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EUROPEAN PARLIAMENT

2015-2016 SESSION

Sittings of 26 to 29 October 2015

The Minutes of this session have been published in OJ C 423, 17.11.2016.

The texts adopted of 27 October 2015 concerning the discharge for the financial year 2013 have been published in OJ L 314, 1.12.2015.

TEXTS ADOPTED

1 Resolutions, recommendations and opinions

RESOLUTIONS

European Parliament

Tuesday 27 October 2015


Wednesday 28 October 2015


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### III Preparatory acts

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P8_TA(2015)0377

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P8_TCI-COD(2014)0217


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Key to symbols used

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure: first reading
***II Ordinary legislative procedure: second reading
***III Ordinary legislative procedure: third reading

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments by Parliament:

New text is highlighted in bold italics. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.
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2015-2016 SESSION

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TEXTS ADOPTED
The European Parliament,

— having regard to United Nations Security Council Resolution 2177 (2014) of 18 September 2014 on peace and security in Africa,

— having regard to United Nations General Assembly Resolution 69/1 of 19 September 2014 on measures to contain and combat the recent Ebola outbreak in West Africa,

— having regard to the decision by the United Nations Secretary-General, Ban Ki-moon, to set up the organisation's first emergency health mission, the UN Mission for Ebola Emergency Response (UNMEER), following the adoption of General Assembly Resolution 69/1 and Security Council Resolution 2177 (2014) on the Ebola epidemic,

— having regard to the World Health Organisation's International Health Regulations (IHR) of 2005 (WA 32.1),

— having regard to the recommendations from the WHO's consultation on zoonoses of 5 May 2004,

— having regard to the WHO's statement of 8 August 2014 declaring the Ebola epidemic a public health emergency of international concern,

— having regard to the WHO's Ebola response roadmap of 28 August 2014 and the updates thereto,

— having regard to the Director-General of the WHO's report to the Executive Council at its extraordinary session on Ebola held in Geneva on 25 January 2015,

— having regard to the WHO's statement of 9 May 2015 on the end of the epidemic of the Ebola virus in Liberia,

— having regard to the Guidance for Immunization Programmes in the African Region in the Context of Ebola, issued by the WHO,

— having regard to the statement made following the spring 2015 meeting of the World Bank Group and the International Monetary Fund held in Washington DC from 17 to 19 April 2015,
— having regard to the international conference entitled ‘Ebola: from emergency to recovery’ held in Brussels on 3 March 2015,

— having regard to the establishment by the African Union of the African Union Support to Ebola Outbreak in West Africa (ASEOWA) mission on 21 August 2014,


— having regard to the Commission communication COM(2010)0128 together with SEC(2010)0380, 0381 and 0382 on the EU Role in Global Health,

— having regard to the European Council conclusions of 24 October 2014,

— having regard to the Council conclusions on the EU Role in Global Health of the 3011th Foreign Affairs Council meeting in Brussels on 10 May 2010,

— having regard to the conclusions of the EU Foreign Affairs Council meetings of 15 August 2014, 20 October 2014, 17 November 2014 and 12 December 2014 and 16 March 2015 on the Ebola crisis in West Africa,

— having regard to the reports to the European Council drawn up in November 2014 and March 2015 by Christos Stylianides, Commissioner and EU Ebola Coordinator,

— having regard to the Comprehensive Response Framework for the Ebola Virus Outbreak in Western Africa drawn up by the European External Action Service and the Commission,

— having regard to the Extractive Industries Transparency Initiative (EITI) and to the 2011 EITI progress report of Sierra Leone, the 2012 EITI progress report of Liberia and the 2012 EITI progress report of Guinea,

— having regard to the French RIPOST ‘Network of Public Health Institutes in West Africa’ programme,

— having regard to the resolution on the Ebola outbreak adopted by the ACP-EU Parliamentary Assembly on 3 December 2014 in Strasbourg, France,

— having regard to its resolution of 18 September 2014 on the EU’s response to the Ebola outbreak (1),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Development and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Women’s Rights and Gender Equality (A8-0281/2015),

A. whereas the health systems of Liberia, Sierra Leone and Guinea contain massive gaps, and whereas the three countries already before the outbreak were among those at the bottom of the UNDP’s human development index, with around 80% of the countries’ citizens living in extreme poverty, and scored highest in the world in premature adult and under-five mortality rates, mainly for treatable conditions;

B. whereas the Ebola crisis is systemic at local and regional level and also at national and global governance level;

C. whereas the magnitude of the catastrophe can be attributed to several factors, among which: the political failure of the affected countries to sound the alarm, the ill-adapted response of the international community, the shattering effects of closure of borders and restrictions on people, the ineffectiveness of the surveillance and alert mechanisms, the slow and poorly adapted response once aid was eventually mobilised, the stark absence of leadership from the WHO, the lack of research and development of drugs, diagnostics and vaccines;

D. Whereas three new confirmed cases of Ebola virus disease were registered in the week to 18 October 2015, all in Guinea; whereas the country had reported zero cases for the previous two weeks; whereas Sierra Leone reported zero cases for a fifth consecutive week; whereas the WHO declared Liberia free of Ebola virus transmission in the human population on 3 September 2015; whereas there have been 28,512 confirmed cases, including 11,313 confirmed deaths;

E. whereas still too little is known about the prevalence, transmission and mutation potential of the Ebola virus; whereas widespread confusion and prevailing misunderstandings about the causes and consequences of Ebola virus disease have perpetuated the spread of the virus; whereas ethnographic research is useful in order to understand how communities work and how to reach people with different cultural backgrounds;

F. whereas Ebola virus disease was found in semen and in ocular fluid of convalescent persons; whereas there are single evident cases of sexual transmission, which indicates difficulties to eradicate the virus and to determine a point in time when countries really can be regarded as Ebola free;

G. whereas in a large number of African countries the health and education systems have deteriorated throughout the Structural Adjustment Programmes imposed by the IMF and World Bank, which required budget cuts in the public sector;

H. whereas the Ebola outbreak in West Africa has shown that local and national health systems in low-income countries do not have the means or resilience to respond to an infectious disease outbreak such as that of Ebola; whereas strengthening global health systems has therefore become an integral part of global health governance;

I. having regard to the importance of culture and traditional customs in the management of the Ebola crisis (1);

J. whereas children, adolescent girls and young women are among the most marginalised and vulnerable during such a crisis, which poses a serious threat to women's engagement in economic activities and has increased gender gaps in education; whereas orphans may face repudiation and stigmatisation;

K. whereas the Ebola epidemic which affected West Africa is the largest and most complex outbreak in the history of the disease; whereas the WHO was first alerted to the outbreak of Ebola on 23 March 2014, but whereas it was only on 8 August 2014 that the International Health Regulations Emergency Committee declared it a public health emergency of international concern; whereas prior to this outbreak, Ebola had not been considered a major public health challenge;

L. whereas nearly 500 healthcare workers have died of Ebola in Guinea, Liberia and Sierra Leone, in countries suffering already from a serious shortfall of staff before the outbreak of the Ebola crisis; whereas hospitals and health staff did not have the capacity to deal with other diseases owing to the resources mobilised to fight the Ebola epidemic; whereas there is a need to protect health facilities and health workers to enable the sustainable provisions of medical care;

M. whereas many recovered patients have had to face stigmatisation from both their relatives and society; whereas this situation particularly affects children who have lost one or two parents, and many of these children have been rejected by their surviving relatives for fear of infection;

N. whereas there is a need to integrate epidemiology, public health and social science in order to draw appropriate lessons from the Ebola outbreak;

(1) Customs which, for example, prohibit the burning of dead bodies.
O. whereas in the first few months of the Ebola crisis, the humanitarian NGOs — Médecins Sans Frontières and the Red Cross in particular — were the most effective, best informed and most experienced players and therefore played a front-line role in initial efforts to combat the virus;

P. whereas the closing of schools and the tendency for orphaned children to become caregivers in households risk creating a ‘lost generation’ of children deprived of formal education for long periods of time;

Q. whereas with their know-how and their ability to work together, the humanitarian organisations showed that, when it is necessary at the start of a crisis, they can be more relevant and more effective than the ‘institutional players’;

R. whereas the Ebola crisis has resulted in another problem which Médecins Sans Frontières has referred to as ‘a crisis within a crisis’, namely that people with conditions other than Ebola are not going to hospital for fear that they will be infected with the virus;

S. whereas the EU, together with its Member States, is the biggest donor of development aid in the world and has made available more than EUR 1,39 billion to help contain the outbreak of Ebola virus disease in West Africa; whereas this amount enables the EU to negotiate with partner countries and other donors to support a comprehensive national health system development that builds on a coherent, inclusive, needs-based strategy;

T. whereas the United Nations World Food Programme has proved that it has an effective logistics capability that could be used in future for early warning and response purposes as well;

U. whereas the safety of caregivers is essential for the international mobilisation of health workers;

V. whereas the European Council appointed an EU Ebola Coordinator on 23 October 2014 in the person of the Commissioner for Humanitarian Aid and Crisis Management, Mr Stylianides; whereas since 12 November 2014 he has visited the countries most affected, accompanied by the Commissioner for Health, Mr Andriukaitis;

W. whereas the United Nations, the WHO and the Commission have established procedures for assessing the management of the epidemic;

X. whereas in a statement issued in April 2015 the WHO acknowledged that the world and the organisation itself were poorly prepared to deal with a lengthy epidemic;

Y. whereas it is essential to improve international governance of health crises;

Z. whereas access to medicines is a key part of the right to health;

AA. whereas 2 billion people worldwide do not have access to the vaccines or treatments they need to stay alive and healthy;

AB. whereas access to medicines and to research and development findings in this area must be geared, as a priority, to the needs of sufferers, whether in Europe or in developing countries;

AC. whereas Innovative Medicines Initiative is the world’s biggest public-private partnership in life sciences, with a budget of EUR 3,3 billion for the 2014-2024 period, of which EUR 1,638 billion comes from Horizon 2020;
whereas the trauma of Ebola has left people distrustful of health facilities, left health workers fearful of resuming services and left communities impoverished and suspicious; whereas the basic relaunching of health services is urgent; and whereas it is equally essential to set up robust and effective health systems, including mutualisation of risks, in all developing countries, which also implies solid training of the local medical staff;

whereas the Ebola crisis has dragged the countries in the area affected deeper into recession, and whereas in 2015 alone, according to the World Bank, the GDP of the three countries worst affected will be reduced by USD 2 billion as a result;

whereas those three countries have applied to the IMF and the World Bank for a ‘Marshall Plan’ package worth EUR 7 500 million, to help them to overcome their economic difficulties;

whereas some NGOs have called on the World Bank to raise some USD 1,7 billion in order to help those countries to make lasting improvements to their healthcare infrastructure;

whereas the international community needs to remain vigilant, and whereas the goal is to reach the post-Ebola stage, i.e. the stage at which there have been no new cases of infection for a long period;

whereas good hygiene practices are indispensable; whereas, however, the three countries lack sufficiently working water and sanitation systems;

whereas it is to be feared that in the case of any other outbreak, the scale of the death toll would reoccur;

whereas Vice-President/High Representative Federica Mogherini, European Commissioner for Humanitarian Aid and EU Ebola Coordinator Christos Stylianides, European Commissioner for International Cooperation and Development Neven Mimica, Members of the European Parliament, governments and parliamentarians of the Member States have repeatedly called for the strengthening of health systems;

whereas, under the 11th European Development Fund, health system strengthening and the strengthening of water and sanitation services are only among the focal sectors for Guinea, and not for Liberia and Sierra Leone;

whereas the Commission communication on the EU Role in Global Health (COM(2010)0128) presents a comprehensive and holistic needs-based global health strategy that was endorsed by the Member States;

whereas not all states fully implemented the IHR; whereas the IHR should be revised after gaining experience during the latest Ebola epidemic;

whereas little is known about potentially dangerous zoonoses; whereas food and agricultural practices, deforestation and trade in animals and animal products led to the emergence of newly evolving zoonotic diseases such as avian influenza, Ebola and HIV;

whereas the WHO recommends coordination between public health and veterinary sectors;

whereas a delegation from the Committee on Development will visit Sierra Leone in November 2015;

1. Criticises the slow international response to the crisis during the first months; stresses, however, the response and commitment of the EU and its Member States since March 2014 to help contain the propagation of the Ebola virus; notes the scaling-up of the EU and its Member States’ commitment in the areas of humanitarian and development aid, logistics and research to respond to the crisis;
2. Welcomes the development of a new vaccine (in record time), which has proven 100% effective in Guinea as of 23 March 2015, and calls for urgent guaranteed access to this vaccine, which should be affordable to everyone in Liberia and Sierra Leone;

3. Considers that there should be no lowering of the guard in relation to some new cases of Ebola, the mode of transmission of which remains open to question;

4. Calls on all parties concerned, particularly governments of developing countries, European institutions and international organisations, to learn from this crisis, including from the negative impacts on health sectors in developing countries of the conditionalities of IMF and World Bank structural adjustment facilities, and to develop effective means of dealing with international health crises;

5. Notes, in this context, the reform announced by the Director of the WHO on 18 May 2015, particularly as regards the establishment of a new emergency programme and a world reserve of staff who can be deployed quickly on the ground, and the establishment of a new reserve fund of USD 100 million specifically for emergencies; welcomes the commitment to increase the WHO's budget by 10% within two years, bringing it to USD 4.5 billion;

6. Calls on the international community to promote information and education campaigns in the countries concerned; stresses the crucial importance of prevention and information campaigns in managing the crisis, in particular in order to limit contamination, and to raise awareness of unsafe practices that should be avoided; stresses the importance of alternative means of disseminating information;

7. Strongly emphasises the importance of combating increased tensions between groups as a result of the Ebola outbreak, as the creation of myths could mean that certain ethnic groups are blamed for the Ebola outbreak;

8. Takes the view that, once emergency assistance is no longer required, the EU's long-term response should focus first on development assistance, which will need to include investment in the health sector to promote resilience, particularly as regards the organisation and management of health systems, health monitoring and information, medicine supply systems, domestic governance and state-building, and then focus on the assistance that is essential in order to get the three countries' economies back on their feet;

9. Calls on the authorities to take into account the lessons learnt concerning the stigmatisation phenomenon and to implement them in similar humanitarian crisis which may occur;

10. Recalls the importance of conflict prevention, as conflicts and fragility have a very negative impact on health systems;

11. Calls for the establishment of a permanent European rapid response capability comprising experts, laboratory support staff, epidemiologists and logistics facilities, including mobile laboratories, that can be deployed extremely swiftly; draws attention in particular to the contribution the EU can make to screening at land and maritime borders and to the fact that the Union could seek to emulate and benefit from the level of excellence achieved by the US health authorities in screening at airports;

12. Calls also on the EU to support the establishment of a network of monitoring points in developing countries to make it possible to detect as quickly as possible new cases of infectious disease which have the potential to develop into pandemics, in order to create a sentinel network in those countries;

13. Recognises the need to support the establishment of cooperation between the EU and its Member States and developing countries, in particular those of West Africa, as far as training medical staff is concerned;
14. Stresses the importance of strengthening protection and rapid evacuation systems for international health workers;

15. Deplores the fact that past adjustments and reforms and inequitable development policies have contributed to ineffective health systems; urges the Commission to help the three countries affected to develop their own public health systems in order for them to be able to meet basic healthcare needs and to build up the infrastructure required to ensure that all their citizens have access to public healthcare; in particular, takes the view that building a resilient health system over the long term requires, inter alia, (i) investing resources in basic public health services, (ii) ensuring safe and quality care by increasing resources to train, supervise and pay health workers adequately and by giving access to safe drugs, (iii) engaging local stakeholders and communities in crisis response and development planning; calls on international donors to increase Official Development Assistance (ODA) to those countries through country systems such as budget support; calls on the Commission to establish, in cooperation with partner countries, the WHO, the World Bank and other donors, coherent needs-based health plans and monitoring procedures;

16. Stresses that the responses should address the underlying gaps in women’s representation, access to health and services and the disruption to livelihoods; stresses in particular the need to offer high-quality basic services and healthcare, especially where maternity care and obstetric and gynaecological services are concerned;

17. Welcomes the Commission communication on the EU Role in Global Health (COM(2010)0128) and its holistic vision on comprehensive health systems, its horizontal approach and its endeavour for universal health coverage; encourages the Commission to review this communication in the light of new insights gained during the Ebola crisis, while keeping the comprehensive and horizontal approach, and to present and implement a Programme for Action in a timely manner;

18. Stresses, in general, the need for developing countries to give budgetary priority to setting up robust and resilient public social security and public health systems, building sufficient numbers of well-equipped, sustainable healthcare infrastructure (in particular laboratories, water and sanitation facilities) and offering high-quality basic services and healthcare; emphasises the need for a sufficient ratio of health workers to population, and calls on the governments of the affected countries to ensure that health workers are paid and that money for health reaches the people; acknowledges, nevertheless, that crises such as the current one cannot be solved by health systems alone, and that a comprehensive approach involving different sectors such as education and training, sanitation, food safety and drinking water, is needed to address the critical gaps in all essential services; stresses, at the same time, that education, covering cultural dimensions and beliefs, are also key in the recovery;

19. Points out that investment in the health sector is an important driver of economic development and contributes to poverty reduction in developing countries; welcomes the inclusion of Goal 3 ‘Ensure healthy lives and promote well-being for all at all ages’ in the proposal for future Sustainable Development Goals (SDGs);

20. Stresses that the long-term costed plans needed to build resilient and comprehensive health systems must further include an adequate number of trained health workers, access to sufficient medical supplies and robust health information systems;

21. Calls for research infrastructure to be bolstered by the establishment of a regional public infectious disease research centre in West Africa, and for inter-university cooperation to be established with the participation of the EU and its Member States;

22. Stresses the need to tackle social inequality in order to build a resilient, sustainable public health system: supports, to this end, the introduction of publicly funded universal health coverage free at the point of use, and urges the Commission, together with partner countries and other donors, to submit as soon as possible a programme for establishing universal health cover, which will guarantee the mutualisation of health risks;
23. Calls on all countries to commit to Universal Health Coverage (UHC) and to develop a plan identifying domestic resources and potential international funding to meet this goal; supports the target of scaling-up healthcare spending in all countries to the recognised minimum of USD 86 per person for essential health services;

24. Welcomes the high-level international conference on Ebola held on 3 March 2015 under the auspices of the EU and key partners with the aim of eradicating Ebola but also of assessing the impacts on the affected countries in order to make sure that development aid builds on humanitarian efforts;

25. Supports the idea of a ‘Marshall Plan’ to help kick-start those countries’ economies; suggests offering technical assistance to the administration to enhance their capacity and to ensure that money reaches the people and is not lost to corruption or other purposes;

26. Welcomes international efforts to alleviate the international debt burden of the countries affected by the Ebola virus;

27. Believes that partnerships between the EU and the area affected by the crisis will be effective only if Liberia, Guinea and Sierra Leone are able to take ownership of their own development as quickly as possible;

28. Believes that the programming of the 11th European Development Fund should be reviewed to ensure that investments in health and good governance become priority areas for all countries with fragile public infrastructure; is concerned that health and water and sanitation are not among the focal sectors in the National Indicative Programmes of Liberia and Sierra Leone; calls on the Commission to establish mechanisms to monitor aid more closely;

29. Believes that the risk posed by the structural under-funding of EU humanitarian action cannot be ignored during the mid-term review of the multiannual financial framework;

30. Congratulates the humanitarian aid workers and medical staff on the ground who have risked their lives in the efforts to contain this major health crisis;

31. Congratulates the United Nations Mission for Ebola Emergency Response (UNMEER), partner organisations and non-governmental humanitarian organisations, such as Médecins Sans Frontières, the International Federation of Red Cross and Red Crescent Societies, Emergency and others, for their work done on the ground, and warmly welcomes their extensive input and help in controlling this outbreak; regrets the cases of inappropriate treatment of medical staff and other staff involved in the fight against the Ebola outbreak following their return from Africa;

32. Believes that access to medicines should, as a matter of principle, no longer be dependent on patients’ purchasing power but should instead be geared to patients’ needs, and that market forces should not be the sole determinant of which medicines to produce;

33. Calls for the EU and its Member States to honour the EU’s ‘Policy Coherence for Development’ principle, set out in Article 208 TFEU though the promotion of fair and equitable international trade, medical research and innovation policies that foster and facilitate universal access to medicines;

34. Calls on the Commission to explore alternative models to those based on patent monopolies when it comes to the development of drugs or vaccines produced by public-private partnerships, such as the Innovative Medicines Initiative, which can guarantee patient accessibility to treatments, sustainability of healthcare budgets and an efficient response to crises such as the one caused by the Ebola virus or similar threats;
35. Stresses the importance of increasing global epidemiological research capacity, developing ‘quick tests’ and providing access to vaccines; welcomes, in this regard, the fact that many EU research funds have been mobilised to fight against the Ebola virus, including through the Innovative Medicines Initiative, the Horizon 2020 programme and the European & Developing Countries Clinical Trial Partnership (EDCTP) programme; underlines that, although vaccines are welcome, they are most probably not suitable to eradicate Ebola, as the virus is mutating; stresses, therefore, that funding priority has to be given to general health system strengthening, hygiene, containment, reliable quick testing in tropical settings and medication targeting the virus and the symptoms it causes;

36. Urges all parties concerned to promote health training among the public by focusing on the issue of traditional customs that are incompatible with the fight against the spread of the disease among the population;

37. Stresses that the EU should promote effective and fair financing of research that benefits the health of all and ensures that innovations and interventions lead to affordable and accessible solutions; reiterates, in particular, that models that dissociate the costs of research and development and the prices of medicines should be explored, including the opportunities for technology transfer to developing countries;

38. Reiterates the need to invest in neglected diseases; calls, in this context, on the Commission to continue the discussions on this issue and to make arrangements for wide-ranging cooperation between the public and private sectors, provided that safeguards are introduced to prevent public-private partnerships from harming vulnerable people in an unregulated market, aiming at reinforcing national health systems and facilitating the transfer of results to the population concerned; welcomes in this regard the fact that, to address the urgent need for research into new treatments, the EU has made available EUR 138 million for projects developing clinical trials for new vaccines, rapid diagnostic tests and treatments under Horizon 2020 and the Innovative Medicines Initiative; commends the European pharmaceutical industry, which has also committed important resources to supporting the research efforts;

39. Underlines that Ebola and other epidemics are transnational threats that call for international cooperation; calls on the WHO to revise the IHR with a view to incorporating interdependent responsibility and financial support, including for addressing root causes;

40. Welcomes, in the light of sketchy IHR implementation and a lack of epidemiological surveillance, the French RIPOST ‘Network of Public Health Institutes in West Africa’ programme;

41. Stresses that now that the outbreak is in decline, while the virus stays in the gonads for months after recovery, sexual counselling and family planning has to be made available as part of the health system and education measures;

