



# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">2010/2268(INI)</a>	Procedure completed
Negotiations on EU-Libya Framework Agreement		
Subject		
6.10.08 Fundamental freedoms, human rights, democracy in general		
6.20.03 Bilateral economic and trade agreements and relations		
6.30.02 Financial and technical cooperation and assistance		
6.40.05.02 Relations with the countries of the Great Maghreb and Maghreb		
Geographical area		
Libya		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFET</b> Foreign Affairs		26/01/2010
		S&D <a href="#">GOMES Ana</a>	
		Shadow rapporteur	
		PPE <a href="#">KASOULIDES Ioannis</a>	
		ALDE <a href="#">OJULAND Kristiina</a>	
		Verts/ALE <a href="#">BRANTNER Franziska Katharina</a>	
		Verts/ALE <a href="#">FLAUTRE Hélène</a>	
		EFD <a href="#">PROVERA Fiorello</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>INTA</b> International Trade	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	External Relations	FÜLE Štefan	

Key events			
09/11/2010	Non-legislative basic document published	<a href="#">B7-0615/2010</a>	Summary
25/11/2010	Committee referral announced in Parliament		
09/12/2010	Vote in committee		Summary
13/12/2010	Committee report tabled for plenary	<a href="#">A7-0368/2010</a>	
19/01/2011	Debate in Parliament		
20/01/2011	Results of vote in Parliament		
20/01/2011	Decision by Parliament	<a href="#">T7-0020/2011</a>	Summary
20/01/2011	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2268(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o-p3
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/04546

Documentation gateway					
Non-legislative basic document		<a href="#">B7-0615/2010</a>	10/11/2010	EP	Summary
Committee draft report		<a href="#">PE452.883</a>	23/11/2010	EP	
Amendments tabled in committee		<a href="#">PE452.895</a>	06/12/2010	EP	
Committee report tabled for plenary, single reading		<a href="#">A7-0368/2010</a>	13/12/2010	EP	
Text adopted by Parliament, single reading		<a href="#">T7-0020/2011</a>	20/01/2011	EP	Summary

## Negotiations on EU-Libya Framework Agreement

Ana GOMES (S&D, PT) tabled a proposal for a recommendation to the Council pursuant to Rule 121(1) of the Rules of Procedure, on the ongoing negotiations on EU-Libya Framework Agreement.

The proposed Recommendation states that despite persisting dictatorial rule, Libya has expanding trade and political relations with EU Member States and plays a role as a partner for the EU in the Mediterranean region and in Africa across a wide range of issues, notably migration, development, climate change, security and stability, including countering the spread of extremism, and energy security.

The Framework Agreement currently under negotiation covers a wide range of areas, from strengthening political dialogue to developing trade relations and improving cooperation in various sectors.

The proposal recalls the importance of the respect for human rights, democracy and the rule of law, as well as opposition to the death penalty, are fundamental EU principles. It indicates that Libya has ratified a number of international agreements are regards the protection of human rights which has created specific international legal obligations for this country.

Against this background, Parliament addresses, in the context of the ongoing Framework Agreement negotiations, the following recommendations to the Council:

- the possibility to give Parliament access to the mandate issued to the Commission to start the negotiations on a Framework Agreement between the EU and Libya, in accordance with the TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;
- to insist that Libya ratifies the Geneva Convention on Refugees of 1951 and recommends offering assistance to Libya in order to implement its accompanying measures;
- to request that the Libyan authorities grant UNHCR a legal presence in the country, with a mandate to exercise its full range of protection activities;
- to cease pursuing a readmission agreement with Libya, as sending individuals back to a country with a record of continuous human rights violations and the use of the death penalty would be in breach of EU legal obligations to protect human rights (in parallel, it calls on the Council to offer refugees identified in Libya a programme of resettlement in EU Member States and to propose measures to address the problem of trafficking of human beings in the region, with special attention to the protection of women and children);
- to pursue an agreement on a moratorium on the death penalty in Libya, leading to its abolition, and to call on the Libyan authorities to release information and statistics on the persons executed in Libya since 2008;
- to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
- to consider that a Framework Agreement should include assistance on institutional capacity-building as a means to strengthen civil society, to support Libyan modernisation efforts, to encourage democratic reforms and to open up political space;
- to establish an EU delegation in Tripoli.

