. The procedure is described in detail in Article 251 of the EC Treaty. Parliament and Council, acting on a proposal from the European Commission, adopt legislation jointly, having equal rights and obligations - neither of them can adopt legislation without the agreement of the other. Each has opportunities to table amendments to the proposal which must be accepted by the other.

**Qualified Majority Voting** - Council comes to agreement by voting. On certain sensitive matters, unanimity is required. A few are decided by simple majority of Member States. On many other matters, Council votes by qualified majority (Article 205 of the EC Treaty), in which three criteria must be met for adoption:

- a majority of Member States must approve;
- each Member State has a certain number of votes, based very roughly on population size, and currently a minimum of 258 votes (74,8% of the total of 345) must approve;
- a Member State may ask for confirmation that the votes in favour represent at least 62% of the total population of the Union. If this is found not to be the case, the decision will not be adopted.

**Parliamentary Reports** - A report is the most important way for Parliament to speak. It can be a legislative report on a proposal from the Commission (under any of the procedures listed above: Consultation, Codecision or Assent) or an "initiative" report, which either responds to Commission communication or is on a topic the Parliament decides to address itself. A report can include opinions issued by committees other than the lead committee.

**Parliamentary Resolution** - Parliament can adopt resolutions which state a political position or make political demands.



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