42. Stresses that a food crisis seems increasingly likely to follow in the wake of the epidemic, which has devastated small-scale farmers; calls on the Member States, the Commission and the international community to invest in their long-term development in order to ensure that farming households and West Africa’s future food security do not remain at risk;

43. Calls on its relevant committee to monitor the crisis management measures being taken, in close cooperation with the EU Ebola Coordinator, and after Parliament’s mission to Sierra Leone, before submitting a final assessment based on well-defined criteria;

44. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the governments and parliaments of the African Union countries, the Secretary-General of the United Nations and the World Health Organisation.
Emission measurements in the automotive sector

European Parliament resolution of 27 October 2015 on emission measurements in the automotive sector (2015/2865(RSP))
(2017/C 355/02)

The European Parliament,

— having regard to the question to the Commission on emission measurements in the automotive sector (O-000113/2015 — B8-0764/2015),

— having regard to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (1),


— having regard to Rules 128(5) and 123(4) of its Rules of Procedure,

A. whereas on 18 September 2015 the United States Environmental Protection Agency (EPA) and California Air Resources Board (CARB) both issued a notice of violation of the pollution rules applicable to Volkswagen AG, Audi AG and Volkswagen Group of America (collectively, VW); whereas the investigation began following research on nitrogen oxide (NOx) emissions from diesel vehicles, conducted by a non-governmental organisation in cooperation with university researchers, and the results of this research were submitted to the EPA and the CARB in May 2014;

B. whereas air pollution causes over 430 000 premature deaths in the EU yearly and costs up to an estimated EUR 940 billion annually as a result of its health impacts; whereas NOx is a major air pollutant which causes, inter alia, lung cancer, asthma and many respiratory diseases, as well environmental degradation such as eutrophication and acidification; whereas diesel vehicle exhausts are a principal source of NOx in urban areas in Europe; whereas up to a third of the EU's urban population continues to be exposed to levels above the limits or target values set by the EU; whereas transport continues to be a main contributor to poor air quality levels in cities, and to the related health impacts; whereas over 20 Member States are currently failing to meet the EU air quality limits, in particular because of urban pollution;

C. whereas since 2012 the WHO International Agency for Research on Cancer (IARC) has classified diesel engine exhaust as a carcinogen, and has advised that, given the additional health impacts of diesel particulates, exposure to the mixture of chemicals emitted should be reduced worldwide;

D. whereas the automotive industry is one of the key contributors to growth and innovation, and contributes to employment in a significant number of Member States; whereas unless decisive action is taken the present scandal risks undermining the reputation and competitiveness of the whole sector;

E. whereas small and medium-sized enterprises dominate the automotive supply industry and contribute 50% to sector specific research and development; whereas the economic strength of many regions in Europe derives from the automotive industry and the automotive supply industry;

F. whereas fair competition, including among car manufacturers, implies that the customer is able to choose the product basing his choice on the comprehensive and unbiased technical characteristics provided;

G. whereas the EU has made a number of efforts to remedy the effects of the economic crisis on the automotive industry using the available tools on state aid;

H. whereas the Regulation on type approval of motor vehicles with respect to emissions from light vehicles (Regulation (EC) No 715/2007, agreed by Parliament and the Council in December 2006), which sets the Euro 5/6 emission standards, requires manufacturers to equip their vehicles so that they meet the emission requirements ‘in normal use’ (Article 5(1));

I. whereas Regulation (EC) No 715/2007 (Article 5(2)) explicitly prohibits the use of defeat devices, defined as ‘any element of design which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system, that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use’; whereas the Member States have an obligation to enforce this ban; whereas the regulation also explicitly invites the Commission to introduce tests and to adopt measures concerning the use of defeat mechanisms;

J. whereas, under the Directive on certain aspects of the sale of consumer goods and associated guarantees (1999/44/EC), consumers have the right to a minimum two-year guarantee period after purchasing a product, and whereas the seller is required to deliver goods to the consumer which are in conformity with the contract of sale; whereas, if there is no such conformity, the consumer is entitled to a free-of-charge repair or replacement, or to have a price reduction;

K. whereas the Consumer Rights Directive (2011/83/EU) requires information on the main characteristics of a product to be provided prior to the conclusion of on- or off-premises or distance contracts, and requires the Member States to have rules on effective, proportionate and dissuasive penalties if the provisions of the directive are not fulfilled;

L. whereas the Unfair Commercial Practices Directive (2005/29/EC) prohibits, in particular, any practice that ‘materially distorts or is likely to materially distort the economic behaviour with regard to the product of the average consumer whom it reaches or to whom it is addressed’, provides that commercial practices which are in all circumstances considered to be unfair include ‘claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorised by a public or private body when he/it has not or making such a claim without complying with the terms of the approval, endorsement or authorisation’, and requires the Member States to adopt effective, proportionate and dissuasive penalties;
M. whereas the Euro 5 limit value for NOx emissions from diesel vehicles is 180 mg/km, applicable to vehicles type-approved between 1 September 2009 and 1 September 2014 and to all vehicles sold between 1 January 2011 and 1 September 2015, and whereas the corresponding Euro 6 value is 80 mg/km, applicable to new types since 1 September 2014 and to all vehicles sold since 1 September 2015; whereas Euro 6 vehicles registered before the standard was introduced as a legal limit have benefited from tax rebates in many Member States; whereas independent test results confirm significant discrepancies between the limits and actual vehicle emissions in normal use for both standards;

N. whereas an analysis by the Commission Joint Research Centre (1) in 2011 came to the conclusion that NOx emissions of diesel vehicles measured with Portable Emission Measurement Systems (PEMS) substantially exceed respective Euro 3-5 emission limits, ranging from a factor of 2-4 for average NOx emissions over entire test routes up to a factor of 14 in individual test windows; whereas another JR C report (2) published in 2013 referred to conclusions that Euro 6 vehicles may even exceed the emission levels of Euro 5 vehicles; whereas independent analyses undertaken in 2014 documented, on average, on-road NOx emissions from tested diesel vehicles about seven times higher than the limits set by the Euro 6 standard;

O. whereas VW has admitted to having installed defeat devices in at least 11 million of the diesel vehicles it has sold worldwide; whereas VW has announced that it will recall 8,5 million VW diesel vehicles in the EU following a decision of the German Federal Motor Transport Authority;

P. whereas this documented emissions gap can be due to both the inadequacy of the current test procedure used in the EU, which does not represent normal driving conditions, and to the use of defeat devices; whereas the reliability and robustness of the test procedure for vehicles is of crucial importance for the attainment of the emission limits and hence for the protection of public health and the environment in the EU;

Q. whereas Article 14(3) of Regulation (EC) No 715/2007 obliges the Commission to keep under review the test cycles used to measure emissions and, if the tests are found to be no longer adequate, to adapt them so as to adequately reflect the emissions generated by real driving on the road; whereas such adaptation has not yet taken place; whereas the Commission is, however, currently preparing the adoption of a new test cycle based on Real Driving Emissions (RDE);

R. whereas the tests for conformity of production and in-service conformity have not been subject to common standards at EU level, despite the mandate given to the Commission to establish specific requirements for such procedures through comitology; whereas, as a result, the requirements for conformity of production and in-service conformity are generally not adequately enforced; whereas there is no requirement for disclosure of information to the Commission, other Member State Type Approval Authorities or other interested parties regarding any tests applied by the competent Type Approval Authorities and results thereof;

S. whereas the current EU type-approval regime does not allow the Commission or other Member States' authorities to reassess vehicles' type approvals or certificates of conformity, to recall vehicles or to suspend their placement on the market if they are type-approved by another Member State; whereas under the current system there is no oversight of testing performed by national Type Approval Authorities to ensure that all authorities respect the common EU rules and do not engage in unfair competition by lowering standards;

T. whereas the Commission is in the process of reviewing the type-approval framework; whereas this review is of the utmost importance in order to restore consumer trust in emissions and fuel consumption tests;

U. whereas current systems for controlling NOx emissions from diesel passenger cars rely on three main technologies: inner-engine modifications coupled with exhaust gas recirculation (EGR), lean-burn NOx absorbers (lean NOx traps, or LNTs), and selective catalytic reduction (SCR); whereas, in order to meet Euro 6 limit values, most vehicles are equipped with at least two of the three technologies; whereas all of these technologies can be de-activated with software defeat devices;

V. whereas, in order to ensure compliance with emission standards, vehicles equipped with defeat devices will require the removal of the device, emission control system software modifications and, depending on the engine technology, hardware interventions; whereas it could be possible to improve the performance of emission control systems already installed in vehicles through the removal of defeat devices, reprogramming and recalibration;

W. whereas discrepancies between test results and vehicle performance in normal use are not limited to NOx, but also exist for other pollutants and for CO\textsubscript{2}; whereas according to independent studies the gap between official and real-world CO\textsubscript{2} emissions from passenger cars in Europe stood at 40% in 2014;

X. whereas the change to the Worldwide Harmonised Light Vehicles Test Procedure (WLTP) in the EU requires the existing fleet average CO\textsubscript{2} emission targets for manufacturers to be adapted to the new test;

1. Strongly condemns any fraud by automobile manufacturers and urges companies to take full responsibility for their actions and to cooperate fully with the authorities in any investigations; deplores the fact that millions of consumers have been deceived and misled by false information regarding emissions from their vehicles;

2. Believes that, where evidence of wrong-doing is confirmed, redress to the consumer should be well communicated and undertaken swiftly and should not be to the further detriment of the consumer;

3. Considers it regrettable that excess emissions cause premature deaths, harmful effects on human health, and environmental damage;

4. Considers it imperative that the Commission and Member States quickly restore the confidence of consumers through concrete actions and make every possible effort to de-escalate the situation; emphasises its solidarity with the employees concerned, and is concerned about the impact along the supply chain, especially on SMEs, which currently are innocently facing huge challenges caused by the fraud; stresses that employees should not ultimately be the ones who pay the price for emission measurement manipulation;

5. Stresses that before considering any redundancies the manufacturers must use their own financial resources, including by retaining profits rather than distributing dividends, to cover as much as possible of the cost arising from the infringement of applicable law;

6. Is deeply concerned about the delay on the part of Member State authorities and the Commission to act upon the evidence of serious and persistent exceedances of emissions limit values prescribed in EU law for vehicles in normal use;

7. Recalls that diesel cars have lower CO\textsubscript{2} emissions per kilometre than equivalent petrol-powered vehicles and that they are an important means of enabling manufacturers to reach the EU's 2021 fleet average CO\textsubscript{2} emission targets; recalls that they will also continue to be an essential contributor to meeting post-2021 targets, but stresses that manufacturers need to use available clean technology to reduce NOx, PM and other pollutants;
8. Urges full transparency on the part of the Commission and the Member States about their knowledge of these breaches and the actions they have taken to address them; calls for a thorough investigation regarding the role and responsibility of the Commission and of Member State authorities, bearing in mind inter alia the problems established in the 2011 report of the Commission’s Joint Research Centre;

9. Calls on the Commission to strengthen the implementation of the EU strategy for sustainable, resource-efficient transport systems for road and other modes of transport, progressively abandoning the current system based on fossil fuels and using new technologies and energy sources such as hydrogen, electricity and compressed air;

10. Welcomes the investigations being undertaken in several Member States and other countries globally regarding vehicle emissions test results manipulation; supports the Commission’s call to national surveillance authorities to proceed with extensive checks on a wide variety of makes and models of vehicles; considers that any such investigation should involve the Commission; insists that investigations be conducted in a transparent and effective manner, with due consideration for the need for consumers affected directly by any lack of conformity that is discovered to be kept well informed;

11. Demands that the Commission report back to Parliament on the results of these investigations, in writing, by 31 March 2016;

12. Demands that where defeat devices are found, Member State authorities take all necessary action to remedy the situation and apply the appropriate sanctions in accordance with Article 30 of Directive 2007/46/EC and Article 10 of Regulation (EC) No 715/2007;

13. Draws attention to the Girling report (on National Emission Ceilings for certain pollutants) (A8-0249/2015), adopted by its Committee on the Environment on 15 July 2015, and in particular the request to the Commission and the Member States to urgently finalise the new Euro 6 Real Driving Emissions (RDE) regulation proposal currently under consideration;

14. Urges the Commission to adopt and implement the new Real Driving Emissions test cycle without any further delay, and to bring it into force for regulatory purposes; welcomes the report on the reduction of pollutant emissions from road vehicles (the Deß report, A8-0270/2015) adopted by Parliament’s Committee on the Environment, Public Health and Food Safety on 23 September 2015, and in particular the requirement that the Commission introduce a real driving emissions test for all vehicles type-approved or registered from 2015 to ensure the effectiveness of emission control systems and enable the vehicle to comply with this Regulation and its implementing measures, with a conformity factor reflecting only the possible tolerances of the emissions measurement procedure in place by 2017; urges the Member States and the Commission to swiftly come to an agreement on a framework for the test cycle on that basis;

15. Notes that according to the Commission’s current plans the Real Driving Emissions tests would be used only for NOx emissions; calls for the RDE tests to be implemented for all pollutants;

16. Deplores the lack of transparency of the deliberations under comitology on the proposal for an RDE test, and in particular the Commission’s failure to forward information to Parliament at the same time as to Member State representatives; calls on the Commission to disclose all relevant documentation to Parliament on an equal footing with Member States, and in particular to publish the preparatory documents for the Technical Committee on Motor Vehicles relating to the adoption of the new RDE test;

17. Stresses the need for significant strengthening of the current EU type-approval regime, including greater EU oversight, in particular as regards the market surveillance, coordination and follow-up regime for vehicles sold in the Union, the power to require Member States to launch control procedures based on evidence, and the ability to adopt appropriate measures in the event of breaches of EU law;

18. Calls on the Commission to redesign the current type-approval regime in order to guarantee that type approvals and certificates by national competent authorities can be checked independently and reassessed by the Commission, if appropriate, and to ensure an EU-wide level playing field, and that the implementation of the EU regulations can be effectively enforced, and the shortcomings of implementing measures corrected, without unnecessarily increasing the administrative burden;
19. Calls, therefore, for consideration to be given to the establishment of an EU-level surveillance authority;

20. Finds it of utmost importance that the Commission and all Member State competent authorities have the right to reassess type approval and certificates of conformity, to require recalls and stop the placing on the market of vehicles when they have evidence of non-compliance with the EU emissions limit values under the Euro 5 and 6 Regulation or any other requirement provided for by the type-approval regime;

21. Considers that the upcoming review of the Type Approval Framework Directive must consider expanding and specifying the conformity-of-production requirements in order to ensure that a sufficient and representative sample of new models taken off production lines at random are tested on an annual basis, using RDE tests to check their compliance with EU pollutant and CO₂ limit values; calls, furthermore, for improved in-service testing of vehicles already in use on the road, also on the basis of the RDE procedure, in order to verify the in-service conformity of vehicles at different mileages as required under the regulation; calls for the improvement of on-road surveillance through periodic technical inspections to identify and repair vehicles which are found not to be in compliance with EU law;

22. Calls on national authorities to show no tolerance towards so-called ‘vehicle testing optimisation’, whereby practices such as the over-inflation of tyres, the removal of side-mirrors, taping up of gaps between body panels to reduce aerodynamic drag, the use of special engine and gearbox lubricants that are otherwise not used in engines, the removal of auxiliary equipment such as stereos, and testing at the maximum allowed ambient temperature are common, thus unacceptably accentuating the difference between in-lab testing and the consumer’s experience on the road;

23. Stresses that consumers must be able to exercise their rights easily, as provided for in Directives 1999/44/EC, 2005/29/EC and 2011/83/EU;

24. Calls on the Commission, being responsible for competition in the EU internal market, in cooperation with national surveillance authorities, to ensure a level playing field among competitors serving the market;

25. Recalls the need to fully and thoroughly transpose and implement European rules concerning the functioning of the internal market in all Member States and furthermore calls on European and national market surveillance authorities to investigate all claims of fraud vigorously;

26. Asks for the Commission to ensure that information provided to consumers under the EU car labelling Directive (1999/94/EC) is accurate, relevant and comparable; considers that the labels should be based on the emission values and fuel efficiency that correspond to real-life driving;

27. Is concerned about the discrepancy of the CO₂ emissions declared in official test results and those measured in real driving conditions; calls, therefore, for swift agreement on the WLTP correlation for fleet average CO₂ targets, with due respect for the principle of ‘comparable stringency’ but without credit being given for unfair flexibilities in the current test procedure, in order not to weaken the 2021 target;

28. Calls on the Commission to take the present revelations into account when formulating new policies in the field of sustainable transport; asks the Commission to take further action to strengthen the EU strategy for sustainable, resource-efficient systems for road and other modes of transport; refers to the approach set out in the 2011 Commission White Paper ‘Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system’ and points out its potentially large contribution to effectively reducing the real emissions from transport and improving urban mobility; urges the Commission to put a greater effort into bringing forward the suggested measures covered by the White Paper and encourages the Member States to support this;

29. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
The European Parliament,

— having regard to Article 11(4) of the Treaty on European Union and to Article 24(1) of the Treaty on the Functioning of the European Union,


— having regard to the public hearing of 26 February 2015 on the citizens’ initiative, organised by the Committee on Constitutional Affairs in association with the Committee on Petitions,

— having regard to the study by Parliament’s Policy Department C entitled ‘European Citizens’ Initiative — First lessons of implementation’, issued in 2014,

— having regard to the decision of the European Ombudsman of 4 March 2015 closing her own-initiative inquiry concerning the Commission (OI/9/2013/TN),


— having regard to the Commission report of 31 March 2015 on the European Citizens’ Initiative,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Petitions and the Committee on Legal Affairs (A8-0284/2015),

A. whereas the European Citizens’ Initiative (ECI) is a new political right for citizens as well as a unique and innovative agenda-setting tool for participatory democracy in the European Union, allowing citizens to play an active part in projects and processes that affect them, and the potential of which must unquestionably be exploited to the full and significantly enhanced in order to achieve the best results and to encourage as many EU citizens as possible to participate in the further development of the European integration process; whereas it must be one of the EU’s priority objectives to strengthen the democratic legitimacy of its institutions;

B. whereas, three years on from the entry into application of Regulation (EU) No 211/2011 on 1 April 2012, it is necessary to evaluate its implementation thoroughly in order to identify any shortcomings and to propose viable solutions for its prompt revision;

C. whereas experience has shown that the majority of organisers of ECIs have encountered a number of difficulties in setting up an ECI, in relation to both practical and legal aspects, and whereas the organisers of several rejected ECIs have consequently submitted complaints to the Court of Justice and the European Ombudsman against the Commission’s decision not to register their ECIs; whereas the rules must therefore be designed in such a way as to make ECIs as accessible as possible to citizens and organisers;

D. whereas Parliament is the only directly elected body of the European Union, and as such represents, by definition, EU citizens;
E. whereas a number of institutions, NGOs, think tanks and civil society groups have considered the various deficiencies in the implementation of the Regulation (EU) No 211/2011 on the citizens’ initiative and in the organisation of ECIs, have proposed numerous improvements and have indicated on many occasions which aspects of the regulation it is necessary to reform as a matter of urgency;

F. whereas the practicalities set out in Article 6 of the regulation, in particular the setting-up of an online collection system and its certification by a competent authority in a Member State, in most cases leave the organisers less than 12 months to collect the required signatures;

G. whereas the submission of a successful initiative to the Commission once the signature collection period is over is not subject to a specific time limit and is thus a source of confusion and uncertainty for both the institutions and the public;

1. Welcomes the European Citizens’ Initiative (ECI) — as defined in Article 11(4) of the Treaty on European Union (TEU) and Article 24(1) of the Treaty on the Functioning of the European Union (TFEU) — as the first instrument for transnational participatory democracy enabling citizens to engage directly with the EU institutions and to become actively involved in the framing of European policies and legislation, complementing their right to submit petitions to Parliament and to appeal to the European Ombudsman;

2. Underlines the fact that the ECI is the first tool for participatory democracy that confers on EU citizens the right, on the basis of at least one million statements of support from at least one quarter of the Member States, to take the initiative — thereby underpinning their new political prerogative — and ask the Commission to submit, within the framework of its powers, an appropriate proposal on matters on which citizens consider that a legislative act is necessary to implement the treaties;

3. Stresses that the ECI is an exceptional opportunity for citizens to identify and articulate their aspirations and to ask for EU action, and that it must be encouraged and supported by all available means; recognises, however, that there are significant deficits which need to be tackled and solved in order to make the ECI more effective; stresses that all further assessment of the instrument should be aimed at attaining maximum user-friendliness, given that it is a primary means of linking the citizens of Europe to the EU; further stresses that the use of one’s mother tongue is a civic right, and calls on the Commission and the Member States, therefore, to explore alternatives in order to offer the option of doing so in all activities connected with an ECI, as this encourages citizen participation; points out the importance of public awareness of the ECI, while regretting the limited knowledge of this tool among EU citizens; calls for the EU, to this end, to organise publicity and promotion campaigns with a view to giving the ECI a higher profile in the media and among the public;

4. Stresses, further, that civic engagement among young people is fundamental for the future of all democracies, and calls on the Commission to draw lessons from national experiences of genuinely successful ECIs;

5. Considers it essential that citizens be able to contribute to the exercise of the legislative prerogatives of the Union and to be involved directly in the initiation of legislative proposals;

6. Points out the importance of public awareness of the ECI in order for it to be an effective tool for democratic participation; urges the Commission and the Member States, in this connection, to maximise their communication efforts in respect of the instrument in order to bring its existence to the attention of as many citizens as possible and encourage active participation in it;

7. Calls on the Commission to use all public communication channels to raise awareness, and to take the necessary measures to ensure the transparency of the ECI and facilitate communication relating to current ECIs, for example by creating applications that provide information, send notifications and allow online signing; emphasises that active public participation in ECIs also crucially depends on their being publicised in the Member States, and therefore suggests that Member States’ national parliaments should mention the ECI on their official websites;
8. Notes that more than six million EU citizens have participated in an ECI, that there were 51 requests to launch an initiative, of which only three — the 'Right2Water', 'One of Us' and 'Stop Vivisection' initiatives — were deemed admissible, and that six ECI organisers, corresponding to 30% of all rejections, have challenged the Commission's refusal before the Court of Justice, which shows that much still needs to be done to make sure that the ECI lives up to its full potential; points to the various practical difficulties which organisers have encountered since the entry into force of the regulation in April 2012, and to the fact that the number of initiatives is declining;

9. Calls on the Commission to provide appropriate and comprehensive guidance — especially of a legal nature — as early as possible to the organisers of ECIs through the Europe Direct Contact Centre, so that organisers are aware of the possibilities open to them and will not fail by proposing an ECI that is manifestly outside the Commission's powers and does not comply with the legal admissibility criteria; calls for consideration to be given to the possibility of establishing another independent body tasked with giving advice; notes, however, that under the Treaty of Lisbon the issues raised by ECIs may not correspond entirely to the Commission's jurisdiction; takes the view, furthermore, that the Commission should consider setting up a dedicated ECI office at its representations in each Member State to provide all the necessary information, advice and support for ECIs;