## Negotiations on EU-Libya Framework Agreement

The Committee on Foreign Affairs unanimously adopted the own-initiative report by Ana GOMES (S&D, PT) which contains a proposal for a European Parliament recommendation to the Council on the negotiations on the EU-Libya Framework Agreement.

Members recall that despite the persisting authoritarian rule and the systematic violation of international conventions on fundamental rights and freedoms, Libya has expanding commercial and political relations with EU Member States and plays a role as a partner for the EU in the

Mediterranean region and in Africa, across a wide range of issues.

They state that several EU Member States have close relations with Libya, with national companies and banks serving as a vehicle for Libyan financial investment in Europe (in particular on 30 August 2008 Italy signed a Friendship Agreement with Libya governing relations in various fields).

They also recall that the EU-Libya Framework Agreement is currently under negotiation covers a wide range of areas, from strengthening political dialogue to managing migration, developing trade and economic relations, energy security and improving cooperation in different sectors.

In this context, Members call on the European Parliament to address, in the context of the ongoing Framework Agreement negotiations, the following recommendations to the Council:

- disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- focus on a wide range of issues with an impact on security and stability, notably migration, public health, development, trade and economic relations, climate change, energy and cultural heritage;
- recommend that Libya ratify and implement the Geneva Convention on Refugees of 1951 and its 1967 Protocol, including full cooperation with UNHCR so as to guarantee adequate protection and rights for migrants, and adopt asylum legislation that recognises refugees' status and rights accordingly, notably the prohibition of collective expulsion and the principle of 'non-refoulement' and convince Libya to grant UNHCR a legal presence in the country, with a precise mandate;
- ensure that a readmission agreement with Libya could only be envisaged for irregular immigrants, excluding therefore those who declare themselves asylum-seekers, refugees or persons in need of protection, and reiterates that the principle of 'non-refoulement' applies to any persons who are at risk of the death penalty, inhumane treatment or torture;
- offer resettlement to recognised refugees identified by UNHCR in Libya according to the agreed Migration Cooperation Agenda of 4 October 2010;
- strengthen their support for UNHCR activities while promoting towards the Libyan authorities respect for international humanitarian standards for undocumented migrants in the country, including the systematic access of the UNHCR to detention centres;
- propose assistance to Libya, involving UNHCR, and other expert agencies, aimed at addressing the problem of trafficking of human beings in the region;
- pay special attention to the protection of women and children, including assistance to integrate legal migrants and to improve conditions for migrants found illegally in the country;
- disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- encourage Libya to commit to a moratorium on the death penalty and divulge the identity of the persons concerned and the charges on which they were convicted (Members call on the HR/VP to demonstrate the political priority which the EU assigns to abolition of the death penalty by systematically raising this issue with Libyan authorities);
- insist on the inclusion in the Framework Agreement of a clause on the International Criminal Court, leading Libya to consider ratifying the Rome Statute;
- propose to Libya cooperation on programmes to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
- encourage Libya's participation in the Euro-Mediterranean Partnership and the activities and main projects of the Union for the Mediterranean;
- encourage Libya to fully respect its pledges given when acceding to the UNHRC and thus urges Libya to issue standing invitations to those appointed under UN special procedures (such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, etc) and call in the same spirit for unfettered access to the country for independent scrutiny of the overall human rights situation;
- ensure that Schengen visas for Libyans are issued without unnecessary delays, to examine other facilitation procedures and to persuade Libyan authorities to facilitate visas for Europeans residing or conducting professional activities in Libya;
- consider that the Framework Agreement should include assistance on institutional capacity building, as a means to strengthen civil society, support modernisation, etc;
- encourage democratic reforms, independent media and an independent judiciary, and encourage other efforts to open up space for business, academia, NGOs and other Libyan stakeholders.

Members call on EU Member States to extend specialised healthcare to Libyan patients, including facilitating temporary treatment in specialised institutions in Europe. The Commission is called upon to fully respect its obligation under Article 218 TFEU by duly informing Parliament on what is being sought by the EU on 'nuclear cooperation' with Libya under the 'Energy' chapter in the Framework Agreement negotiations, including all political and security implications.

Lastly, Members recommend the establishment of an EU Delegation in Tripoli as soon as possible.

## Negotiations on EU-Libya Framework Agreement

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In accordance with Rule 97(4) of its Rules of Procedure, the European Parliament approved, unamended, a recommendation to the Council on the negotiations on the EU-Libya Framework Agreement.