10. Stresses, furthermore, that a dedicated ECI office could also contribute to raising public and media awareness about the ECI; invites the Commission, therefore, to promote the ECI as an official EU instrument in order to achieve this goal; emphasises that this measure may also help to overcome citizens' distrust of sharing the personal data required to support a ECI;

11. Calls for the provision of more detailed guidelines on the interpretation of legal bases and of more information on data protection requirements in each Member State in which the organisers run their campaigns, so as to give them legal security, and also on the possibility for organisers to take out affordable insurance policies;

12. Regrets the lack of clear information on the ECI instrument in the early stages, which led to a general misconception about its nature and generated frustration when the first ECIs were rejected by the Commission; recalls that the instrument should be simple, clear, user-friendly and widely publicised; stresses that the Commission should encourage and support national and local elected representatives in spearheading this increased exposure of ECIs;

13. Supports, further, the active participation of EU citizens in using this instrument appropriately for agenda-setting purposes; expresses its concerns about a potential conflict of interest, given that the Commission itself has the exclusive responsibility to carry out the admissibility check, and asks that this situation be properly addressed in the future; notes, at the same time, that transparency and accountability should be an objective for all stakeholders in order to preserve the clarity of citizens' activities;

14. Calls on the Commission, in this connection, to consider Parliament also as a decision-maker, particularly because it is the only institution the members of which are directly elected by EU citizens;

15. Stresses that under the terms of Article 4 of Regulation (EU) No 211/2011, in the event of a refusal by the Commission to register an ECI, ‘the Commission shall inform the organisers of the reasons for such refusal and of all possible judicial and extrajudicial remedies available to them’; acknowledges, in this connection, the many complaints from organisers about not having received detailed and exhaustive reasons for the rejection of their ECI; invites the Commission to explain in detail the reasons for rejecting an ECI if in its view an ECI which has been submitted is ‘manifestly outside the Commission's powers’; and at the same time to inform the organisers, in writing and in such a manner as to facilitate their work, of the relevant legal considerations — which should be made fully public in the name of transparency — in order that the validity and complete objectivity of those elements can be subjected to legal scrutiny, that the Commission’s power of discretion as judge and party in the assessment of an initiative's admissibility can be reduced as far as possible, and that the organisers can decide whether to revise their ECI and resubmit it in a modified form;
16. Invites the Commission to consider the possibility of registering only part of an initiative in the event that the entire ECI does not fall within the Commission's powers; invites the Commission to give the organisers, at the time of registration, an indication as to which part they could register, recognising that dialogue and engagement with ECI organisers is essential throughout the process, and to inform Parliament of its decision concerning the registration of the ECI; invites the Commission also to explore ways of referring initiatives, or those parts of initiatives, that do not fall within the scope of the Commission's powers to the competent authority, be it at national or regional level;

17. Points out the importance of technology as a tool for encouraging citizen participation; calls on the Commission to make its software for the online collection of signatures more user-friendly, to make it accessible to people with disabilities, to offer its own servers for the storage of online signatures for free on a permanent basis, using existing EU budgets, and to simplify and revise the technical specifications for the online collection of signatures so that e-mail addresses can be collected on a non-mandatory basis on the same screen as the support form but stored in a separate database;

18. Believes that, if revised, the instrument has the potential to engage the public and to promote dialogue among citizens and between citizens and the EU institutions; stresses the need to link the online collection of signatures to the relevant new social and digital media campaigning tools, following the example of other successful online campaigning platforms;

19. Invites the Commission to reconsider the automatic link between the registration of an ECI and the beginning of the 12-month period within which expressions of support can be collected, so that the organisers of an ECI themselves can decide when they wish to start to collect expressions of support;

20. Calls on the Commission to urge the Member States to use the ECI Validation Tool for Statements of Support, developed under the Interoperability Solutions for European Public Administrations programme;

21. Stresses that, within the scope of the instruments available to enhance participatory democracy across the Union, IT tools should be made available also to regions, thus allowing greater involvement of citizens in public affairs;

22. Welcomes warmly the European Economic and Social Committee's offer of free translation of ECI texts so as to reduce the cost of organising an ECI;

23. Calls for enhanced interinstitutional cooperation at EU level, as well as at the national and local levels, in providing information and support to ECI organisers when dealing with ECIs; calls for the improvement of the multilingual ECI website run by the Commission and for a single set of guidelines in all the EU's official languages on the rights and obligations of ECI organisers and on the administrative procedures applicable throughout the ECI process;

24. Calls for the future establishment of a physical and online 'one-stop shop' providing, on a permanent basis, information, translation services and technical, legal and political support for ECIs, and considers that it could use the existing resources of the point of contact based in the Europe Direct Contact Centre, and of the Commission representations and Parliament information offices in the Member States; considers that such a set-up would bring the ECI project closer to citizens;

25. Deems it too complicated for organisers to provide different personal data in support of ECIs in the 28 Member States, as laid down in Regulation (EU) No 211/2011 on the basis of the various national provisions, and calls for the introduction of a uniform procedure for making statements of support by amending Annex III to Regulation (EU) No 211/2011 to standardise the nature of the data collected in the Member States; encourages the Commission to negotiate further with Member States with a view to reducing the number of data requirements, removing — accordingly — the requirement for personal identification numbers and making them more user-friendly, and recalls that an ECI is about participation and agenda-setting rather than binding proposals; suggests that consideration be given to establishing an EU digital citizenship, and recommends providing an interim solution until this EU digital citizenship is established, with a view to resolving the current problems caused by multiple registration; calls on the Commission, therefore, to explore this issue in its digital agenda as a matter of urgency;
26. Calls on the Commission to amend Article 3 of Regulation (EU) No 211/2011 and to recommend to the Member States that they lower the age for supporting and participating in an ECI from 18 to 16 and that it not to be tied to the right to vote in elections to the European Parliament, thus giving young people, in particular, the possibility of becoming actively involved in taking the European project forward;

27. Acknowledges the delicate problem of organisers’ personal liability with regard to data protection when collecting signatories’ personal data, and proposes that the range of data required be reduced and that the wording of Article 13 of Regulation (EU) No 211/2011, on liability, be changed to make it clear that personal liability is not unlimited; proposes, to this end, that citizens’ committees be able to acquire legal personality and that inspiration be drawn from Article 3 of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, with a view to establishing that organisers are responsible only for acts which are ‘unlawful and committed intentionally or with at least serious negligence’;

28. Encourages the Commission and the Member States to achieve more user-friendly and more harmonised data collection requirements; calls on the competent national authorities to inform the European affairs committees of their national parliaments on a periodic basis about ECIs in progress which have already gathered a significant number of signatures; urges the Commission to propose a revision of Regulation (EU) No 211/2011 with the aim of guaranteeing citizens the possibility of signing an ECI in their country of residence;

29. Expresses its concern that, since 2012, only 3 out of 31 registered ECIs have reached the final phase; points out that the dramatic decrease in the number of new initiatives is one of the consequences of disproportionate requirements and of an unnecessarily complex system; regrets the lack of legislative impact and the discouraging follow-up by the Commission of successful initiatives; expresses differences of opinion with the Commission regarding the successful implementation of the regulation in order to realise the full potential of ECIs; stresses that the EU institutions and the Member States must take all necessary steps to promote the ECI and to foster citizens’ confidence in this tool;

30. Calls on the Commission to revise the wording of Article 10(c) of Regulation (EU) No 211/2011 to allow proper follow-up to a successful ECI; urges the Commission to start preparing a legal act on successful ECIs within 12 months after issuing a positive opinion;

31. Takes the view that, in order to emphasise the political dimension of ECIs, a public hearing under the terms of Article 11 of Regulation (EU) No 211/2011 should be structured in such a way as to allow organisers to engage in a dialogue with Members of the European Parliament and relevant Commission officials; stresses that hearings on ECIs should be organised under the auspices of a ‘neutral’ committee that does not have the main responsibility for their subject-matter in terms of content, and furthermore that external experts should be involved at all times;

32. Urges, where necessary, Parliament and its committees, should the Commission fail to put forward a legislative proposal within this 12-month period, to exercise their right, under the terms of Article 225 TFEU, to ask the Commission to submit an appropriate proposal; considers that, when exercising this right, Parliament’s competent committee should take into account the content of any successful ECI and consult the ECI organisers in another hearing; calls for its Rules of Procedure to be amended accordingly;

33. Invites the Commission to explore the possibility of providing financial support for ECIs from existing EU budgets via European programmes such as ‘Europe for Citizens’ and ‘Rights, Equality and Citizenship’, including the possibility of financing promotional radio and television programmes, bearing in mind that equality between citizens must be guaranteed, that there is a real need for financial support for the organisation of ECIs and that numerous amendments to the EU budget have been submitted to this end;

34. Calls on the Commission to counter, by taking every possible precaution, the theft — including through internet tools — of sensitive information relating to signatories, especially when it is managed in the form of aggregate data;
35. Welcomes the Commission’s report of 31 March 2015 on the ECI, and the European Ombudsman’s Decision OI/9/2013/TN, and calls on the Commission to ensure, in its revision of this instrument, that all the appropriate legal measures are implemented in order to provide proper follow-up when an ECI is deemed to have been completed successfully; calls on the Commission, therefore, in view of the various shortcomings which have arisen, to submit as soon as possible a proposal to revise Regulation (EU) No 211/2011 and Commission Implementing Regulation (EU) No 1179/2011;

36. Calls on the EU institutions to carry out essential communication work through an information campaign on the ECI;

37. Invites the Commission to report regularly to Parliament on the state of play of ongoing ECIs, so that Parliament — as part of its commitment to EU citizens — can scrutinise whether the tool is working as effectively as possible; stresses that the ECI process should be continuously improved on the basis of the practical experience gained and, furthermore, should comply with the judgments to be delivered by the Court of Justice;

38. Recommends using every available communication channel, in particular the social and digital media platforms of all the relevant EU institutions, to conduct ongoing awareness-raising campaigns, with the involvement of EU offices and representations as well as national authorities; calls on the Commission to support the development of an open-source dedicated ECI software program for mobile devices; welcomes the fact that some ECIs have managed to have an impact at local level;

39. Considers it crucial, in order to ensure proper use of this participative democracy tool by citizens and to prevent its possible abuse by private interests, to increase the transparency and quality of checks of the funding and sponsorship of ECIs;

40. Notes the important role of the European Ombudsman in investigating the handling of ECI requests by the Commission, and especially cases of refusal to register an ECI;

41. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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EU strategy for the Adriatic and Ionian region

European Parliament resolution of 28 October 2015 on an EU strategy for the Adriatic and Ionian region (2014/2214(INI))
(2017/C 355/04)

The European Parliament,

— having regard to the Commission communication concerning the European Union Strategy for the Adriatic and Ionian Region (COM(2014)0357) and the accompanying action plan and supportive analytical document,


— having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (2),

— having regard to the Council conclusions of 23 October 2014 on the European Union Strategy for the Adriatic and Ionian Region,

— having regard to the report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the added value of macro-regional strategies (COM(2013)0468) and the relevant Council conclusions of 22 October 2013,

— having regard to the opinion of the European Economic and Social Committee of 11 September 2014 on the Commission communication concerning the European Union Strategy for the Adriatic and Ionian Region (COM(2014)0357) and the European Union Strategy for the Adriatic and Ionian Region: research, development and innovation in SMEs (exploratory opinion requested by the Italian Presidency of the EU),

— having regard to the opinion of the European Economic and Social Committee of 21 January 2014 on the EU Strategy for the Adriatic and Ionian Region (EUSAIR) (exploratory opinion),

— having regard to the opinion of the Committee of the Regions of 26 June 2014 on the EU strategy for the Adriatic and Ionian Region,

— having regard to the own-initiative opinion of the Committee of the Regions of 11 October 2011 entitled ‘Territorial cooperation in the Mediterranean through the Adriatic and Ionian macroregion’,

— having regard to its resolution of 3 July 2012 on the evolution of EU macro-regional strategies: present practice and future prospects, especially in the Mediterranean (3),

— having regard to the Commission communication entitled ‘A Maritime Strategy for the Adriatic and Ionian Seas’ (COM(2012)0713),

— having regard to the Commission report concerning the governance of macro-regional strategies (COM(2014)0284),

— having regard to the Commission communication of 26 January 2011 entitled ‘Regional policy contributing to sustainable growth in Europe 2020’ (COM(2011)0017),


— having regard to Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention),

— having regard to the Ancona Declaration, adopted at the Conference on Development and Security in the Adriatic and Ionian of 19-20 May 2000,

— having regard to the Founding Conference of the Adriatic-Ionian Euroregion held in Pula on 30 June 2006, and to the Declaration on launching the initiative for creating the Adriatic Strategy adopted at the Assembly of the Adriatic-Ionian Euroregion held in Split on 22 October 2009,

— having regard to the study by its Directorate-General for Internal Policies (Department B: Structural and Cohesion Policies) of January 2015 entitled ‘New Role of Macro-Regions in European Territorial Cooperation’,

— having regard to the study by its Directorate-General for Internal Policies (Department B: Structural and Cohesion Policies) of June 2015 entitled ‘Adriatic and Ionian region: Socio-Economic Analysis and Assessment of Transport and Energy Links’,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Regional Development and the opinions of the Committee on Foreign Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Fisheries (A8-0279/2015),

A. whereas the macro-regional strategies represent a new model of multilevel governance in which the involvement of stakeholders representing the EU, national, regional and local levels, including economic and social partners and civil society organisations, as well as the complementarity between different policies and programmes are essential for successful implementation and achievement of the goals; whereas regional and local authorities play an important role in the promotion of democracy, decentralisation and greater local and regional autonomy;

B. whereas the previous Baltic Sea and Danube strategies have brought tangible benefits for the regions involved, confirmed the success of EU cooperation mechanisms and provided useful experience for developing new macro-regional strategies;

C. whereas the interest shown by regions in this modern form of regional cooperation and the accompanying governance model is on the rise; whereas this has especially been the case recently as regards mountain regions such as the Carpathians and the Alps, where natural barriers mean that specific regional policies need to be pursued;
D. whereas a macro-regional strategy as an integrated framework relating to Member States and non-EU countries in the same geographical area and endorsed by the European Council, is an EU strategy;

E. whereas there are large socio-economic differences between the countries involved in this strategy, especially between EU Member States and non-Member States;

F. whereas the increased interest of countries in the Adriatic and Ionian Region in cooperation and defining joint actions to respond to the challenges by using potential throughout the region, and their continuous effort to achieve synergy, has led to the adoption of the EU Strategy for the Adriatic and Ionian Region (EUSAIR);

G. whereas the macro-regional strategies may be seen as a tool of European integration and increased territorial cohesion based on voluntary cooperation among Member States and neighbouring countries in addressing common challenges; whereas the EUSAIR is a new form of regional cooperation which may assist participating candidate and potential candidate countries on their path towards the EU, and an important component of the broader Mediterranean policy of the EU as expressed through the Union for the Mediterranean; whereas the EUSAIR, as part of the EU regional policy, is a tool for promoting economic and social cohesion, with the principal objectives of reducing disparities between regions, promoting real convergence and encouraging growth and employment;

H. whereas the Adriatic Sea, due to its semi-enclosed nature is especially vulnerable to pollution and has unusual hydrographic features such as the fact that the depth and coastline vary considerably between the north and south of the region; whereas fish stocks are shared among all the coastal countries, which puts regeneration of the stocks under sustained pressure; whereas measures within the future framework regulation on technical measures in the reformed CFP should be devised on a regional basis and tailor-made to the specificities of this area and its marine resources and fisheries;

General considerations

1. Welcomes the Commission communication concerning the European Union Strategy for the Adriatic and Ionian Region and the accompanying action plan; believes it is a vital step in the development of this part of Europe; stresses that the EUSAIR has been created to add value to interventions, whether by the EU, national or regional authorities or private sectors, in a way that significantly strengthens the functioning of the macro-region; highlights the strategy’s prospects for candidate and potential candidate countries in the region; underlines the importance of the strategy being based on the principles of integration, coordination, cooperation and partnership; reiterates the importance of the ‘three NOs’ principle of no new legislation, no new institutions, no new funding, as macro-regions are frameworks for cooperation initiatives, building on synergies resulting from the articulation of different EU policy instruments, including the ESI Funds;

2. Welcomes the efforts undertaken by all interested stakeholders in setting up an institutional architecture for the implementation of the EUSAIR within the existing institutional framework; encourages all national, regional and local stakeholders to take full ownership of the implementation of the projects covered by this macro-regional strategy; stresses the importance of strengthening the institutional capacity and efficiency of public administrations and public services and securing, in each participating country, sufficient resources and competent administrative personnel expressly dedicated to implementing the EUSAIR;

3. Stresses the need for a place-based approach as regards the cooperation activities and highlights the added value of the multi-level governance model which needs to address the lack of administrative capacity and can be used to pool resources in the macro-region; insists, in this regard, that there is a need to include the local and regional authorities in the political managing bodies and in the operational, technical and implementing bodies of the strategy while maintaining the Commission’s role in the coordination process; stresses that community-led local development (CLLD) can mobilise and involve local actors in the decision-making process and help strengthen the ownership of projects at citizens’ level;
4. Stresses the importance of a transparent process for adoption, monitoring and evaluation of the strategy, as well as of openness and inclusiveness towards civil society and all relevant stakeholders; emphasises that communication and awareness-raising across all pillars are essential for the participation of stakeholders in the decision-making process and for building public support; encourages the Member States to ensure the strategy has adequate visibility nationally, regionally and locally, to develop appropriate communication with regard to the strategy's goals and results, and to promote coordination and exchanges of best practice with other existing and future macro-regional strategies;

5. Highlights the need for non-EU countries to harmonise their legislation with specific sectoral acquis related to the strategy in order to ensure fulfilment of the EU goals and their regular, legal and timely implementation based on EU standards and legislation; encourages all the participating countries to establish think tanks and organise regular meetings to exchange best practices to secure this procedure and make it more efficient;

6. Notes that, due to the steep fall in private investment across the countries in the region, coupled with fiscal consolidation and limited investment capacity in the public sector, problems may arise in financing projects under the strategy; calls on the participating countries to maintain a high degree of ownership, commitment and leadership necessary to successfully carry out the strategy;

7. Welcomes the fact that the European Structural and Investment Funds (ESIF) and the Instrument for Pre-accession Assistance for 2014-2020, and in particular the Adriatic Ionian Cooperation Programme 2014-2020 (ADRION), provide significant potential resources and a wide range of tools and technical options for the strategy; supports the fact that other funds and instruments relevant to the strategy pillars are available, in particular the Horizon 2020 and Erasmus Plus programmes in respect of all pillars, the Connecting Europe Facility in respect of Pillar II, the LIFE programme in respect of Pillar III, as well as in respect of climate change mitigation and adaptation, and the COSME and Creative Europe programmes for SMEs in respect of Pillar IV, as well as the INNOVFIN programme for innovation funding; encourages cooperation, in order to create a synergy of available funds, between the monitoring committees of the territorial cooperation programmes which cover the region, the EUSAIR governing board and the ESIF managing authorities; stresses that the strategy should enable a more efficient and effective use of existing instruments and funds;

8. Calls on the European Commission and national, regional and local bodies which are responsible for the preparation, management and implementation of ESIF programmes to stress the importance of macro-regional projects and actions;

9. Stresses the importance of defining, at macro-regional level, the implementation structure and coordination mechanisms in order to facilitate cooperation including joint planning, alignment of funding opportunities and a bottom-up approach; underlines the need to align the national and regional operational programmes with the goals of the strategy, including, where possible, the incorporation of EUSAIR into the programmes; considers it necessary to coordinate and harmonise initiatives, proposals and projects which concern the Adriatic-Ionian Region;

10. Encourages the Commission, the European Investment Bank (EIB) and the participating countries to fully exploit the possibilities available under the newly established European Fund for Strategic Investments (EFSI) to finance projects in the region which would create added value, promote sustainable development and economic and social cohesion, spur growth and increase employment at the macro-regional level and contribute to achieving the objectives of the Europe 2020 strategy; in this context, encourages the provision of 'bonus points' to macro-regional projects in the project selection phase due to their inherent transnational nature;

11. Points out that there are no specific funds assigned just for the implementation of macro-regional strategies and that strong political will, partnership and coordination among the countries is a precondition for success; calls therefore on the countries in the region to bundle funds (ESI Funds, IPA, EFSI) as well as contributions from national sources under the EIB as a financial and investment platform for supporting the financing of projects contributing to the fulfilment of the goals of the strategy; calls for the creation of a transparent and publicly available project pipeline for the Adriatic and Ionian Region, which would make current and potential investment needs and projects visible so that investors are encouraged to invest in these projects;
12. Urges stakeholders to exchange best practices, draw on experience gained and identify the bottlenecks in the implementation of other EU macro-regional strategies and to increase cooperation with their counterparts, such as those from the Baltic Sea, Danube Basin and Alpine macro-regions;

13. Calls on the Commission to eliminate administrative and non-financial obstacles which often dissuade investors from investing in such projects;

14. Considers it necessary to find ways to involve countries not included in the strategy and which are geographically and economically close to the region, at least on an individual and specific project basis; highlights in this context the importance of cross-border and trans-national cooperation under cohesion policy and invites the Members States and regions concerned to make use of the existing best practices in this area;

15. Recalls the major impact of the economic crisis on the region and stresses the need for regular assessment of strategies designed to achieve economic recovery; points out that the countries in the region are at different levels of development and have different needs; calls on the Commission to underline the importance of creating the conditions for reducing socio-economic differences between the countries; supports reforms in less developed countries and encourages the exchange of knowledge, experience and practices in this context;

16. Points out that it is necessary to encourage, renew and deepen cultural, scientific and educational cooperation, including by increasing the scope for academic mobility of students and university staff; stresses that science and innovation are a prerequisite for smart, inclusive and sustainable growth; emphasises the interdependence of scientific and cultural cooperation with the growth of economic dynamics and the level of diversity and sustainability of tourism within the region;

17. Welcomes the European Parliament's representation in the governing bodies of the EUSAIR; calls on the Commission to analyse the joint efforts of the countries in the region (EU Member States and third countries) and the effective participation of local and regional authorities in achieving the strategy's objectives;

18. Refers to precedents established in the context of other EU macro-regional strategies and calls for support to be given, within the framework of pilot projects and preparatory actions, to different types of actions ranging from studies to seed money for the preparation of projects under different priority areas;

19. Considers it imperative that, in the implementation phase of the strategy, its general principles, and in particular matters relating to environmental protection and the enhancement of natural resources, should be taken into due consideration in all four pillars, also in order to take a holistic approach to the complex and varied challenges of the macro-region;

20. Emphasises that particular attention should be given to areas referred to in Article 174 of the Treaty on the Functioning of the European Union, such as islands, mountainous and rural regions, with the aim of identifying and exploiting their specific potential, especially in the tourism sector, whilst respecting the areas for action and priorities identified in this report; calls, moreover, on the Commission to propose a European Year of Islands and Mountains;

21. Considers it necessary to find ways for the participating countries to involve other important pillars that could create development benefits for the area, such as agriculture on account of specific geo-climatic conditions, bio-diversity and the potential to create synergetic coordinated effects and further growth; recommends close cooperation and coordination among inland areas, the coastal area and the islands to achieve synergies between clean energy projects and healthy food production;
22. Draws attention to the importance of adequate reporting and evaluation of the implementation of the strategy; calls, in this context, on the participating countries, together with the Commission, to gather reliable baseline data and establish concrete targets for each pillar which would be evaluated on a yearly basis and made publicly available;

23. Calls for a comprehensive and integrated European approach to migration; emphasises that the region faces serious migration challenges and deplores all the tragedies in the Mediterranean; urges that in tackling these challenges a significant shift in asylum policies in terms of solidarity among Member States is essential; highlights the need to look at the overall strategy on cooperation with third countries; regrets the insufficient cooperation among EU Member States with regard to migratory challenges; encourages the exchange of good practices in receiving migrants and calls, as a matter of urgency, for special attention to be paid to the social and humanitarian issues affecting the region, with a view to a possible redefinition of the EUSAIR priorities in the future;

24. Expects new impetus to be given to the strengthening of peace and security in South East Europe;

25. Calls on countries to exchange best practices in the area of respect for minority rights in order to apply the highest standards, given that this is a particularly sensitive area regarding linguistic issues;

26. Stresses that, within the various stages of implementation, public and private economic players, members of society and the various components of organised civil society must be provided with appropriate training through a specific programme including organisational and technical support;

27. Calls on the Commission to present a report on the implementation of EUSAIR to Parliament and the Council every two years, in order to assess its functioning and its added value in terms of growth and jobs, reducing disparities and sustainable development;

28. Encourages specific measures to promote the social dimension; stresses the importance of incorporating priorities and measures which seek to support the inclusion of persons with disabilities and prevent all kinds of discrimination;

**Blue growth**

29. Stresses that the region's unique geographical position and specific coastline structure, together with its rich marine biodiversity, hold immense potential for the creation of 'blue' jobs and for innovative and sustainable economic development and growth, including blue technologies, fisheries and aquaculture, and better maritime and marine governance and services;

30. Advocates the blue economy as a solution to the economic crisis, since it stimulates the creation of new jobs and economic development, and especially jobs for women and young people in coastal and island countries; believes that the EU strategy for the Adriatic and Ionian Region cannot be pursued without factoring in the concept of the blue economy, which links the economic sectors relating to seas and oceans, aquaculture, maritime and river transport and tourism to environmental protection;

31. Calls on the Commission and the states involved in the strategy to provide incentives that attract young people to the field of fisheries and aquaculture in the Adriatic and Ionian region and encourage them to undertake such activities;

32. Calls for policy coordination and harmonisation of the strategy's goals, as well as common projects, in line with the values, principles and objectives of the Common Fisheries Policy; encourages, furthermore, support for the development of a sustainable fisheries sector and the production of traditional and healthy food; calls for the establishment of Fisheries Local Action Groups, which could represent a natural tool for diversifying fisheries; highlights the fact that sustainable and profitable fisheries and aquaculture require strengthened stakeholder involvement in the overall management, as well as improved and diversified fisheries activities;
33. Takes the view that blue growth comprises highly diverse sectors and businesses and for this reason its development requires highly skilled labour in all those sectors; calls on Member States involved in EUSAIR to promote the various sectors of blue growth in their training programmes, taking into account lifelong-learning systems and training for employees; points out the complexity of the activities, sectors and disciplines of the socio-economic systems involved in blue growth, and therefore considers it extremely important that Member States involved in the EUSAIR strategy adopt labour market policies in order to increase the capacity to adapt to change, innovation and multidisciplinarity, adapt the training of human capital and increase the female participation rate;

34. Stresses the importance of a greater and real interconnection between the EU 2020 strategy and the three pillars (especially the blue growth pillar) of the EUSAIR strategy based on the European Commission Action Plan; considers the Action Plan as one of the outputs of the strategy approach identifying the concrete priorities for the macro-region; points out that, on the basis of this, each action or project is selected by an extensive bottom-up consultation process involving a range of stakeholders from the Adriatic-Ionian Region representing national, regional and local authorities, social partners, but also the private sector, the social economy, academia and civil society;

35. Encourages clustering and cooperation between public and private enterprises, universities, research institutes and other relevant stakeholders in the marine and maritime sectors with the aim of stimulating innovation and benefiting fully from synergies; considers that actions under the blue growth pillar should build on the national and regional research and innovation strategies for smart specialisation in order to secure more efficient and effective investments; calls on the countries and regions to participate in the Commission's S3 Platform to benefit from assistance in the development, implementation and review of smart specialisation strategies; considers it necessary, in this context, to give SMEs better access to credit and to improve the existing business networks (clusters) through an internationalisation process, in order to create new quality and sustainable jobs;

36. Supports the creation of a joint quality label for high-quality seafood products from the region in order to increase their competitiveness;

37. Stresses the importance of social dialogue and of the involvement of civil society representatives in capacity-building activities alongside the public authorities; considers that this could be achieved by setting up a permanent platform at macro-regional level and at regional level in each Member State to represent the social and economic partners, in line with what has already been done for universities, chambers of commerce and cities;

38. Stresses the importance of marine and maritime research and of stronger cooperation in these sectors among researchers, and among Member States and regions involved in the EUSAIR strategy, in order to overcome the existing gap between these Member States and to boost the competitiveness of coastal areas and the creation of quality and sustainable local jobs;

39. Notes with concern the rate of fish stock depletion in the Adriatic and Ionian Seas as a result of overfishing, along with illegal, unreported, and unregulated fishing (IUU), and other significant risks to all marine life; stresses that fisheries are one of the key components in the economies of the coastal areas and islands; deems it necessary, therefore, to consider the protection and preservation of fish stocks and marine ecosystems, in line with the principle of the maximum sustainable yield included in the common fisheries policy, to be a paramount objective of the strategy; underlines the need, in the transitional period, to support adjustment to fishing limits through subsidies for the purchase of equipment via the European Maritime and Fisheries Fund (EMFF); calls for decisive action in the form of aligning third-country fisheries legislation with EU legislation, data sharing, joint monitoring platforms and multiannual fisheries management plans, and for consideration of how to develop a sustainable aquaculture sector with its great potential for being powered by renewable energy sources;

40. Recalls that commercially exploited fish and shellfish should be within safe biological limits in order to achieve good environmental status and to safeguard the long-term sustainability of the fishing industry;
41. Calls on the Commission to register recreational fishing catch volumes, to regulate this activity and to make both recreational and professional fishing activities subject to MSY objectives;

42. Urges comprehensive research on fish stocks, especially of endangered species, and their biological interconnection, given that the lack of exact data would make evaluations unclear and unreliable; urges the preservation of natural spawning;

43. Calls for projects seeking to assess the impact of indirect fishing (ghost nets, mussel cultivation meshes) and by-catches of protected species to be evaluated and promoted, it being estimated that, in the Adriatic alone, over 40,000 sea turtles are caught accidentally; takes the view that environmental studies and studies on means of alleviating the problem (such as turtle excluder devices) are urgently necessary;

44. Urges strong support for shipbuilding, including the leisure boat sector, focusing on its modernisation and specialisation in order to create jobs and adapt to the requirements of sustainable and competitive growth that is in line with blue technologies;

45. Calls for strong support for manufacturing areas, twinning and cooperation between areas in different parts of the macro-region; encourages the exchange of good practices involving the most significant experiences in the sector and those of other regions which seek to take the same approach in order to promote the establishment of manufacturing areas;

46. Underlines the importance of supporting and fostering recreational sport and family fishing together with integrated policies for fishing and tourism (fishing and fish tourism, mariculture), especially on the islands, in order to preserve the local cultural traditions and maritime lifestyles of islanders and small coastal sites; encourages sustainable, small-scale and traditional fishing and aquaculture, coupled with a diversified culinary offer and the promotion of local fish markets, as the best way to ensure sustainability and provide stronger support to coastal tourist activities;

47. Calls on the Commission to support and promote the involvement of fisheries and fishery workers in projects such as those relating to cultural and heritage tourism, encompassing fisheries and the rediscovery of seafaring activities and traditional fishing grounds and occupations;

48. Underlines the importance of the social economy and of female entrepreneurship for achieving the blue growth pillar and calls on the Member States involved in the EUSAIR strategy to encourage and support the participation of women in all the relevant sectors; recalls the fundamental role of small and micro enterprises in the regions and territories concerned and asks the Member States involved in EUSAIR to implement active policies for promoting such forms of economic activity;

49. Supports measures to reduce the hydrogeological risk and the risk of coastal erosion;

50. Stresses the importance of research and calls for strong support for marine and maritime districts;

51. Stresses that the development of aquaculture and mariculture can play an important role not only in the recovery of species diversity but also in the economic growth of the Adriatic and Ionian region;

52. Calls on the Commission to intensify the exchange of good practices such as the sustainability of projects developed by the Coastal Action Groups;
Connecting the region

53. Notes that better transport and energy connections among the participating countries as well as between them and their other neighbours, including maritime transport, intermodal connections to the hinterland and energy networks, are compelling needs for the macro-region and a precondition for its economic and social development; underlines the lack of connection between the two coasts on the Adriatic and the network infrastructure gap existing in the Adriatic-Ionian area;

54. Calls for incentives to be provided for the establishment of sustainable transport links which reduce journey times, transport and logistic costs and externalities; calls for major strategic works related to the interchange between sea and land in order to create opportunities for intermodal transport between countries, contribute to cohesion, enhance the overall network and reduce road congestion and thus CO₂ emissions; draws attention to the need to improve the maritime and port dimension of cabotage, of motorways of the sea and of cruises between the two shores of the Adriatic, both on the north-south and transversal east-west routes; points out the need for greater coordination to prevent maritime traffic congestion and to improve its management and control;

55. Encourages the use of the regulation on the monitoring, reporting and verification of emissions from maritime transport (Regulation (EU) 2015/757) for innovation and establishment of sustainable maritime transport in the macro-region by using alternative marine propulsion engines and fuels to reduce greenhouse gas emissions and improve energy efficiency in the transport sector;

56. Underlines the importance of connecting maritime transport routes and ports with other parts of Europe and the relevance of interconnections with TEN-T corridors; calls on the participating countries to focus their efforts on implementing projects that are covered by the current TEN-T network and other interventions for its proposed extension to South-Eastern Europe/the Eastern Adriatic coast, and which are able to close the network gap existing in the Adriatic-Ionian area; invites the countries involved therefore to identify priority infrastructure projects of regional and European added value and suggests that attention be paid inter alia to:

(i) completing the Baltic-Adriatic corridor, including the extension of the entire Ionian-Adriatic dorsal,

(ii) the North-South extension of the Scandinavian-Mediterranean corridor,

(iii) the establishment of an Alpine-Western Balkans rail freight corridor,

(iv) a better connection between the Iberian peninsula, central Italy and the Western Balkans,

(v) implementing a road connection in the Balkan area between the port system and inside countries, as well as an interconnection with the Rhine-Danube corridor,

(vi) improving port facilities for better connections between the two coasts on the Adriatic, and the preparation of a joint strategy by the managing boards of the North Adriatic ports for the more comprehensive supply of import goods to Central Europe;

57. Calls for the capacity of the existing infrastructure network to be optimised, with particular reference to the existing road and rail links in the macro-region, including ‘last-mile’ links; stresses the need to finalise the Adriatic-Ionian highway as soon as possible, which will give a boost to the economic and social development of the macro-region; recalls the importance of the new corridors that integrate highways, railways and other infrastructures on both sides of the Adriatic-Ionian area; points out the need for greater coordination to prevent maritime traffic congestion and to improve its management and control;
58. Calls for the development of a high-speed railway infrastructure that will interconnect the macro-region and allow better connection with and within the EU; highlights the importance of improving the railway connectivity of the Adriatic and Ionian region, as well as between the Tyrrhenian and Adriatic/Ionian coasts.

59. Calls for the participating countries to improve their maritime, rail and air transport infrastructure, to develop motorways of the sea in the macro-region, combining intermodal transport means, especially for connecting the hinterland, and to improve transport logistics, putting the most advanced technologies to the best possible use and always ensuring a high level of safety and environmental sustainability; calls also on the participating countries to assess the possibilities to improve connectivity with e-mobility instruments which could facilitate an international electronic ticketing service.

60. Underlines the lack of effective connection with the islands; urges the Commission and the Member States to facilitate better connections by exploring new coordinated and value-added options, optimising the use of freight and passenger routes and involving private and public stakeholders, in order to increase the quality of life, stop depopulation and make it possible to exploit socioeconomic opportunities in these areas; underlines the need to improve the islands' internal communications and transport infrastructure for sustainable inland mobility; stresses also the need to ensure adequate healthcare and educational programmes for island populations throughout the year.

61. Calls for the implementation of major projects to develop intermodal links on the islands, and in particular wishes to see strong support for enhancing strategically important airports, in terms both of infrastructure and of new routes to other regions in the macro-region.

62. Urges the participating countries to continue their efforts to diversify energy supply sources, a process which will not only improve the energy security of the macro-region but will also increase competition and combat energy poverty, which will have important benefits for the economic and social development of the region; emphasises the need for thorough assessments of the environmental impact of interventions in the energy sector; underlines the importance of the common planning for investment in the development of liquefied natural gas (LNG) terminals and missing gas pipeline networks in the macro-region, thereby helping to achieve enhanced independence and energy security; encourages, furthermore, measures to increase energy and resource efficiency, thus also contributing to competitiveness.

63. Encourages the development of energy infrastructure capable of reducing the carbon footprint, increasing energy efficiency and guaranteeing the energy security of the macro-region and beyond; highlights furthermore the importance of developing and promoting the concept of Smart Cities in order to provide added value to the current overall energy infrastructure of the macro-region.

64. Recognises the high potential of underused renewable energy sources in the macro-region; calls for the exploitation of available renewable sources such as solar, wind, tidal (when technically feasible) and wave energy within the energy production mix; underlines the sustainability and competitiveness of potential hydropower plants in all participating countries; calls on the participating countries to contribute to the setting-up of a well-functioning and interconnected gas and electricity market in the macro-region that will ensure equal access to cheap and affordable energy; stresses the importance of strengthening cross-border energy interconnections underpinning investment in the energy sector as a key precondition for integration into the EU's energy network, as well as the removal of barriers to cross-border investment in the energy sector.

65. Supports joint planning and investment in energy infrastructure for both the production and transport of electricity and gas in the macro-region, in accordance with the TEN-E network, implementing the concrete projects mentioned in the list of Projects of Energy Community Interest (PECIs);
66. Expresses concern at the renewed impulse given to the exploration and exploitation of oil and gas offshore and on land, which could expose the macro-region to the risk of disasters with very serious consequences for the environment, economy, including the fisheries sector, and public health; stresses that any such activity must be in line with the Union's climate and renewable energy rules and guidelines; emphasises that the Adriatic is a closed, shallow sea, which lacks the capacity to disperse pollutants and has a flourishing tourist trade on both its shores, and that the macro-region's growth should first depend on tourism and on economic activities linked to its specific environmental features and ecosystems; underlines the need for consistent implementation of EU legislation and international conventions on environmental sustainability and the safety of maritime activities; calls for the full implementation of the Marine Strategy Framework Directive (2008/56/EC) and of the Safety of Offshore Oil and Gas Operations Directive (2013/30/EU);

67. Calls for the formulation of common European transport safety standards in the Adriatic-Ionian macro-region;

68. Stresses the need to promote cross-border air services through the implementation of joint projects designed to secure and enhance links within the macro-region;

Environmental quality

69. Recalls the richness of the marine, coastal and terrestrial ecosystems of the participating countries; notes that the Adriatic Sea is home to nearly half (49 %) of all recorded Mediterranean marine species and is the most unusual subregion of the Mediterranean due to its shallowness, restricted flows, and the large influence of rivers; calls for joint efforts in taking all possible measures, such as the use of clean fuels for maritime transport and logistics, in order to preserve the biodiversity of the marine environment and the transnational terrestrial habitats as well as to prevent and reduce the pollution of the sea and other threats to coastal and marine biodiversity; stresses the importance of protecting endangered marine and terrestrial species, such as Mediterranean monk seals, olms, lynxes, griffon vultures and others, and calls on the participating countries to implement proportionate measures to fulfil this objective;

70. Calls for the exchange of best practices between participating countries in the field of managing the natural and cultural heritage, including Natura 2000 areas and UNESCO sites, with the intention of creating sustainable tourist attractions;

71. Urges all the participating countries to join forces in implementing maritime spatial planning, in accordance with Directive 2014/89/EU establishing a framework for maritime spatial planning, and integrated coastal management, involving various stakeholders (national, regional and local authorities, local population, research community, NGOs, etc.); considers that proper joint governance of the maritime space provides an important framework for the sustainable and transparent use of maritime and marine resources;

72. Highlights the importance of protecting and preserving the rivers and lakes in the Adriatic-Ionian basin;

73. Points out the need to tackle responsibly historical and trans-border pollution and to clean up the sites affected by the industrial contamination of soil, water and air, and, where applicable, by pollution resulting from military conflicts; supports all active measures for the reduction of the pollution of the sea from chemical and conventional weapons; supports the reduction, with a goal of elimination, of marine litter, in line with the Marine Strategy Framework Directive, in particular regarding waste pollution in the Adriatic islands;

74. Is concerned about the damage caused by plastic waste at sea; calls on the Commission to support initiatives to collect and recycle this waste; stresses the importance of involving fishermen in the process;

75. Calls on countries to develop and implement comprehensive plans to reuse obsolete industrial and military sites; stresses that these sites not only pose a threat to the environment but also offer significant economic potential which is not being exploited;
Calls for encouraging the relocation of industry from urban centres and coastal areas with the aim of improving the quality of life;

Insists that all existing tools be used in implementing the best waste management and wastewater treatment solutions in the region, in line with Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment in the EU Member States;

Draws attention to the various natural and man-made disasters that have hit the region in the last years; draws attention to the problem of deforestation and other climate change-related risks; stresses the need to apply in full the horizontal principles for natural disaster risk management and climate change adaptation with a view to implementing the action plan and the priorities of each pillar; encourages cooperation between the countries' hydrometeorological institutes in tackling extreme weather events, climate change consequences, and disaster risk management; recognises water, agriculture and tourism as the sectors most vulnerable to climate change, therefore encourages cooperation between national authorities in order to establish a framework and a support mechanism for the implementation of adaptation and mitigation measures;

Underlines the need to reduce greenhouse gas emissions, in particular in the marine transport sector;

Stresses that there is a problem with the geographic and seasonal disparities in accessibility to water reserves, with a marked shortage of water on the islands and in the coastal area during the summer when water demands become several times higher due to the arrival of a large number of tourists;

Urges the establishment of a regional centre for disaster preparedness together with a joint contingency plan for oil spills and large-scale pollution events, in order to create an early warning system to prevent natural disasters and those caused by industrial, transport and other activities, such as floods, fires and exploitation activities in the Adriatic; emphasises that the centre should be directly linked to the EU Civil Protection Mechanism; stresses the importance of preserving the ecosystem and the biodiversity of the region through better understanding and the exchange of best practices;

Calls on the non-EU countries to accelerate the implementation of the sectoral acquis (such as the Water Framework Directive) with a view to their future accession to the Union;

Urges the Member States to consult the competent authorities of neighbouring countries and local communities in the macro-region, particularly with regard to economic activities subject to Environmental Impact Assessments in accordance with Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;

Sustainable and competitive tourism

Underlines the crucial importance of tourism for the European economy and the development of social cohesion within the EU, especially for the Mediterranean countries and for the region as a whole; stresses the need to develop new approaches to help offset seasonality in line with the impact and sustainability of tourism on the environment; urges more support for the financing of tourism projects from the ESIF and other sources;

Urges the urgent improvement of cross-border road connections in order to enhance the competitiveness of tourism, given that poor connectivity causes traffic bottlenecks and long delays; underlines the need to improve, for tourism purposes, the existing air infrastructure and the maritime connection between the two coasts of the Adriatic;

Stresses the need to encourage the use of existing airports in the macro-region in order to avoid the excessive concentration of passengers in a few airport hubs and promote sustainable and more balanced tourist flows in various locations;
87. Recognises the rich cultural and natural heritage (including cultural activities such as cinema, theatre and music) of the region as a strong asset, which the tourism sector builds upon; points out the large number of protected UNESCO sites and Natura 2000 areas in all participating countries; considers that, despite the significant contribution of this sector to the economy, the tourism potential is not being fully exploited, in particular owing to high seasonality and lacks in the areas of innovation, sustainability, transport infrastructure, the quality of the tourism offer, the skills of participating stakeholders and responsible tourism management; calls on the participating countries to adopt policies ensuring adequate connections and tourist facilities both during and outside the summer season so as to diversify tourist flows and ensure a constant tourist presence in every season; stresses the importance of combining tourism with the natural, cultural and artistic heritage;

88. Encourages Member States to promote sustainable mobility solutions in the tourism sector, thus improving the quality of tourist services and enhancing its range;

89. Recognises the importance of national and nature parks and of protected areas as the foundations for the future education of citizens in matters relating to environmental protection and combating climate change;

90. Stresses that cooperation between countries is essential for the further development of tourism in the region; encourages the formulation of tourism strategies for the Adriatic Sea and for the Ionian Sea which are based on sustainability and enable the countries to benefit from synergies and to address common challenges at the macro-regional level; considers it necessary to work together to raise the profile of destinations in the Adriatic-Ionian region;

91. Urges the European Commission, the participating countries and the local and regional authorities to take measures that incentivise stakeholders to improve the tourism infrastructure;

92. Underlines the importance of supporting cultural and creative activities and in particular the development and integration of business activities in the fields of music, theatre, dance and films; calls for the organisation of festivals, conventions and cultural events that promote integration;

93. Draws attention to the need to allow SMEs easier access to support and finance as they are instrumental for the tourism sector; encourages stakeholders in the region to participate in the Enterprise Europe Network in order to share experience, network and find cross-border partners;

94. Stresses the importance of Smart Specialisation and Smart Communities projects involving the exploitation of existing innovation platforms, such as the creation of an Adriatic-Ionian area of creativity;