Parliament recalls that despite the persisting authoritarian rule and the systematic violation of international conventions on fundamental rights and freedoms, Libya has expanding commercial and political relations with EU Member States and plays a role as a partner for the EU in the Mediterranean region and in Africa, across a wide range of issues. It states that several EU Member States have close relations with Libya, with national companies and banks serving as a vehicle for Libyan financial investment in Europe (in particular on 30 August 2008 Italy signed a Friendship Agreement with Libya governing relations in various fields).

It also recall that the EU-Libya Framework Agreement is currently under negotiation covers a wide range of areas, from strengthening political dialogue to managing migration, developing trade and economic relations, energy security and improving cooperation in different sectors.

Welcoming the opening of negotiations between the EU and Libya, as a step to develop a new relationship for the EU in the Mediterranean

region and in Africa, Parliament addresses the following recommendations to the Council:

- call for the EP to be granted access to the mandates of all international agreements under negotiation;
- disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- focus on a wide range of issues with an impact on security and stability, notably migration, public health, development, trade and economic relations, climate change, energy and cultural heritage;
- recommend that Libya ratify and implement the Geneva Convention on Refugees of 1951 and its 1967 Protocol, including full cooperation with UNHCR so as to guarantee adequate protection and rights for migrants, and adopt asylum legislation that recognises refugees' status and rights accordingly, notably the prohibition of collective expulsion and the principle of 'non-refoulement' and convince Libya to grant UNHCR a legal presence in the country, with a precise mandate;
- ensure that a readmission agreement with Libya could only be envisaged for irregular immigrants, excluding therefore those who declare themselves asylum-seekers, refugees or persons in need of protection, and reiterates that the principle of 'non-refoulement' applies to any persons who are at risk of the death penalty, inhumane treatment or torture;
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- strengthen their support for UNHCR activities while promoting towards the Libyan authorities respect for international humanitarian standards for undocumented migrants in the country, including the systematic access of the UNHCR to detention centres;
- propose assistance to Libya, involving UNHCR, and other expert agencies, aimed at addressing the problem of trafficking of human beings in the region;
- pay special attention to the protection of women and children, including assistance to integrate legal migrants and to improve conditions for migrants found illegally in the country;
- disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- encourage Libya to commit to a moratorium on the death penalty and divulge the identity of the persons concerned and the charges on which they were convicted (Members call on the HR/VP to demonstrate the political priority which the EU assigns to abolition of the death penalty by systematically raising this issue with Libyan authorities);
- insist on the inclusion in the Framework Agreement of a clause on the International Criminal Court, leading Libya to consider ratifying the Rome Statute;
- propose to Libya cooperation on programmes to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
- encourage Libya's participation in the Euro-Mediterranean Partnership and the activities and main projects of the Union for the Mediterranean;
- enhance the collaboration between the Libyan health authorities and professionals in particular as regards the medical and scientific capacities to deal with HIV-AIDS, which was achieved through the Benghazi Action Plan, jointly implemented by the EU and Libya, and support the requested extension of such cooperation to other infectious diseases and other medical centres in Libya; calls on EU Member States to extend specialised healthcare to Libyan patients, including facilitating temporary treatment in specialised institutions in Europe;
- encourage Libya to fully respect its pledges given when acceding to the UNHRC and thus urges Libya to issue standing invitations to those appointed under UN special procedures (such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, etc) and call in the same spirit for unfettered access to the country for independent scrutiny of the overall human rights situation;
- ensure that Schengen visas for Libyans are issued without unnecessary delays, to examine other facilitation procedures and to persuade Libyan authorities to facilitate visas for Europeans residing or conducting professional activities in Libya;
- consider that the Framework Agreement should include assistance on institutional capacity building, as a means to strengthen civil society, support modernisation, etc;
- encourage democratic reforms, independent media and an independent judiciary, and encourage other efforts to open up space for business, academia, NGOs and other Libyan stakeholders.

The Commission is called upon to fully respect its obligation under Article 218 TFEU by duly informing Parliament on what is being sought by the EU on 'nuclear cooperation' with Libya under the 'Energy' chapter in the Framework Agreement negotiations, including all political and security implications.

Lastly, Parliament recommends the establishment of an EU Delegation in Tripoli as soon as possible.