95. Supports the development of a diversified tourism offer including thematic tourist parks and routes, and cultural, rural, health, medical, nautical, enogastronomic, conference and sport tourism, including cycling, golf, diving, hiking, skiing, mountaineering and outdoor sports, in order to promote tourism throughout the year and to improve the competitiveness of tourist destinations, based on sustainability; supports the development of rural tourism in order to reduce the pressure on major tourism centres and the narrow coastal area and to help overcome seasonality; supports the expansion of tourist activities towards the hinterland with the creation of integrated tourism products which include the main attractions of the macro-region and those of its capitals;

96. Stresses the importance of coherence between tourism management and infrastructure and the need to improve the quality and diversity of services and opportunities, taking account of the specific characteristics of the region; stresses also the importance of promoting and preserving local and regional traditions;
97. Stresses the importance of exploring alternative routes and business models and improving the linkage of cruise packages to local people and products, thus allowing unsustainable congestion to be tackled more effectively and better exploitation of the full potential, with more lasting economic benefits for local economies; recognises the importance of developing and branding macro-regional tourism routes, through the mapping and further promotion of existing routes;

98. Advocates exploitation of the most representative assets of the area for the purposes of tourism and the development of promotional and marketing programmes;

99. Stresses the need for genuine transport intermodality using an integrated network of services and intersections with a view to developing quality eco-tourism;

100. Calls for the drafting of an Adriatic-Ionian Charter containing criteria, principles and guidelines for the promotion of sustainable tourism through implementation of the European Tourism Indicator System (ETIS) for the assessment of tourist destinations with a view to improving their sustainable development;

101. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the EUSAIR participating countries (Croatia, Greece, Italy, Slovenia, Albania, Bosnia and Herzegovina, Montenegro and Serbia).
Cohesion policy and review of the Europe 2020 strategy

European Parliament resolution of 28 October 2015 on cohesion policy and the review of the Europe 2020 strategy (2014/2246(INI))

(2017/C 355/05)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 4, 162 and 174 to 178 thereof,


— having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (4),


— having regard to the Commission’s sixth report on economic, social and territorial cohesion entitled ‘Investment for jobs and growth: Promoting development and good governance in EU regions and cities’, of 23 July 2014 (hereinafter ‘the sixth cohesion report’),


having regard to the Commission’s eighth progress report on economic, social and territorial cohesion entitled ‘The urban and regional dimension of the crisis’, of 26 June 2013,

having regard to its resolution of 14 January 2014 on smart specialisation: networking excellence for a sound Cohesion Policy (2),

having regard to its resolution of 14 January 2014 on EU Member States preparedness to an effective and timely start of the new Cohesion Policy Programming period (3),

having regard to its resolution of 26 February 2014 on the European Commission’s 7th and 8th progress reports on the EU Cohesion Policy and the Strategic Report 2013 on programme implementation 2007-2013 (4),

having regard to its resolution of 27 November 2014 on delays in the start-up of cohesion policy for 2014-2020 (5),


having regard to the Commission communication of 19 October 2011 entitled ‘A framework for the next generation of innovative financial instruments — the EU equity and debt platforms’ (COM(2011)0662),


having regard to the Commission communication of 13 January 2015 entitled ‘Making the best use of the flexibility within the existing rules of the stability and growth pact’ (COM(2015)0012),

having regard to the Council conclusions on the sixth report on economic, social and territorial cohesion: investment for jobs and growth, adopted by the General Affairs (Cohesion) Council on 19 November 2014,

having regard to the opinion of the Committee of the Regions of 3 December 2014 on the sixth report on economic, social and territorial cohesion (7),

having regard to the working document entitled ‘Blueprint for a revised Europe 2020 strategy: Contribution of the Steering Committee of the Committee of the Regions’ Europe 2020 Monitoring Platform’ (8),

having regard to the opinion of the European Economic and Social Committee of 21 January 2015 on the Commission’s sixth cohesion report (9),

(2) Texts adopted, P7_TA(2014)0002.
(6) OJ L 123, 19.5.2015, p. 98.
(9) OJ C 242, 23.7.2015, p. 43.
— having regard to the Commission communication of 2 March 2015 entitled ‘Results of the public consultation on the Europe 2020 strategy for smart, sustainable and inclusive growth’ (COM(2015)0100),

— having regard to the Commission communication of 13 January 2015 entitled ‘Making the best use of the flexibility within the existing rules of the Stability and Growth Pact’ (COM(2015)0012),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Regional Development (A8-0277/2015),

A. whereas cohesion policy is the EU’s main investment growth and development policy aligned with the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth and aimed at reducing disparities between regions and promoting convergence, with a budget of EUR 351.8 billion until the end of 2020; whereas the EU continues to face the effects of the economic and financial crisis — high unemployment, uneven and slow pace economic recovery; and whereas cohesion policy seeks to ensure that all energies and capacities are mobilised and focused on the pursuit of the Europe 2020 strategy's objectives of sustainable growth and jobs;

B. whereas it is crucial that different EU initiatives for growth and jobs, as well as environment and climate protection, maintain a coherent approach; whereas the Europe 2020 strategy flagship initiatives play a key role in enhancing coordination at local and regional level as regards the implementation of cohesion policy; whereas there is no explicit mechanism built into the programming or the reporting provisions that would explicitly target flagship initiatives in terms of the contribution of the European Structural and Investment Funds (ESI Funds) to their delivery; whereas the Europe 2020 strategy review will need to address the implementation of the flagship initiatives and aim for a balance between financial, fiscal and economic measures on the one hand and social, educational, environmental and equality (especially gender equality) aspects on the other;

C. whereas there is a growing need for stronger co-ownership of the strategy by the different levels of governance and by the different actors involved, and for shared responsibility with the corresponding rights and obligations at all levels of implementation; whereas multi-level governance and partnership must be enhanced, as these principles have the potential to address the lack of administrative capacity;

D. whereas the goals of cohesion policy have unquestionably evolved over time to support investment in the main EU priorities, demonstrating their adaptability and effectiveness, while maintaining the reduction of disparities between the levels of development of the various regions as the central objective, strengthening regions’ potential and promoting sustainable development; whereas the European Fund for Strategic Investments brings new elements to the overall EU strategy aimed at creating innovative, sustainable and inclusive growth and skilled jobs;

E. whereas the review of the Europe 2020 strategy should take account of the serious, uneven effects the economic and financial crisis has had on the Member States and regions and be smart and balanced for reasons of coherence and effectiveness; whereas it might nevertheless consider other measures, such as infrastructure, internal market and administrative capacity measures; whereas different territorial characteristics should be taken into account, with special attention being given to the EU’s regions mentioned in Articles 174 and 349 of the TFEU;

F. whereas the mid-term review of the Europe 2020 strategy, though delayed in 2015, affords above all an opportunity to assess (and acknowledge) the contribution of cohesion policy to achieving the strategy's targets and to improve existing interactions and links between various EU policies and with the EU budget, with a view to them acting as an effective driving force for the implementation of the strategy; whereas this stage is essential for shaping future cohesion policy, as an EU-wide investment policy, while prioritising the reduction of development disparities and re-accelerating the convergence process;
The Europe 2020 strategy and its interrelationship with cohesion policy

1. Recalls that the Europe 2020 strategy is an overarching, long-term ‘growth and jobs’ strategy of the European Union, built around five ambitious objectives: employment, innovation, climate change and energy sustainability, education, and fighting poverty and social exclusion; notes that the objectives are accompanied by seven flagship initiatives and notes that the challenges identified in 2010 have been unevenly addressed and that progress at EU level towards achieving some of them, such as fighting unemployment, is still moderate; emphasises that the EU should concentrate on sustainable growth and development, as well as on decent jobs in order to gain long-term benefits from its investments;

2. Highlights the fact that progress in gender equality could also contribute to economic growth, sustainable development and social cohesion;

3. Points out that an EU economic governance framework and its implementation mechanism, the ‘European Semester’, were established in 2010 to ensure coordination of Member States’ fiscal policies, structural reforms and better alignment of national budgetary policies on growth and jobs at EU and national level, in order to support the delivery of the strategy; draws attention to the fact that further coordination and synchronisation challenges still remain to be addressed;

4. Stresses that cohesion policy for 2007-2013, aligned with the predecessor Lisbon Strategy and having similar core objectives, was already in the implementation phase when the Europe 2020 strategy was launched, and that reprogramming in accordance with the new strategy objectives would therefore have been both difficult and counterproductive; points out, nevertheless, that, at a time of global economic crisis, cohesion policy has not only been the sole source of investment for many Member States, but has also, through ‘Lisbon earmarking’, substantially supported and contributed to countries’ policies for the implementation of the strategy, as shown by the sixth cohesion report and by several Commission communications and studies; recalls that the Lisbon Strategy lost the commitment of Member States, regions and cities over time, and that Europe 2020 governance is particularly consistent with cohesion policy principles and instruments, which can ensure a co-ownershop commitment on the implementation of the strategy;

5. Calls on the Commission, in the context of the ex-post evaluations for the 2007-2013 programming period, to provide information on both the output and result orientation and the concrete contribution made to the Europe 2020 objectives by cohesion policy; stresses the importance of understanding the realities and limitations of the available evidence on cohesion policy’s contribution to the overarching objectives of the strategy and of considering the upheavals which the EU economies have suffered, especially in the case of those countries severely hit during the crisis; appreciates that those conclusions could be useful for the current delivery of the strategy;

6. Emphasises that cohesion policy is the main EU instrument, covering all regions, for investment in the real economy and acts as the expression of European solidarity by extending growth and prosperity and reducing economic, social and territorial disparities; points out that cohesion policy is fully aligned with the Europe 2020 objectives and provides the investment framework needed, without being simply a tool for its implementation; stresses, in this context, that through thematic concentration the ESIF under the new architecture are oriented towards 11 thematic objectives derived straight from the Europe 2020 objectives, and that preconditions linked directly to these thematic objectives have been established in order to ensure that investments are made in such a way as to maximise their effectiveness; underlines its full support for this new approach, which will contribute to increasing the effectiveness of spending;

7. Underlines the fact that cohesion policy is developing synergies with other EU policies such as the digital single market, the energy union, the single capital market and social policy and that, through all its instruments and objectives, including macro-regional strategies, the urban agenda, the territorial agenda, investment in SMEs, smart growth and smart specialisation strategies, it is substantially contributing to the strengthening of the single market and achieving Europe 2020 strategy targets; calls in this context on national and regional authorities across Europe to design smart specialisation strategies and exploit synergies between different EU, national and regional instruments, both public and private;
8. Points to the connection with a broader economic governance process through measures linking the effectiveness of the ESI Funds to sound economic governance; calls on the Member States to act with full responsibility in order to avoid their application to the greatest possible extent and to prevent negative impacts on the implementation of the ESIF and on the attainment of cohesion policy goals; stresses furthermore, that support should be provided to Member States experiencing temporary budgetary difficulties; welcomes the flexibility mechanisms within the existing rules of the Stability and Growth Pact (COM(2015)0012) aimed at strengthening the link between investment, structural reforms and the use of resources in order to promote long-term sustainable growth and facilitate progress towards the Europe 2020 objectives;

9. Stresses with concern the delays in implementing cohesion policy during the current programming period; points out that, although a large majority of operational programmes have now been agreed, the implementation itself is still at a very early stage; stresses, nevertheless, that assessments can be made as regards directing policy resources to priorities that contribute to sustainable growth and jobs; notes, in this context, that according to the first evaluation released by the Commission, the amounts allocated to R&I, support for SMEs, ICT, the low-carbon economy, employment, social inclusion, education and capacity-building have increased substantially as compared with the previous programming periods, while the level of support for transport and environmental infrastructure has decreased; draws attention to the fact that, at the time of the mid-term review of the Europe 2020 strategy, data on implementation of the ESI Funds 2014-2020 may still be lacking, and that, as a result, a concrete evaluation of the contribution of these funds to achieving the strategy's targets may still not be possible at that stage; appreciates the fact that Member States have taken action, e.g. to ensure that 20% of their resources are spent on climate action;

10. Acknowledges that establishing a performance framework and introducing ex ante conditionalities and linkages with country-specific recommendations (CSRs) in the cohesion policy programming 2014-2020 could provide a better investment environment for maximising the cohesion policy contribution to achieving Europe 2020 strategy headline targets;

**Review momentum and related challenges**

11. Recalls that the Commission launched the strategy review process in 2014 by publishing its communication entitled 'Taking stock of the Europe 2020 Strategy for smart, sustainable and inclusive growth', and considers it regrettable that insufficient reference was made to cohesion policy and the associated instruments in that document; appreciates the fact that the process continued with a public consultation carried out between May and October 2014 with a view to collecting evidence for the review process, and welcomes the fact that the strategy's relevance and the meaningfulness of its objectives and priorities were confirmed;

12. Notes that the flagship initiatives are considered to be serving their purpose, but also highlights the fact that their visibility is considered to be rather low; regrets that the economic and financial crisis has aggravated the disparities within the European Union and that insufficient progress has been made towards several of the strategy's headline targets, especially as regards employment, research and development, poverty and social exclusion; welcomes the conclusion drawn as to the need to enhance ownership and involvement on the ground, by consolidating vertical and horizontal partnerships with a view to improving the delivery of the strategy; stresses that the strategy should encourage the shift from process and outcome orientation to an actual result orientation approach in order to ensure the highest possible efficiency and effectiveness for the EU policies linked thereto;

13. Welcomes Eurostat's regular publication of progress indicators as regards the implementation of the Europe 2020 strategy; calls, nevertheless, for greater and more accurate regional details in respect of the data provided at the NUTS II and NUTS III levels, which is going to be of increasing importance due to unforeseen economic and social problems occurring in various EU regions irrespective of their development level; points, moreover, to the three dimensions of cohesion policy — economic, social and territorial — and considers, in the light of this, that it should not be measured solely on the basis of economic indicators; calls, in this context, on the Commission and the Member States to continue the discussion and engage in more efficient cooperation on the development of a more inclusive set of indicators to complement GDP, with a view to them being more relevant to evaluating the progress made towards achieving the priority objectives of the Europe 2020 strategy;
14. Notes that the publication of the Commission's proposal on the review of the Europe 2020 strategy is due before the end of 2015 and regrets this delay, given that it was initially scheduled for early 2015; stresses that this will once again take place at a rather ‘inopportune moment’ in the cohesion policy cycle, when the effective implementation process is under way; stresses, moreover, that early reprogramming would be completely counterproductive for the long-term strategic planning of cohesion policy;

15. Welcomes the setting-up of a task force for better implementation of EU funds; also welcomes the establishment of the ‘Structural Reform Support Service’, which officially started work on 1 July 2015 and which will provide technical assistance to Member States with a view to the more effective implementation of structural reforms and CSRs;

16. Acknowledges, at the same time, the need to consider the evolution of the economic outlook, the use of new instruments, the progress made towards the strategy objectives and the consequent necessity of making operational adjustments;

17. Calls therefore for the scope of the mid-term review of the Europe 2020 strategy to be smart and balanced and to be focused on better interlinking the strategy's five objectives and its flagship initiatives and on identifying methods as to how they could be better carried forward and evaluated without creating additional layers of complexity and excessive administrative burden; stresses that it should take into account the strengths and weaknesses of the EU economy, the growing inequalities (such as in wealth), high unemployment and high public debts; emphasises that, in parallel with the focus on macro-economic criteria of fiscal and economic governance, progress towards all the Europe 2020 headline targets should be pursued; considers that attention should also be paid to increased societal and environmental sustainability, greater social inclusion and gender equality; underlines the importance of continued support from the Commission services for Member State authorities in improving administrative capacity;

18. Reiterates its calls to enhance the responsibility, ownership, transparency and participation dimensions of the strategy by involving LRAs and all relevant civil society stakeholders and interested parties from the target-setting and development of objectives to the implementation, monitoring and evaluation of the strategy; insists on the crucial importance of a strengthened governance structure based on multi-level governance, incentive structures, an effective mixed top-down/bottom-up approach, the partnership model of cohesion policy and public-private partnerships in general, with a view to the consultation and cooperation of all stakeholders, in order to ensure effective capacity to deliver on the long-term objectives; recalls that, in accordance with Member States’ institutional and legal frameworks, regional and local authorities are also responsible for public investment and should therefore be acknowledged as key actors in the implementation of the strategy;

19. Suggests, moreover, that the commitment by LRAs and stakeholders in the Europe 2020 strategy project should be renewed in the form of a pact between those partners, the Member States and the Commission, in order to ensure ownership and participation and that a code of conduct similar to the one on partnership, introduced by cohesion policy 2014-2020, should be adopted;

20. Emphasises the need for a truly territorial approach to the Europe 2020 strategy with a view to adjusting public interventions and investments to different territorial characteristics and specific needs; considers it of the utmost importance to bridge the overall approach of the Europe 2020 strategy and the territorial approach of the Territorial Agenda 2020 (TA 2020); takes the view, moreover, that tailor-made Europe 2020 voluntary regional targets should be possible and should be discussed at regional level without adding to the bureaucratic burden on the ground; stresses that such tailor-made voluntary regional targets should be consistent with the strategy's overarching architecture and be comprised within the pre-defined targets; recalls also, in this connection, the importance of community-led local development strategies;

21. Acknowledges the significant role of cities and urban areas as drivers for growth and jobs, and demands that the review of the Europe 2020 strategy also take into account a wider holistic approach to the future development of cities as entities which play an active role in meeting Europe 2020 objectives; calls on the Commission, therefore, to give due consideration to the Riga Declaration on the Urban Agenda, in view of the fundamental role played by urban areas, whether small, medium-sized or large; stresses, in particular, the need for a strategy that takes account of the specific needs of small
and medium-sized urban areas on the basis of an approach that builds synergies with the Digital Agenda and the Connecting Europe Facility:

22. Calls on the Commission to provide information about the role of territorial aspects as factors of economic growth, job creation and sustainable development, and demands that the review of the Europe 2020 strategy address territorial impacts and provide guidance on how to tackle them; reiterates the importance of consultation with LRAs in this regard, as they play a determinant role in the implementation of territorial development strategies; highlights also the role that macro-regional strategies and European territorial cooperation in general could play in the successful implementation of the Europe 2020 strategy's goals, given that many development projects involve cross-border areas, including several regions and countries, and are able to develop place-based responses to the long-term challenges;

23. Notes the importance of the new EU investment instrument, the European Fund for Strategic Investments (EFSI), which will support the mobilisation of up to EUR 315 billion in investments, with the aim of closing the investment gap in the EU and maximising the impact of public spending; emphasises that the EFSI should be complementary and additional to the ESI Funds; regrets that it is not clearly linked to the Europe 2020 strategy, but considers that, through its objectives and the selection of viable, sustainable projects, it should contribute to the implementation of the strategy in specific areas;

24. Stresses, moreover, the imperative of ensuring full coherence and synergies between all EU instruments, by considering the smart specialisation strategies as one of the core investment instruments, in order to avoid overlapping or contradictions between them or between the different levels of policy implementation; demands, therefore, that the review of the Europe 2020 strategy confirm it as the EU’s long-term strategic framework for growth and jobs and address this challenge of coordinating policy instruments, including the EFSI, with a view to using all the available resources effectively and achieving the expected results as regards the overarching strategic goals;

25. Asks the Commission, with a view to promoting the overall harmonious development of the EU and in view of cohesion policy’s key role in delivering Europe 2020 strategy objectives, to take into consideration, when reviewing the strategy's goals and objectives, the characteristics and constraints of specific territories, such as those of rural areas, areas affected by industrial transition, regions suffering from severe and permanent natural or demographic handicaps, island, cross-border and mountain regions and the EU’s outermost regions, in accordance with Articles 174 and 349 of the TFEU; points, in this context, to the latter regions' potential in such areas as biotechnology, renewable energy and biodiversity;

26. Stresses the improved results arising from increasing the quantity, quality and impact of R&I investments, through the coordinated use of cohesion policy instruments and Horizon 2020 in the context of the mid-term review of the Europe 2020 strategy; asks the Commission, in this connection, to reinforce all possible interactions and synergies between these two important policy frameworks when reviewing the Europe 2020 goals and objectives and to set up a web-based tracking system in order to identify cases of combinations of funding from the ESI Funds with Horizon 2020, EFSI and the other Community-funded programmes; welcomes also the plan to introduce a ‘seal of excellence’ for applicants that are evaluated as excellent, but cannot obtain financing from Horizon 2020, in order to help them access ESI Funds;

27. Calls on the Commission to establish a coherent ongoing evaluation process in order to regularly assess the progress of Europe 2020 strategy targets and suggest appropriate measures for their achievement, as well as recommendations for post-2020 cohesion policy; emphasises also Parliament’s role to supervise the implementation of the Europe 2020 strategy and cohesion policy in a coordinated manner, not only within Parliament, but also with all relevant institutions; calls, in this connection, for the timely involvement of Parliament in all relevant discussions targeting the design of the policies covered by the strategy, their implementation and their evaluation; points to the importance of also mobilising in these exchanges of views the Committee of the Regions, the European Economic and Social Committee, national and regional parliaments, LRAs, other stakeholders and interested parties;
Future cohesion policy — looking beyond the short term

28. Considers that the review of the Europe 2020 strategy, which will precede the launch of the proposal for the mid-term revision of the multiannual financial framework (MFF) for 2014-2020, will provide the basis for the future cohesion policy architecture post-2020, as well as for other MFF instruments; stresses, in this context, the importance of effectively addressing all the concerns raised above, while ensuring the continuity of the strategic approach; recalls, also, the added value of an EU-wide cohesion policy, which must continue to be one of the main EU investment instruments for growth, job creation and climate protection, while ensuring balanced, harmonious development across the EU, as a catalyst for change and a stimulator of prosperity, including in the less developed regions; underlines, in this regard, the need to ensure a sustainable level of financing for the ESI Funds after 2020;

29. Points out that both future cohesion policy and the future EU long-term strategy should be drafted before the end of the Commission's current term, bearing in mind that there will be elections to the European Parliament in 2019, and that this imposes significant specific time constraints on the co-legislators as regards the negotiation calendar, and on the new Commission and the Member States as regards the preparation and adoption of the new partnership agreements and operational programmes before the start of the next MFF; notes, at the same time, that negotiations will also be entered into on the future MFF; calls on the Commission, therefore, to take into consideration all the specific constraints generated by interlinkages and timing coordination requirements and to develop a coherent approach as regards the EU's future long-term sustainable growth and jobs strategy, the EU budget, cohesion policy in particular, and other instruments under the MFF;

30. Instructs its President to forward this resolution to the Council, the Commission, the Member States and the regions.
The European Parliament,

— having regard to the Commission communication on the guidelines on the application of the measures linking effectiveness of the European Structural and Investment Funds to sound economic governance according to Article 23 of Regulation (EU) No 1303/2013 (COM(2014)0494) (hereinafter 'the Guidelines'),

— having regard to the Treaty on the Functioning of the European Union (TFEU) and in particular Articles 4, 162 and 174 to 178 and 349 thereof,


(4) OJ C 161 E, 31.5.2011, p. 120.


— having regard to its resolution of 20 May 2010 on the contribution of the Cohesion policy to the achievement of Lisbon and the EU2020 objectives (4),

— having regard to its resolution of 26 February 2014 on the European Commission’s 7th and 8th progress reports on the EU Cohesion Policy and the Strategic Report 2013 on programme implementation 2007-2013 (4),

— having regard to its resolution of 22 October 2014 on the European Semester for economic policy coordination: implementation of 2014 priorities (6),

— having regard to the Commission’s sixth report on economic, social and territorial cohesion, entitled ‘Investment for jobs and growth: promoting development and good governance in EU regions and cities’, of 23 July 2014,

— having regard to the Commission’s Cohesion policy strategic report 2013 on programme implementation 2007-2013, of 18 April 2013 (COM(2013)0210),

— having regard to the opinion of the Committee of the Regions of 12 February 2015 on the guidelines on the application of the measures linking the effectiveness of the European Structural and Investment Funds (ESIF) to sound economic governance,
having regard to Parliament’s study of January 2014 entitled ‘European Economic Governance and Cohesion Policy’ (Directorate-General for Internal Policies, Department B: Structural and Cohesion Policies),

— having regard to Parliament’s briefing of December 2014 entitled ‘The European Structural and Investment Funds and sound economic governance: guidelines for the implementation of Article 23 of the Common Provisions Regulation’ (Directorate-General for Internal Policies, Department B: Structural and Cohesion Policies),

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Regional Development and the opinions of the Committee on Budgets and the Committee on Employment and Social Affairs (A8-0268/2015),

A. whereas cohesion policy is a TFEU-based policy and an expression of European solidarity, aimed at strengthening economic, social and territorial cohesion in the EU, and in particular at reducing disparities between regions, promoting a balanced and harmonious socio-economic development; whereas it is also an investment policy contributing to achieving the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth;

B. whereas the current legislative framework for cohesion policy, while establishing links with the EU strategy for smart, sustainable and inclusive growth, the European Semester and the Europe 2020 Integrated Guidelines, as well as with the relevant country-specific recommendations (CSRs) and Council recommendations, is nevertheless subject to very specific missions, objectives and horizontal principles;

C. whereas the current legal framework of the European Structural and Investment Funds (ESI Funds) aims to reinforce coordination, complementarity and synergies with other EU policies and instruments;

D. whereas there is evidence that good governance and efficient public institutions are essential for sustainable and long-term economic growth, job creation and social and territorial development, although less evidence is available about the macroeconomic factors which affect the way cohesion policy operates;

E. whereas economic and financial unpredictability and legal uncertainty may result in decreasing levels of public and private investment, putting at risk the achievement of the goals of cohesion policy;

F. whereas the Guidelines concern the first strand of measures linking the effectiveness of the ESI Funds to sound economic governance under Article 23 CPR; whereas this relates to a reprogramming and a suspension of payments which are not compulsory, unlike the second strand of Article 23 CPR, which requires the suspension of commitments or payments where Member States fail to take corrective action in the context of the economic governance process;

G. whereas the Member States’ track record of implementing the CSRs is low, on the evidence of the Commission’s assessments of implementation progress concerning the 279 CSRs issued in 2012 and 2013, showing that 28 CSRs had been fully addressed or showed substantial progress (10 %) and 136 (48,7 %) had achieved some progress, but for 115 (41,2 %) limited progress or no progress was recorded;

**Linking effectiveness of the ESI Funds to sound economic governance**

1. Emphasises the importance of cohesion policy instruments and resources in maintaining the level of European added-value investment in Member States and regions for enhancing job creation and improving socio-economic conditions, especially where investment has fallen significantly owing to the economic and financial crisis;
2. Believes that the achievement of the ESI Funds’ policy objectives and goals should not be hindered by the economic governance mechanisms, while acknowledging their relevance in contributing to a stable macroeconomic environment and an efficient, effective and result-oriented cohesion policy;

3. Considers that Article 23 of the CPR must only be used as a last resort to contribute to an efficient implementation of the ESI Funds;

4. Emphasises the multiannual and long-term nature of programmes and objectives under the ESI Funds, as opposed to the annual cycle of the European Semester; in this context, points out the need to ensure the clarity of the mechanisms for implementation of the latter, and calls for close coordination between these two processes and between the bodies responsible for their respective implementation;

5. Stresses the need for the Commission to submit a white paper taking account of the effects of public investment in the long term and establishing a typology of quality investments, so that those which produce best effects in the long term can be clearly identified;

6. Recalls that cohesion policy has played a vital role and has shown significant responsiveness to macroeconomic and fiscal constraints in the context of the current crisis, through the reprogramming of more than 11% of the available budget between 2007 and 2012, in order to support the most pressing needs and strengthen certain interventions; stresses, in this connection, that in several Member States cohesion policy represented more than 80% of public investment over the period 2007-2013;

7. Asks the Commission to provide further analytical data on the impact and significance of the macroeconomic mechanisms for regional development, for the effectiveness of cohesion policy and for the interaction between the European economic governance framework and cohesion policy, and to provide specific information on how cohesion policy contributes to the relevant CSRs and Council recommendations;

8. Calls on Member States to make best use of the flexibility existing under the rules of the Stability and Growth Pact;

Reprogramming under Article 23 CPR

General considerations

9. Recalls that any decision regarding reprogramming or suspension under Article 23 CPR must only be used in exceptional situations, and must be well-weighed, thoroughly justified and implemented in a cautious fashion, with indication of the programmes or priorities concerned in order to ensure transparency and allow for verification and review; emphasises, moreover, that such decisions should not increase the difficulties that regions and Member States face as a result of the socio-economic environment or of their geographical location and specificities in the sense of Articles 174 and 349 TFEU;

10. Considers that the partnership agreements and programmes adopted in the current programming period have taken account of the relevant CSRs and the relevant Council recommendations, ensuring good grounds for avoiding any reprogramming in the medium term unless the economic conditions should worsen substantially;

11. Stresses that frequent reprogramming would be counter-productive and should be avoided in order not to disrupt fund management or undermine the stability and predictability of the multiannual investment strategy and to prevent any negative impacts, including on the absorption of the ESI Funds;

12. Welcomes the cautious approach of the Commission with regard to reprogramming and its intention to keep it to the minimum necessary; calls for an 'early warning' approach in order to inform Member States concerned of the launching of the reprogramming procedure under Article 23 CPR, and emphasises that any reprogramming request should be preceded by consultation of the monitoring committee;
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13. Asks the Commission to carry out, in close cooperation with the Member State concerned, a comprehensive analysis of all available options other than the application of Article 23 CPR to address issues that may trigger a reprogramming request;

14. Deplores any disproportionate increase of the administrative burden and subsequent cost for all levels of administration concerned, given the tight deadlines and the complexity of the reprogramming procedure under Article 23 CPR; warns against any overlapping of reprogramming procedures under Article 23 CPR with subsequent European semester cycles; calls on the Commission to consider the possibility of reassessing the application of the deadlines as per the review provided for in Article 23(16) CPR;

Horizontal principles under the CPR

15. Expresses its concern that the Guidelines do not make explicit reference to the general and horizontal principles provided for in Articles 4 to 8 of the CPR, and recalls that the reading of Article 23 CPR must take account of and comply with these principles, in particular with those of partnership and multi-level governance, and with the Regulation and the Common Strategic Framework as a whole; calls on the Commission, in this context, to clarify how these principles will be specifically taken into account in the application of the provisions of Article 23 CPR;

The sub-national dimension of Article 23 CPR

16. Emphasises that the increase in the public debt stems principally from the policies pursued by Member State governments, and is seriously concerned that the inability to properly address macroeconomic issues at national level may penalise subnational authorities and the beneficiaries of and applicants for ESI Funds;

17. Recalls that the thematic concentration rules provided for by the 2014-2020 cohesion policy allow for a certain degree of flexibility in addressing Member States’ and regions’ needs, and notes that the application of Article 23 CPR may restrict this flexibility; recalls the need to take account of key territorial challenges, as well as the principle of subsidiarity as provided for in Article 4(3) CPR;

18. Asks the Commission to evaluate, in close cooperation with Member States and partners as stipulated in Article 5 CPR, the impact and cost-efficiency at regional and local levels of any measures adopted under Article 23 CPR;

19. Stresses the need for local and regional authorities to be actively involved in any reprogramming exercise, and is of the opinion that since the ESI Funds are linked to sound economic governance, the European Semester should be given a territorial dimension by also involving those authorities;

20. Asks the Commission to read Article 23 CPR in line with the principle of proportionality, by taking into account the situation of those Member States and regions which face socio-economic difficulties and where ESI Funds represent a significant share of investment, which is even more evident in a crisis context; stresses that Member States and regions, and in particular the lagging ones, should not be further impacted;

Institutional coordination, transparency and accountability

21. Recalls that strong institutional coordination is essential for ensuring the right policy complementarities and synergies, as well as a proper and stable interpretation of the framework of sound economic governance and its interaction with cohesion policy;

22. Calls for an adequate flow of information between the Commission, the Council and Parliament, and for the holding of a public debate at the appropriate political level to ensure a common understanding as regards the interpretation of the conditions of application of Article 23 CPR; recalls, in this context, the need for a specific Council configuration dedicated to cohesion policy in charge of the decisions under Article 23 CPR;
23. Considers it essential to ensure transparency and accountability by giving Parliament democratic oversight of the system of governance in the context of Article 23 CPR, which introduces important limitations in the bottom-up approach which is an important feature of cohesion policy.

**Suspension of payments**

24. Recalls that the suspension of payments is a matter decided by the Council on the basis of a proposal that the Commission may adopt in the event that the Member State concerned fails to take effective action; underlines the important legal safeguards established by Article 23 CPR to ensure the exceptionality of the suspension mechanism;

25. Emphasises the penalising nature of any suspension of payments, and asks the Commission to use its discretionary power to propose the suspension of payments with utmost caution and strictly in line with Article 23(6) CPR, after due consideration of all relevant information and elements arising from and opinions expressed through the structured dialogue;

26. Welcomes, in the context of the criteria for determining the programmes to be suspended and the level of suspension under the first strand, the cautious approach adopted in the Guidelines whereby account will be taken of the economic and social circumstances of Member States by considering mitigating factors similar to those envisaged in the suspensions under Article 23(9) CPR;

27. Calls on the Commission to establish a timescale for the lifting of the suspension under Article 23(8) of the CPR;

**The role of Parliament in the framework of Article 23 CPR**

28. Regrets that the Guidelines do not make any reference to the role of Parliament, despite the fact that the CPR was adopted under the ordinary legislative procedure and despite the consistent calls of Parliament to reinforce democratic accountability and control in the context of economic governance;

29. Considers that the involvement of Parliament, as the principal democratic guarantor for the correct application of Article 23(15) CPR, should be formalised by way of a clear procedure allowing Parliament to be consulted at all stages as regards the adoption of reprogramming requests or of any proposals and decisions on suspension of commitments or payments;

30. Stresses the need for constant, clear and transparent collaboration at interinstitutional level, and considers that such a procedure should include, at least, the following steps:

- the Commission should immediately inform Parliament of the CSRs and Council recommendations that are relevant in the context of the ESI Funds, as well as of the programmes of financial assistance, or respective modifications, that may trigger a reprogramming request under Article 23(1) CPR;

- the Commission should immediately inform Parliament of any reprogramming request under Article 23(1) CPR or of any proposal for a decision suspending payments under Article 23(6) CPR, allowing Parliament to state its position in the form of a resolution before taking any further steps;

- the Commission should take into account the position expressed by Parliament and any elements arising from or opinions expressed through the structured dialogue under Article 23(15) CPR;

- the Commission should be invited by Parliament to explain whether Parliament’s opinions have been taken into consideration in the process, as well as any other follow-up given to the structured dialogue;

- the Committee of the Regions and the European Economic and Social Committee should be informed of and heard on reprogramming requests;
— Parliament, the Council and the Commission should establish a dialogue in the context of the application of Article 23 CPR, by ensuring interinstitutional coordination and a proper flow of information, allowing for the monitoring of the application of any of the procedures under Article 23 CPR;

31. Calls on the Commission to report on the impact and results achieved in the application of Article 23 CPR, in the context of the review of its application in line with paragraph 17 of that Article, including by detailing to what extent any reprogramming request was based on the implementation of the relevant CSRs or Council recommendations or has enhanced the growth and competitiveness impact of the available ESI Funds for Member States under financial assistance programmes, as well as by providing the data on any suspended amounts and the programmes concerned:

32. Instructs its President to forward this resolution to the Council, the Commission, and the Member States and their regions.
P8_TA(2015)0388

Follow-up to the European Parliament resolution of 12 March 2014 on the electronic mass surveillance of EU citizens


(2017/C 355/07)

The European Parliament,

— having regard to the legal framework set by the Treaty on European Union (TEU), in particular Articles 2, 3, 4, 5, 6, 7, 10 and 21 thereof, the Charter of Fundamental Rights of the European Union, in particular Articles 1, 3, 6, 7, 8, 10, 11, 20, 21, 42, 47, 48 and 52 thereof, the European Convention on Human Rights, in particular Articles 6, 8, 9, 10 and 13 thereof, and the case law of the European courts concerning security, privacy and freedom of speech,

— having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens’ fundamental rights and on transatlantic cooperation in Justice and Home Affairs (1) (hereinafter ‘the resolution’),

— having regard to the working document of 19 January 2015 entitled ‘On the Follow-up of the LIBE Inquiry on Electronic Mass Surveillance of EU citizens’ (2),

— having regard to the resolution of the Parliamentary Assembly of the Council of Europe of 21 April 2015 on mass surveillance,

— having regard to the questions to the Council and to the Commission on the follow-up to the European Parliament resolution of 12 March 2014 on the electronic mass surveillance of EU citizens (O-000114/2015 — B8-0769/2015 and O-000115/2015 — B8-0770/2015),

— having regard to the motion for a resolution of the Committee on Civil Liberties, Justice and Home Affairs,

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas in the resolution Parliament called on the US authorities and the Member States to prohibit blanket mass surveillance activities and bulk processing of personal data of citizens, and denounced the reported actions by intelligence services that have severely affected EU citizens’ trust and their fundamental rights; whereas the resolution pointed towards the possible existence of other motives such as political and economic espionage, given the capacity of the reported mass surveillance programmes;

B. whereas the resolution launched ‘A European Digital Habeas Corpus — protecting fundamental rights in a digital age’, with eight specific actions, and instructed the Committee on Civil Liberties, Justice and Home Affairs to address Parliament within one year with a view to assessing the extent to which the recommendations have been followed;

C. whereas the working document of 19 January 2015 reported on developments since the adoption of the resolution, with the stream of revelations of alleged electronic mass surveillance activities continuing, and on the state of implementation of the proposed ‘European Digital Habeas Corpus’, indicating the limited response of the institutions, Member States and stakeholders called upon to act;

(2) PE546.737v01-00.
D. whereas in the resolution Parliament called on the Commission and other EU institutions, bodies, offices and agencies to act on the recommendations, in accordance with Article 265 TFEU (‘failure to act’);

E. whereas Wikileaks recently revealed the targeted surveillance of the communications of the last three French Presidents as well as of French cabinet ministers and the French Ambassador to the US; whereas this strategic and economic espionage has been carried out on a large scale over the last ten years by the NSA, targeted on all the French state structures as well as the biggest French companies;

F. whereas the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression states that encryption and anonymity provide the privacy and security necessary for the exercise of the right to freedom of opinion and expression in the digital age: whereas that report also states that any restrictions on encryption and anonymity must be strictly limited in accordance with the principles of legality, necessity, proportionality and legitimacy of objective;

1. Welcomes the inquiries by the German Bundestag, the Council of Europe, the UN and the Brazilian Senate, the debates in several other national parliaments and the work of numerous civil society actors that have contributed to the raising of general awareness regarding electronic mass surveillance;

2. Calls on the EU Member States to drop any criminal charges against Edward Snowden, grant him protection and consequently prevent extradition or rendition by third parties, in recognition of his status as whistleblower and international human rights defender;

3. Is, however, highly disappointed by the overall lack of sense of urgency and willingness shown by most Member States and the EU institutions in terms of seriously addressing the issues raised in the resolution and implementing the concrete recommendations contained therein, as well as by the lack of transparency towards or dialogue with Parliament;

4. Is concerned at some of the recent laws in some Member States that extend surveillance capabilities of intelligence bodies, including, in France, the new intelligence law adopted by the National Assembly on 24 June 2015, several provisions of which, according to the Commission, raise important legal questions, in the UK, the adoption of the Data Retention and Investigatory Powers Act 2014 and the subsequent court decision that certain articles were unlawful and to be disappplied, and, in the Netherlands, the proposals for new legislation to update the Intelligence and Security Act of 2002; reiterates its call on all Member States to ensure that their current and future legislative frameworks and oversight mechanisms governing the activities of intelligence agencies are in line with the standards of the European Convention on Human Rights and all relevant Union legislation;

5. Welcomes the inquiry by the German Bundestag into mass surveillance; is strongly concerned about the revelations of mass surveillance of telecommunications and internet traffic inside the Union by the German foreign intelligence agency BND in cooperation with the NSA; considers this a breach of the principle of sincere cooperation under Article 4(3) TEU;

6. Asks its President to call on the Secretary-General of the Council of Europe to launch the Article 52 procedure, according to which ‘on receipt of a request from the Secretary-General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention’;

7. Considers the Commission’s reaction so far to the resolution to be highly inadequate given the extent of the revelations; calls on the Commission to act on the calls made in the resolution by December 2015 at the latest; reserves the right to bring an action for failure to act or to place certain budgetary resources for the Commission in a reserve until all the recommendations have been properly addressed;
8. Stresses the significance of the ruling of the Court of Justice of the European Union (CJEU) of 8 April 2014 declaring invalid Directive 2006/24/EC on Data Retention; recalls that the Court stipulated that the interference of this instrument with the fundamental right to privacy has to be limited to what is strictly necessary; highlights the fact that this ruling presents a novel aspect insofar as the Court of Justice refers specifically to a particular body of case law of the European Court of Human Rights concerning the issue of ‘general programmes of surveillance’ and has now effectively incorporated the same principles, stemming from that particular case law of the European Court of Human Rights, into EU law in this same field; stresses that it is therefore to be expected that the Court of Justice will, in future, also apply the same reasoning when assessing the validity, under the Charter, of other EU and Member State legislative acts in this same field of ‘general programmes of surveillance’;

**Data Protection Package**

9. Welcomes the opening of informal interinstitutional negotiations on the draft General Data Protection Regulation and the Council’s adoption of a general approach on the draft Data Protection Directive; reiterates its intention to conclude negotiations on the Data Protection Package in 2015;

10. Reminds the Council of its commitment to respect the Charter of Fundamental Rights of the European Union in its amendments to the Commission proposals; reiterates in particular that the level of protection offered should not be lower than that already established by Directive 95/46/EC;

11. Stresses that both the Data Protection Regulation and the Data Protection Directive are necessary to protect the fundamental rights of individuals, and that the two must therefore be treated as a package to be adopted simultaneously, in order to ensure that all data processing activities in the EU provide a high level of protection in all circumstances; underlines that the objective of strengthening the rights and protections of individuals with regard to the processing of their personal data must be met when adopting the package;

**EU-US umbrella agreement**

12. Notes that since the adoption of the resolution the negotiations with the US on the EU-US framework agreement on the protection of personal data when transferred and processed for law enforcement purposes (hereinafter the ‘umbrella agreement’) have been completed and the draft agreement has been initialled;

13. Welcomes the efforts by the US administration to rebuild trust through the umbrella agreement, and particularly welcomes the fact that the Judicial Redress Act of 2015 was successfully passed by the House of Representatives on 20 October 2015, underlining the substantial and positive steps taken by the US to meet EU concerns; considers it of paramount importance to ensure the same rights in all the same circumstances of effective judicial redress for EU citizens/individuals whose personal data are processed in the EU and transferred to the US, without any discrimination between EU and US citizens; calls on the US Senate to pass legislation guaranteeing this; underlines that one prerequisite for signature and conclusion of the umbrella agreement is the adoption of the Judicial Redress Act in the US Congress;

**Safe Harbour**

14. Recalls that the resolution calls for the immediate suspension of the Safe Harbour Decision as it does not provide adequate protection of personal data for EU citizens;

15. Recalls that any international agreement concluded by the EU takes precedence over EU secondary law, and therefore stresses the need to ensure that the umbrella agreement does not restrict the data subject rights and safeguards applying to data transfer in accordance with EU law; urges the Commission, therefore, to assess in detail precisely how the umbrella agreement would interact with, and have an effect on, the EU legal framework for data protection, including, respectively, the current Council framework decision, the Data Protection Directive (95/46/EC) and the future data protection directive and regulation; calls on the Commission to present a legal assessment report on this matter to Parliament before initiating the ratification procedure;
16. Recalls that the Commission addressed 13 recommendations to the US in its communications of 27 November 2013 on the functioning of the Safe Harbour, in order to ensure an adequate level of protection;

17. Welcomes that in its ruling of 6 October 2015 the CJEU declared invalid the Commission Adequacy Decision 2000/520/EC on the US Safe Harbour; stresses that this ruling has confirmed the long-standing position of Parliament regarding the lack of an adequate level of protection under this instrument; calls on the Commission to immediately take the necessary measures to ensure that all personal data transferred to the US are subject to an effective level of protection that is essentially equivalent to that guaranteed in the EU;

18. Objects to the fact that Parliament has not received any formal communication from the Commission regarding the state of implementation of the 13 recommendations, despite the Commission’s announcement that it would do so by summer 2014; underlines that, following the CJEU’s decision to invalidate Decision 2000/520/EC, it is now urgent that the Commission provide a thorough update on the negotiations thus far and the impact of the judgment on the further negotiations that were announced; invites the Commission to reflect immediately on alternatives to Safe Harbour and on the impact of the judgment on any other instruments for the transfer of personal data to the US, and to report on the matter by the end of 2015;

19. Urges the Commission to assess the legal impact and implications of the Court of Justice ruling of 6 October 2015 in the Schrems case (C-362/14) vis-à-vis any agreements with third countries allowing for the transfer of personal data, such as the EU-US Terrorist Finance Tracking Programme (TFTP) Agreement, passenger name record (PNR) agreements, the EU-US umbrella agreement and other instruments under EU law which involve the collection and processing of personal data;

Democratic oversight

20. While fully respecting that national parliaments have full competence in the oversight of national intelligence services, calls on all those national parliaments which have not yet done so to thoroughly evaluate and install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means and access to all relevant documents in order to be able to effectively and independently oversee intelligence services and information exchanges with other foreign intelligence services; re-expresses its commitment to cooperate closely with national parliaments to ensure that effective oversight mechanisms are in place including by sharing best practices and common standards;

21. Intends to follow up the Conference on the Democratic oversight of Intelligence Services in the European Union, held on 28 and 29 May 2015, and to continue its efforts aimed at ensuring the sharing of best practices on intelligence oversight, in close coordination with national parliaments; welcomes the joint concluding remarks of the co-chairs of this conference declaring their intention to convene a follow-up conference in two years’ time;

22. Considers that the existing tools for cooperation among oversight bodies, for instance the European Network of National Intelligence Reviewers (ENNIR), should be supported and their use should be increased, possibly by making use of the potential of IPEX for the exchange of information between national parliaments, in compliance with its scope and technical capacity;

23. Reiterates its call for the suspension of the Terrorist Finance Tracking Programme (TFTP) agreement;

24. Stresses that a common definition of ‘national security’ is needed for the EU and its Member States to ensure legal certainty; notes that the lack of a clear definition allows for arbitrariness and abuses of fundamental rights and the rule of law by executives and intelligence communities in the EU;
25. Encourages the Commission and the Member States to introduce sunset and extension provisions in legislation that allows the collection of personal data or the surveillance of European citizens; stresses that such provisions are essential safeguards for ensuring that an instrument which is invasive for privacy is regularly scrutinised as regards its necessity and proportionality in a democratic society;

**Rebuilding trust**

26. Stresses that a healthy EU-US relationship remains absolutely vital for both partners; notes that revelations about surveillance have undermined public support for the relationship, and stresses that measures need to be taken to ensure that trust is rebuilt, in particular in the light of the current urgent need for cooperation on a large number of geopolitical issues of common concern; emphasises in this context that a negotiated solution between the US and the EU as a whole, respecting fundamental rights, needs to be found;

27. Welcomes the recent legislative and judicial decisions taken in the US to limit mass surveillance by the NSA, including the adoption of the USA Freedom Act in Congress without any amendments as the result of bicameral and bipartisan compromise, and the ruling of the Second Circuit Court of Appeals on the NSA’s telephone record collection programme; regrets, however, the fact that these decisions focus mainly on US persons while the situation of EU citizens remains the same;

28. Considers that any decision to use surveillance technology should be based on a thorough assessment of necessity and proportionality; welcomes the results of the SURVEILLE research project, which offers a methodology for assessing surveillance technologies taking legal, ethical and technological considerations into account;

29. Emphasises that the EU should contribute to the development of international standards/principles at UN level, in line with the UN International Covenant on Civil and Political Rights, in order to create a global framework for data protection, including specific limitations with regard to collection for national security purposes;

30. Is convinced that only if credible norms are established at the global level can a ‘surveillance arms race’ be avoided;

**Private companies**

31. Welcomes the initiatives of the private ICT sector in terms of developing cryptographic security solutions and internet services that improve privacy; encourages the continued development of user-friendly application settings helping customers manage what information they share with whom and how; notes that various companies have also announced plans to enable end-to-end encryption in response to mass surveillance revelations;

32. Reiterates that under Article 15(1) of Directive 2000/31/EC Member States shall not impose a general obligation on providers of transmission, storage and hosting services to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity; recalls in particular that the CJEU, in its Judgments C-360/10 and C-70/10, rejected measures for the ‘active monitoring’ of almost all users of the services concerned (internet access providers in one case, a social network in the other) and specified that any injunction requiring a hosting services provider to undertake general monitoring shall be precluded;

33. Welcomes the publication of transparency reports by IT and telecommunications companies about government demands for user data; calls on the Member States to publish statistics on their requests to private companies for private user information;
The TFTP agreement

34. Is disappointed that the Commission disregarded Parliament’s clear call for the suspension of the TFTP agreement, given that no clear information was given to clarify whether SWIFT data would have been accessed outside TFTP by any other US government body; intends to take this into account when considering giving consent to future international agreements;

Other personal data exchange with third countries

35. Stresses its position that all agreements, mechanisms and adequacy decisions for exchanges with third countries involving personal data require rigorous monitoring and immediate follow-up action by the Commission as the guardian of the Treaties;

36. Welcomes the EU-US Riga statement of 3 June 2015 on enhancing transatlantic cooperation in the area of freedom, security and justice, in which the signatories committed to enhancing the implementation of the US-EU Mutual Legal Assistance Agreement (MLAT), to concluding its review as foreseen by the Agreement, and to conducting workshops to discuss the issues concerned with the competent national authorities; underlines that MLATs are the instrument on the basis of which law enforcement authorities of Member States should cooperate with authorities of third countries; calls, in this regard, on the Member States and the US government to adhere to the above-mentioned commitments with a view to a swift conclusion of the US-EU MLAT review;

37. Calls on the Commission to report to Parliament by the end of 2015 on the gaps identified in different instruments used for international data transfers as regards access by law enforcement and intelligence services of third countries, and on the means to address those gaps so as to ensure the continuity of the required adequate protection of EU personal data transferred to third countries;

Protection of the rule of law and the fundamental rights of EU citizens/enhanced protection for whistleblowers and journalists

38. Considers that EU citizens' fundamental rights remain in danger and that too little has been done to ensure their full protection in case of electronic mass surveillance; regrets the limited progress in ensuring the protection of whistleblowers and journalists;

39. Deplores the fact that many mass and large-scale intelligence programmes seem to be also driven by the economic interests of the companies that develop and run those programmes, as was the case with the ending of the NSA’s targeted ‘Thinthread’ programme and its replacement by the large-scale surveillance programme ‘Trailblazer’, which was outsourced to SAIC in 2001;

40. Reiterates its serious concern regarding the work within the Council of Europe’s Cybercrime Convention Committee on the interpretation of Article 32 of the Convention on Cybercrime of 23 November 2001 (Budapest Convention) with regard to transborder access to stored computer data with consent or where publicly available, and opposes any conclusion of an additional protocol or guidance intended to broaden the scope of this provision beyond the current regime established by this Convention, which is already a major exception to the principle of territoriality as it could result in unfettered remote access by law enforcement authorities to servers and computers located in other jurisdictions without recourse to MLA agreements or other instruments of judicial cooperation put in place to guarantee the fundamental rights of the individual, including data protection and due process; underlines that the EU has exercised its competence in the area of cybercrime and that the prerogatives of both the Commission and Parliament should therefore be respected;

41. Regrets that the Commission has not responded to Parliament’s request to conduct an examination as to a comprehensive European whistleblower protection programme, and calls on the Commission to present a communication on this subject, by the end of 2016 at the latest;
42. Welcomes the resolution adopted on 23 June 2015 by the Parliamentary Assembly of the Council of Europe on 'Improving the protection of whistleblowers', and in particular its point 9 on the importance of whistleblowing to ensure that legal limits placed on surveillance are respected, and its point 10 calling on the EU to enact whistle blower protection laws, also covering employees of national security or intelligence services and of private firms working in this field, and to grant asylum, as far as possible under national law, to whistleblowers threatened by retaliation in their home countries, provided their disclosures qualify for protection under the principles advocated by the Assembly;

43. Stresses that mass surveillance severely undermines the professional confidentiality privilege of regulated professions including doctors, journalists and lawyers; underlines in particular the rights of EU citizens to be protected against any surveillance of confidential communications with their lawyers which would violate the Charter of Fundamental Rights of the European Union, notably Articles 6, 47 and 48 thereof, and Directive 2013/48/EU on the right of access to a lawyer; calls on the Commission to present a communication on the protection of confidential communications in professions with legal professional privilege, by the end of 2016 at the latest;

44. Calls on the Commission to prepare guidelines for Member States on how to bring any instruments of personal data collection for the purpose of the prevention, detection, investigation and prosecution of criminal offences, including terrorism, in line with the judgments of the CJEU of 8 April 2014 on data retention (Cases C-293/12 and C-594/12) and of 6 October 2015 on Safe Harbour (Case C-362/14); points in particular to paragraphs 58 and 59 of the data retention judgment and to paragraphs 93 and 94 of the Safe Harbour judgment, which clearly demand a targeted approach for data collection rather than a 'full take';

45. Highlights the fact that the most recent case law, and in particular the judgment of the CJEU of 8 April 2014 on data retention, clearly sets out as a legal requirement the demonstration of necessity and proportionality for any measures involving the collection and use of personal data potentially interfering with the right of respect for private and family life and the right to data protection; finds it regrettable that political considerations often undermine compliance with these legal principles in the decision-making process; calls on the Commission to ensure, as part of its Better Regulation agenda, that all EU legislation is of high quality, complies with all the legal standards and case law, and is in line with the EU Charter of Fundamental Rights; recommends that the impact assessment of all law-enforcement and security measures involving the use and collection of personal data always includes a necessity and proportionality test;

European strategy for greater IT independence

46. Is disappointed by the lack of action by the Commission to follow up the detailed recommendations made in the resolution for increasing IT security and online privacy in the EU;

47. Welcomes the steps taken so far to strengthen Parliament’s IT security, as outlined in the action plan on EP ICT Security prepared by DG ITEC; asks for these efforts to be continued and the recommendations made in the resolution fully and swiftly carried out; calls for fresh thinking and, if necessary, legislative change in the field of procurement to enhance the IT security of the EU institutions; calls for the systematic replacement of proprietary software by auditable and verifiable open-source software in all the EU institutions, for the introduction of a mandatory 'open-source' selection criterion in all future ICT procurement procedures, and for efficient availability of encryption tools;

48. Strongly reiterates its call for the development, within the framework of new initiatives such as the Digital Single Market, of a European strategy for greater IT independence and online privacy that will boost the IT industry in the EU;
49. Intends to submit further recommendations in this field following its conference on 'Protecting on-line privacy by enhancing IT security and EU IT autonomy', scheduled for the end of 2015, which will build on the findings of the recent STOA study on the mass surveillance of IT users;

Democratic and neutral internet governance

50. Welcomes the Commission’s aim to make the EU a reference player for internet governance, as well as its vision of a multi-stakeholder model for internet governance as reiterated at the Global Multistakeholder Meeting on the Future of Internet Governance (NETMundial) held in Brazil in April 2014; looks forward to the outcome of the ongoing international work in this field, including in the framework of the Internet Governance Forum;

51. Warns against the obvious downward spiral for the fundamental right to privacy and personal data protection occurring when every bit of information on human behaviour is considered to be potentially useful in combating future criminal acts, necessarily resulting in a mass surveillance culture where every citizen is treated as a potential suspect and leading to the corrosion of societal coherence and trust;

52. Intends to take account of the findings of the in-depth research by the Fundamental Rights Agency concerning the protection of fundamental rights in the context of surveillance, and in particular regarding the current legal situation of individuals with respect to the remedies available to them in relation to the practices concerned;

Follow-up

53. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field and the follow-up to the recommendations made in the resolution;

54. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the Council of Europe.
Council Recommendation on the integration of the long-term unemployed into the labour market

European Parliament resolution of 29 October 2015 on a Council recommendation on the integration of the long-term unemployed into the labour market (2015/2820(RSP))

(2017/C 355/08)

The European Parliament,

— having regard to the Commission proposal of 17 September 2015 for a Council recommendation on the integration of the long-term unemployed into the labour market (COM(2015)0462),


— having regard to its resolution of 11 March 2015 on the European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth Survey 2015 (1),


— having regard to its position of 8 July 2015 on the proposal for a Council decision on guidelines for the employment policies of the Member States (3),

— having regard to European Court of Auditors Special Report No 3/2015, entitled ‘EU Youth Guarantee: first steps taken but implementation risks ahead’,

— having regard to the European Social Policy Network (ESPN) report entitled ‘Integrated support for the long-term unemployed: A study of national policies — 2015’,

— having regard to the question to the Council on the integration of the long-term unemployed into the labour market (O-000121/2015 — B8-1102/2015),

— having regard to the motion for a resolution of the Committee on Employment and Social Affairs,

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas, as a result of the economic crisis and its consequences, long-term unemployment has doubled since 2007 and accounts for half of total unemployment, or more than 12 million people, representing 5% of the EU’s active population; whereas over 60% of the long-term unemployed had been out of work for at least two consecutive years in 2014;

B. whereas the long-term unemployment rate differs markedly across the Member States, ranging from 1.5% in Austria to 19.5% in Greece; whereas the Member States with the highest rates of long-term unemployment are Italy, Portugal, Slovakia, Croatia, Spain and Greece; whereas the economic recovery must gain momentum, as it is currently not providing enough impetus to significantly reduce high rates of structural unemployment;

C. whereas the non-registration of a large proportion of the long-term unemployed and methodological flaws relating to data collection mean that official statistics underestimate the situation;

(2) Council document 6147/15.
D. whereas long-term unemployment often leads to poverty, inequalities and social exclusion, and disproportionately affects vulnerable people who are in a disadvantaged position on the labour market;

E. whereas long-term unemployment progressively distances people from the labour market owing to an erosion of skills and professional networks and a loss of work rhythm, and can lead to a spiral of disengagement from society, domestic tensions and feelings of alienation; whereas every year one in five of the long-term unemployed become discouraged and fall into inactivity as a result of unsuccessful job search efforts;

F. whereas the consequences of long-term unemployment are especially grave in jobless households, often leading to low educational attainment, detachment from the 'world of work', increased mental and health problems, social exclusion and, in the worst cases, the passing-on of poverty from one generation to the next;

G. whereas spells of long-term unemployment often have negative long-term consequences for employment prospects, career progress, earnings profiles and pensions ('scarring effects');

H. whereas long-term unemployment has huge societal costs owing to a waste of skills and increased social expenditure, in addition to the non-monetar y costs arising from a large number of people losing self-confidence and not attaining their personal potential, and from a loss of social cohesion;

I. whereas continued high levels of long-term unemployment are jeopardising efforts to attain the Europe 2020 headline targets of having 75 % of 20- to 64-year-olds in employment and at least 20 million fewer people in, or at risk of, poverty and social exclusion;

J. whereas skills maintenance in the event of job loss, together with education, training and reskilling that anticipate future skills needs, is an important element in avoiding and redressing long-term unemployment;

K. whereas this recommendation bears similarity to the Youth Guarantee; whereas lessons should be learned from initial experiences with the implementation of the Youth Guarantee;

1. Welcomes the Commission's initiative of proposing a Council recommendation on the integration of the long-term unemployed into the labour market; stresses that an earlier release of the proposal, and agreement in the Council, could have prevented part of the long-term unemployment observed today; expresses concern that a Council recommendation may not be sufficient to redress swiftly the situation of the long-term unemployed, and encourages the Member States to deliver;

2. Supports the three main components of the proposal: (i) ambitiously stepping up the registration of the long-term unemployed through an employment service aiming at full coverage; (ii) assessing the individual potential, needs and job preferences of the long-term unemployed before they reach 18 months of unemployment; and (iii) offering a tailor-made, balanced and comprehensible 'job integration agreement' between the long-term unemployed and the services involved, at the latest by the time the person concerned reaches 18 months of unemployment; stresses, however, that an individual assessment should take place before the person reaches 12 months of unemployment, so as to ensure that the job integration agreement can be put in place before they reach 18 months of unemployment; insists that, where applicable, the three-step approach should not fall short in integrating non-state actors, such as social NGOs that work with the long-term unemployed, into the process as a whole;

3. Stresses the need to reach out to all the long-term unemployed, including those who are unregistered, and not only to those who have been unemployed for 18 months or more; considers it paramount that Member State policies targeted at short-term unemployment (< 12 months) and youth unemployment (including the Youth Guarantee) fit in seamlessly with policies aimed at tackling long-term unemployment;
4. Endorses the call for close cooperation between, and effective coordination of, all parties involved in the reintegration of the long-term unemployed (including civil society organisations, where applicable) and for the establishment of one-stop-shops where the unemployed person has one professional case manager (a 'single point of contact'), with this reintegration effort not being disrupted in the event of a benefit regime change for the unemployed person;

5. Underlines the need for an individual approach to assessing the abilities and needs of the long-term unemployed as regards their reintegration into the labour market — an approach which should respect their existing rights and take into account their wider personal situation and any related needs; stresses the need for sufficient and highly qualified staff capable of offering an individual approach to the long-term unemployed, who form a heterogeneous group;

6. Notes the recommendation to introduce a written and comprehensible ‘job integration agreement’ that spells out the respective rights and responsibilities of both the unemployed person and the authorities as represented by the case manager, and thereby sets clear expectations for all parties involved, is fair to the unemployed person and respects his or her personal qualifications and rights as a worker; urges that this agreement be updated regularly;

7. Considers it crucial that any programmes to reintegrate the long-term unemployed be geared to the needs of the labour market and be formulated in close cooperation with the social partners; calls on the Member States to motivate employers, including in a spirit of corporate social responsibility, to engage actively in offering job openings for the long-term unemployed, and, where needed, to appoint mentors to facilitate the smooth reintegration of the long-term unemployed on the work floor; calls for Member States’ employment services to assist SMEs in facilitating such mentoring; recalls that the long-term unemployed need not only jobs but also comprehensive counselling and preparation for successful re-entry into the labour market;

8. Calls on the Member States to match EU funding — in particular through the European Social Fund — of their national policies to tackle long-term unemployment with adequate national funding; stresses that the budgetary constraints faced by some Member States (especially those under Economic Adjustment Programmes) must not prevent the swift implementation of the recommendation; calls on the Commission to explore options for quick access to EU funding and to mobilise additional resources where possible, as was done in the case of the Youth Employment Initiative; stresses the need, in a number of Member States, to allocate adequate funding to strengthening the administrative capacity of employment services;

9. Calls in particular for an improvement in the financial and administrative capacities of public employment services to ensure they can carry out a pivotal role in the implementation of this proposal;

10. Calls on the Commission and the Member States to assess how to support specific in-work training programmes, as well as business development and investment plans that have created sustainable, quality jobs for the long-term unemployed;

11. Emphasises that, for the effective implementation of the recommendation, close cooperation between the Commission and the Member States, and at national level between the (sectoral) social partners, civil society organisations representing the unemployed, local and regional authorities, public and private employment services, social and health care providers, and local and regional education and training institutes, is paramount, as is the active involvement of employers in order to better understand business requirements and needs;

12. Recalls its position on the Council decision on guidelines for the employment policies of the Member States, which insists on specific measures to protect the long-term unemployed from social exclusion and to reintegrate them into the labour market, with due respect for the Treaties;

13. Calls on the Member States to take into account regional differences, including differences between urban and rural areas, when formulating their national approach to tackling long-term unemployment;
14. Welcomes the Commission’s suggestion of establishing, through the European Semester and the Employment Committee, multilateral surveillance of the implementation of the recommendation; insists that this surveillance must be thorough and, if necessary, be followed up by instructions in the Member States’ country-specific recommendations; calls on the Commission to facilitate mutual learning processes that bring together those Member States with high rates of long-term unemployment and those that have been successful in quickly reintegrating the (long-term) unemployed into their labour markets;

15. Calls on the ministers for employment and social affairs to consider Parliament’s input before reaching an agreement on the recommendation;

16. Instructs its President to forward this resolution to the Commission and the Council.
Safe use of remotely piloted aircraft systems (RPAS) in the field of civil aviation

European Parliament resolution of 29 October 2015 on safe use of remotely piloted aircraft systems (RPAS), commonly known as unmanned aerial vehicles (UAVs), in the field of civil aviation (2014/2243(INI))

The European Parliament, — having regard to the Commission communication of 8 April 2014 entitled ‘A new era for aviation — Opening the aviation market to civil use of RPAS in a safe and sustainable manner’ (COM(2014)0207), — having regard to the Treaty on the Functioning of the European Union, and in particular Articles 4(2)(g) and 16 and Title VI thereof, — having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof, — having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, — having regard to the opinion of the European Data Protection Supervisor on the Commission communication to Parliament and the Council entitled ‘A new era for aviation — Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner’, — having regard to the final report of the European RPAS Steering Group entitled ‘Roadmap for the integration of civil Remotely-Piloted Aircraft Systems into the European Aviation System’, — having regard to the Riga Declaration on remotely piloted aircraft (drones) entitled ‘Framing the future of aviation’, — having regard to the report of the House of Lords entitled ‘Civilian Use of Drones in the EU’, — having regard to the European Aviation Safety Agency (EASA) proposal entitled ‘Concept of Operations for Drones — A risk based approach to regulation of unmanned aircraft’, — having regard to the Chicago Convention of 7 December 1944, — having regard to Rule 52 of its Rules of Procedure, — having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0261/2015), A. whereas small, radio-controlled model aircraft have been flown by enthusiasts for many decades; whereas during the last 15 years, there has been rapid growth in the use of RPAS, more commonly known as UAVs or drones; whereas in particular small RPAS, designed for both hobbyist and recreational purposes have become increasingly popular;
B. whereas technology developed primarily for military purposes is now being applied commercially, pushing legislative boundaries; whereas today RPAS used in a professional context also provide significant benefits for different civil uses, the added value of which increases with the distance between the aircraft and the remote pilot (BVLOS (beyond-visual-line-of-sight) operations); whereas RPAS applications, which are highly varied and could extend to still more fields in the future, can be used, for example, for safety inspections and monitoring of infrastructure (rail tracks, dams, and power facilities), assessing natural disasters, (environmentally responsible) precision farming operations and media production, airborne thermography, or parcel delivery in isolated regions; whereas the rapid development of new applications can be foreseen in the near future, which illustrates the innovative and dynamic nature of the RPAS industry;

C. whereas RPAS technology can replace direct human intervention in dangerous environments;

D. whereas there are two types of RPAS applications, namely professional RPAS applications and recreational RPAS applications; whereas these two categories, which are intrinsically different from each other, should be governed by different requirements within the same EU regulatory framework;

E. whereas current EU legislation stipulates that the European Aviation Safety Agency (EASA) is, in principle, the certifying authority for RPAS with a maximum take-off mass of more than 150 kg; whereas RPAS of 150 kg or less fall under the jurisdiction of the Member State;

F. whereas RPAS regulations exist or are being developed in Austria, Croatia, Czech Republic, Denmark, France (1), Germany, Italy, Ireland, Poland, Spain and the UK (2); whereas approved flying schools in Denmark, the UK and the Netherlands, and more than 500 licenced RPAS pilots in the Netherlands and the UK are already operational;

G. whereas all RPAS rules in place in Europe are tailored to assessing the safety risk of the operation; whereas such RPAS rules are ‘operator centric’ and do not take the ‘aircraft centric’ approach used in manned aviation; whereas the risk depends not only on the type of machine and its characteristics (weight, speed, etc.), but also on additional factors, such as the area overflown, the altitude, the expertise of the operator and the particular type of operation and the ability of the operator to deal with unforeseen circumstances;

H. whereas the potential for economic growth in this industry, from the manufacturer to the end user is immense, for both large businesses and the supply chain composed of thousands of SMEs alike as well as innovative start-ups; whereas it is imperative to maintain world class standards of manufacturing and standards of operations while promoting European leadership;

I. whereas in recognition of the rapid development of this market, RPAS are rightly being incorporated into existing aviation programmes, such as the Single European Sky Air Traffic Management Research (SESAR) Joint Undertaking and Horizon 2020; whereas industry has already invested significant financial resources and would be encouraged to redouble its investment effort if SMEs, which make up its largest part, were able to obtain financing more easily; whereas additional funding for further research and development will be crucial to supporting this new industry and the safe and secure integration of RPAS into airspace;

J. whereas even at this early stage, the Member States, industry and the Commission have all recognised the potential of this market and are keen to stress that any policy framework must enable the European industry to grow in order to compete globally;

(1) http://www.developpement-durable.gouv.fr/Quelle-place-pour-les-drones-dans.html
(2) http://www.caa.co.uk/default.aspx?catid=1995&pageid=16012
K. whereas this nascent market offers significant opportunities for investment, innovation and job creation across the supply chain, and to the benefit of society, while recognising at the same time that the public interest must be safeguarded, including in particular issues related to privacy, data protection, accountability and civil liability;

L. whereas, notwithstanding the economic potential of RPAS, its development will be one of the most important future challenges as regards aviation industry safety and the safety and security of people and companies;

M. whereas the EU should, as quickly as possible, produce a legislative framework purely for civil use of RPAS;

N. whereas the European legislative framework must, on the one hand, allow industry to go on innovating and to develop under optimum conditions and, secondly, give the public an assurance that life and property, as well as personal data and privacy, will be effectively protected;

The international dimension

1. Notes that the US is seen by many as the leading market for the use of RPAS, albeit for military operations; stresses however that Europe is the leader in the civilian sector with 2 500 operators (400 in the UK, 300 in Germany, 1 500 in France, 250 in Sweden, etc.) compared to 2 342 operators in the rest of the world, and should do its utmost to boost its strong competitive position;

2. Notes that Japan has a large number of RPAS operators and two decades of experience, mostly in RPAS precision-farming operations, such as crop spraying; recalls that it was the first country to allow RPAS technology to be used in farming activities during the mid-nineties and the number of operators multiplied within a few years;

3. Notes that Israel has a very active manufacturing industry, but with a direct focus on military RPAS; underlines the fact that an integrated civil-military air navigation service now makes it easier to integrate RPAS into Israeli airspace;

4. Notes that Australia, China (where many of the very small RPAS are manufactured) and South Africa are among the 50 other countries that are currently developing RPAS;

5. Stresses that the global dimension of RPAS must be acknowledged and calls upon the Commission to take full account of this;

State of play in EU Member States

6. Stresses that all the Member States have some RPAS activities, either in manufacturing and/or operationally;

7. Underlines the fact that unless an exemption is granted, operating activities are only legal if there is national legislation in place; recalls that this is based on the ICAO rule that all operations performed by unmanned air vehicles must be granted a specific authorisation (1);

8. Notes that because there are no harmonised rules at EU level, the development of a European drone market might be impeded, given that national authorisations are generally not mutually recognised among the Member States;

Key issues

9. Considers that the RPAS sector urgently requires European and global rules in order to ensure cross-border RPAS development; considers that a clear European legal framework is needed to ensure investment and development of a competitive European RPAS sector; underlines the fact that if no action is taken promptly, there is a risk that the economic potential and positive effects of RPAS will not be fully realised;

(1) http://www.icao.int/Meetings/UAS/Documents/Circular%20328_en.pdf
10. Recalls the economic importance of this sector, and underlines the need for suitable policies to protect privacy and ensure data protection, safety and security, which are proportionate to their aim while not imposing an unnecessary burden on SMEs;

11. Believes that a European framework, if it were clear, effective, reliable, and put in place without delay, might assist the discussions on global rule making for the use of drones;

12. Considers that future legislation of that kind will need to establish a clear distinction between professional and recreational use of remotely piloted aircraft;

13. Underlines the fact that safety and security are paramount for any RPAS operations and rules and that they must be commensurate with the risks; considers that the future European regulatory framework should be tailored to the specific risks associated with BVLOS flights without, however, acting as a deterrent to such flights;

14. Underlines the fact that the subject of data protection and privacy is key in order to promote broad public support for the use of civil RPAS, and is therefore also key in order to facilitate the growth and the safe integration of RPAS into civil aviation, while strictly respecting Directive 95/46/EC on data protection, the right to the protection of personal data enshrined in Article 8 of the Charter of Fundamental Rights of the EU and Article 16 of the Treaty on the Functioning of the European Union (TFEU); calls on the Commission and the Member States to ensure that, in the development of any EU policy on RPAS, privacy and data protection guarantees are embedded in line with the principles of necessity and proportionality; calls, in this regard, on the Commission to foster the development of standards on the concepts of privacy by design and privacy by default;

15. Agrees with and fully supports the five essential principles for future RPAS development set out in the Riga Declaration:

— RPAS need to be treated as new types of aircraft with proportionate rules based on the risk of each operation;

— EU rules for the safe provision of RPAS services need to be developed to enable the industry to invest;

— Technology and standards need to be developed to enable the full integration of RPAS into European airspace;

— Public acceptance is key to the growth of RPAS services;

— The operator of an RPAS is responsible for its use;

16. Stresses that in the short term, from an ATM perspective, operational procedures are already in place to allow RPAS to fly outside specific and restricted areas; recalls that many civil and military RPAS are flown using dedicated corridors by increasing the standard separation criteria normally used for manned aircraft;

17. Stresses the importance of ‘out-of-sight’ flights for the development of the sector; considers that European legislation should favour this modus operandi;

18. Recognises that the impact of RPAS on manned traffic is limited due to the small ratio of RPAS to manned aircraft; notes, however, that ATM pressures may increase due to the welcome growth of sports and recreational RPAS, which may in some circumstances pose a threat to air traffic safety, and calls for this factor to be taken into account by the relevant authorities and by future EU rules, in order to ensure a continued efficient standard of ATM across the Member States;
19. Underlines the fact that in the long term, technical and regulatory solutions should preferably enable RPAS to use the airspace alongside any other airspace user without imposing on the latter new equipment requirements; notes that there are a large number of small RPAS operating below 500 feet, together with manned aircraft; stresses that although Air Navigation Service Providers (ANSPs) do not provide Air Traffic Control (ATC) services at these altitudes, they do have a responsibility to provide sufficient information for both types of aircraft to coexist in the same airspace; notes that EUROCONTROL is supporting states in creating a common understanding of the issues involved and in driving harmonisation as much as possible;

20. Considers the question of identifying drones, of whatever size, to be crucial; underlines that solutions should be found which take into account the recreational or commercial use to which drones are put;

**Solutions for the future**

21. Believes that a clear, harmonised and proportionate European and global regulatory framework needs to be developed on a risk-assessed basis, which avoids disproportionate regulations for businesses that would deter investment and innovation in the RPAS industry, whilst adequately protecting citizens and creating sustainable and innovative jobs; considers that thorough risk assessment should be based on the ‘concept of operations’ established by the EASA and should take into account characteristics of the RPAS (weight, scope of operation, speed) and the nature of their use (recreational or professional); believes that this framework should be part of a long-term perspective, taking into account the possible future developments and other aspects of these technologies;

22. Supports the Commission’s intention to remove the 150kg threshold and to replace it with a coherent and comprehensive EU regulatory framework that would allow national competent authorities, qualified bodies or associations to assume validation and oversight activities; considers that the proportionality of the rules should be complemented by the necessary flexibility in processes and procedures;

23. Considers that the development of the EASA’s competences in the area of RPAS should be taken into consideration in the Agency’s budget to ensure that it can carry out the missions assigned to it;

24. Calls on the Commission to ensure that in the development of any EU policy on RPAS, privacy and data protection guarantees are embedded by making, as a minimum requirement, impact assessments and privacy by design and by default compulsory;

25. Is concerned over potential illegal and unsafe uses of RPAS (i.e. RPAS being transformed from a civilian tool into a weapon used for military or other purposes, or RPAS being used to jam navigation or communication systems); calls on the Commission to support the development of the necessary technology to ensure safety, security and privacy in the operation of RPAS, including through Horizon 2020 funds directed primarily towards research and development into systems, technologies, etc. that can be used to enhance privacy by design and default and support the development of technologies such as ‘detect and avoid’, geo-fencing, anti-jamming and anti-hijacking, as well as privacy by design and by default enabling the safe use of civilian RPAS;

26. Encourages innovative technologies in the area of RPAS that have an enormous potential for job creation, in particular green jobs, because this includes professions from a vast spectrum; encourages the development and exploration of the great potential of involving SMEs with respect to the services concerned with the production of specialised parts and materials; highlights the need to organise and promote centres for qualifications and training;

27. Considers that rules at EU and national level should clearly indicate the provisions applicable to RPAS in relation to the internal market and international commerce (production, sale, purchase, trade, and use of RPAS) and the fundamental rights of privacy and data protection; believes also that these rules should contribute to the correct enforcement of privacy, data protection and any other law related to the different risks and responsibilities associated with flying RPAS, such as
criminal, intellectual property, aviation and environmental law; underlines the need to ensure that any person operating an RPAS should be made aware of the basic rules applicable to the use of RPAS, and that those rules should be specified in a notice for purchasers;

28. Considers that the industry, regulators, and commercial operators must come together to guarantee legal certainty favouring investment and to avoid the ‘chicken-and-egg’ problem, whereby industry is reluctant to invest in developing the necessary technologies without certainty about how they will be regulated, while regulators are reluctant to develop standards until industry comes forward with technologies for authorisation; stresses that SMEs should be genuinely linked to this standardisation process;

29. Considers that a ‘risk-based approach’ in line with the Riga Declaration and the concept of operations as developed by the EASA, is a solid basis for ensuring the safe operation of RPAS, and that European regulatory requirements will need to be based on either a case-by-case or a type/class-based approach, whichever is appropriate, and will ensure a high level of safety and interoperability; considers that in order to ensure the success of RPAS manufacturers and operators, it is vital that the European Organisation for Civil Aviation Equipment (EUROCAE) standardisation requirements be validated by the relevant regulatory body;

30. Considers that future European and global rules on RPAS should address issues relating to:

— airworthiness;

— certification specifications;

— commercial and recreational use;

— the identity of the drone and the owner/operator;

— the approval of training organisations for pilots;

— training and licensing of pilots;

— operations;

— liability and insurance;

— data protection and privacy;

— ‘geofencing’;

— no-fly (exclusion) zones;

31. Invites the Member States to ensure that when training is provided to professional users and owners of RPAS, it includes specific training on data protection and privacy, and that professional users of RPAS are subject to mutual recognition by Member States in order to eliminate any market restrictions;

32. Underlines that RPAS flying beyond visual line of sight (BVLOS) must be equipped with ‘detect-and-avoid’ technology in order to detect aircraft using the same airspace, ensuring that RPAS do not put at risk the safety of manned aircraft, and in addition, take into account densely-populated areas, no-fly zones, such as airports, power plants, nuclear and chemical plants, and other critical infrastructure; urges therefore the Commission to provide for the necessary research and development budgets through the SESAR Joint Undertaking;
33. Calls on the Commission and the bodies and companies concerned to boost their research and development programmes; considers that, taking into account the expected economic spin-offs from this sector, the EU should favour the development of European technologies, for example through Horizon 2020; asks for account also to be taken of the development of drone detection and capture technologies in research programmes;

34. Recalls that the European GNSS Programme EGNOS augmenting the GPS signal was certified for civil aviation in 2011 and that Galileo will in the next few years gradually enter into the exploitation phase; believes in this respect that an advanced system of air traffic management as well as applications for RPAS based on European GNSS programmes will positively contribute to the safe operation of RPAS;

35. Notes that RPAS in line with a risk-based approach should be equipped with an ID chip and registered to ensure traceability, accountability and a proper implementation of civil liability rules;

36. Supports the concept of operations for drones developed by the EASA which defines three different categories of RPAS and corresponding rules;

37. Notes that enforcement of RPAS legislation is key to the safe and successful integration of RPAS in European airspace;

38. Calls on the Commission and the Member States to ensure sufficient means of enforcement of RPAS legislation;

39. Stresses that the Joint Authorities for Rulemaking on Unmanned Systems (JARUS) is an international voluntary membership body comprising national civil aviation authorities from 22 EU and non-EU countries and regulatory agencies/ bodies; recalls that JARUS is chaired by a representative of the EASA, the Agency which will deal with future RPAS regulation; recalls that JARUS’s purpose is to develop technical, safety and operational requirements for the certification and safe integration of large and small RPAS into the airspace and at aerodromes;

40. Considers that JARUS could ensure that any future EU rules will be coordinated with international arrangements in other countries, through a process of mutual recognition;

41. Considers that the data protection authorities of the Member States should work together in order to share data and best practices, and ensure compliance with existing data protection guidance and regulations, such as Directive 95/46/EC;

42. Underlines the fact that the use of RPAS by law enforcement and intelligence services must respect the fundamental right to privacy, data protection, freedom of movement and freedom of expression, and that the potential risks connected to such use of RPAS, regarding both surveillance of individuals and groups and the monitoring of public spaces such as borders, need to be addressed;

43. Believes that the data protection authorities of the Member States should share existing specific data protection guidance for commercial RPAS, and calls on the Member States to carefully implement data protection legislation in such a way that it fully addresses the public’s concerns regarding privacy and does not lead to a disproportionate administrative burden on RPAS operators;

44. Strongly recommends that the current discussions between EU and national policymakers and regulators, industry, SMEs and commercial operations should be opened up, and that a public debate should be launched with the participation of citizens and other relevant stakeholders, such as NGOs (including civil rights organisations) and law enforcement authorities, in order to take note of and address the concerns regarding the protection of fundamental rights and the responsibilities and challenges facing different actors in safeguarding these rights and protecting the security of citizens when RPAS are used;
45. Takes the view that the Parliament must establish its position prior to the Commission's adoption of its aviation package, thereby responding to the industry call for clear guidance;

46. Underlines the need for a clear legal framework based on relevant criteria regarding the use of cameras and sensors, especially by commercial and private RPAS, that will ensure the effective protection of the right to privacy and data protection as well as safeguarding the security of citizens, taking into account the ever decreasing size of RPAS components, leading to more portable and undetectable devices;

47. Calls on the TRAN and LIBE committees to arrange a joint hearing with representatives of industry, national privacy protection organisations, the European Data Protection Supervisor, the Commission, and NGOs working in the area of fundamental rights;

48. Calls on the Commission to consider a regular reporting mechanism that would take into account technical developments as well as policy developments and best practice at national level, and would also address RPAS incidents, and to present an overview and evaluation of the regulatory approaches at Member State level, so as to allow comparison and identify best practices;

49. Instructs its President to forward this resolution to the Council and the Commission.
New challenges and concepts for the promotion of tourism in Europe

European Parliament resolution of 29 October 2015 on new challenges and concepts for the promotion of tourism in Europe (2014/2241(INI))

(2017/C 355/10)

The European Parliament,

— having regard to the Commission communication entitled ‘Europe, the world’s No 1 tourist destination — a new political framework for tourism in Europe’ (COM(2010)0352),

— having regard to its resolution of 27 September 2011 on Europe, the world’s No 1 tourist destination — a new political framework for tourism in Europe (1),

— having regard to the Commission communication entitled ‘A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism’ (COM(2014)0086),

— having regard to the Commission Green Paper entitled ‘Safety of Tourism Accommodation Services’ (COM(2014)0464),

— having regard to the Commission communication entitled ‘Better regulation for better results — An EU agenda’ (COM(2015)0215),

— having regard to its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (2),

— having regard to the Council resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities (3),

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 195 thereof,

— having regard to Rule 52 of its Rules of Procedure,

— having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Culture and Education (A8-0258/2015),

A. whereas measures taken at EU level under Article 195 TFEU must complement the action of the Member States in the tourism sector, excluding any harmonisation of the laws;

B. whereas tourism is a key potential growth area of the European economy, which generates over 10% of the EU’s GDP if sectors linked to tourism are taken into account; whereas tourism is also a driver of substantial employment, as it directly employs 13 million workers and consequently accounts for at least 12% of jobs in the EU;

C. whereas Europe is the world’s number one tourist destination, with a market share of 52%; whereas statistics show that the majority of trips abroad by EU residents continue to be to destinations within the EU, and whereas the number of international tourists arriving in the EU is forecast to increase by 140 million each year until 2025;

(2) OJ C 131 E, 8.5.2013, p. 9.
D. whereas tourism represents a major socio-economic activity in the EU, with a wide-ranging impact on economic growth, employment and social development, and whereas it could therefore be instrumental in addressing the current economic and employment crisis;

E. whereas coastal and maritime tourism is the largest maritime activity in Europe, and whereas it represents more than a third of the maritime economy, directly affecting many other sectors of the EU economy and employing 3.2 million people, most between the ages of 16 and 35; whereas it should also be noted that this sector has been a lever for growth and job creation, particularly in the Atlantic and Mediterranean regions;

F. whereas tourism policy priorities contribute to at least three priorities of the Juncker Commission, namely sustainable growth and jobs, the connected digital single market, and a deeper and fairer internal market;

G. whereas the actions announced in the 2010 Commission communication entitled 'Europe, the world’s No 1 tourist destination' foster the ambitious objective of maintaining Europe’s dominant position in the world as a tourist destination;

H. whereas there is no dedicated line for tourism in the EU budget, and whereas actions in this field come under various funds, pilot projects and preparatory actions;

I. whereas the tourism industry in Europe faces a number of new challenges, among them the digitisation of distribution channels, the development of the new sharing economy sector, increasing competition from emerging, less expensive third-market destinations, changing consumer behaviour, the transition to an experience economy, the demand for quality client service, the need to attract and retain skilled staff, demographic changes, and seasonality;

J. whereas tourism policymakers can address challenges such as demographic changes and seasonality in tourism by developing products and services which cater for the specific needs of the increasing number of seniors able to travel during the low season;

K. whereas SMEs in the tourism sector face considerable difficulties as a result of a heavy regulatory burden;

L. whereas promoting Europe through its own tourism destination promotion and brand strategy serves as an important tool for strengthening its image, profile and competitiveness as a set of sustainable and high-quality tourist destinations, enables European destinations to distinguish themselves from other international destinations and helps to attract international tourists, particularly from emerging third markets;

M. whereas conflicts near EU borders, for instance in Ukraine and in the Middle East, together with terrorist threats, have a negative impact on the tourism sector and thus require counter-measures at both national and European level;

N. whereas sustainable, accessible and responsible tourism which is in harmony with nature and landscape and with urban destinations, and which relies on resource efficiency, sustainable mobility and climate protection, helps to preserve the local environment, in particular in mountain and coastal regions and islands, and to bring lasting results in terms of regional growth, accommodates the increasing quality demands of travellers and helps companies to compete;

O. whereas European cultural tourism plays an important role in promoting Europe’s rich cultural diversity, strengthens European identity and promotes cross-cultural exchanges and multicultural understanding;
P. whereas regions play a fundamental role in the development and implementation of tourism-related policies at the regional level;

Q. whereas the sharing economy represents a shift towards new business models as a result of rapidly changing new technology, and whereas many of the players in the sharing economy are part of the travel service economy;

R. whereas, although information is scattered and it is consequently difficult to draw solid conclusions, it is most likely that the economic impact of the sharing economy has a positive effect on economic growth and welfare;

S. whereas offering services of a high standard and protecting consumer rights should be the highest priority for all those providing tourism-related services, including in the sector involving the sharing and use of the latest internet technologies;

T. whereas travel and tourism is one of the sectors most affected by digitisation, and whereas this opens up a number of opportunities for travel companies not only in Europe but also globally;

The Commission’s action framework

1. Calls on the Commission to report back to Parliament on the implementation of the actions set out in its aforementioned 2010 communication and the use of budget allocations under the Structural Funds and the relevant EU programmes, in particular the Competitiveness and Innovation Framework Programme (CIP) and the Competitiveness of Enterprises and Small and Medium-Sized Enterprises (COSME) programme, and the respective pilot projects and preparatory actions, in the form of a factual review including an assessment of the effectiveness of actions to promote tourism and to consolidate the competitiveness of the EU tourism sector;

2. Expects the Commission to ensure that the future allocation of resources from the various promotional funds for the creation of a favourable environment for companies in the EU tourism sector remains possible;

3. Strongly encourages the Commission to examine the possibility of creating a section within the next multiannual financial framework that is dedicated exclusively to tourism, on the grounds that tourism should be better recognised as an individual economic activity in terms of budget and actions, instead of being financed from the budgets of other policy areas;

4. Recalls that the European Structural and Investment Funds (ESIF) are still the largest source of external financing for activities intended to stimulate the tourism sector in certain Member States; urges the Commission, therefore, to ensure greater transparency in the way in which structural funds are used by local administrations;

5. Calls on the Commission, the Member States, regions and the authorities responsible for tourism, together with companies, in particular SMEs, to make the fullest possible use of the new funding opportunities under the European Fund for Strategic Investments, especially through national and regional investment banks, in order to give a qualitative leap to EU action in support of tourism;

6. Urges the Commission to encourage the development of tourism-related pilot scenarios under the Horizon 2020 programme;

7. Calls on the Commission to translate the funding support guide into the EU’s 24 official languages in order to facilitate access to information on funding possibilities, in particular for SMEs, given that access to finance is one of the barriers faced in this sector;

8. Calls on the Commission to appoint independent experts to assess the impact of other EU policies on tourism and analyse real and potential threats to tourism as a result of conflicts in the EU’s neighbouring countries and regions, and to report back to Parliament with proposals for measures to enhance the positive impact on tourism and reduce the negative impact;
9. Expects the Commission to present an overview of up-to-date data on the basis of the new Regulation on Tourism Statistics;

10. Notes that further effort is needed to develop an integrated approach to tourism, ensuring that the interests and needs of this sector are taken into account when formulating and implementing other EU policies (e.g. transport, rural policy);

11. Calls on the Commission to present a new strategy for EU tourism to replace or update the 2010 communication;

12. Expects the Commission to present detailed implementing measures for the new set of common actions in the context of the next European Tourism Forum;

13. Strongly recommends that the Commission transfer sufficient human resources to its tourism policy, given the importance of tourism as an essential factor for economic growth and jobs in Europe; criticises the fact that the subject of tourism is not listed visibly enough on the new DG GROW website; also recommends making this website multilingual;

14. Emphasises the importance of coordination among Commission services and departments;

15. Urges the Commission to consider reducing the disproportionate regulatory burden, which has a negative impact on the competitiveness of SMEs in the tourism sector; calls on the Commission and the Member States to reduce, and not add to, the existing regulatory burden;

16. Reminds the Commission that tourism is a key sector of the European economy, and that it is consequently necessary to improve considerably the coordination between Member States, regional and local authorities and financial institutions and to create synergy between the public and private tourism sectors; calls on the Commission to engage in finding a mechanism for effective coordination and cooperation in the sector;

17. Considers that, within the framework of cooperation and good neighbourliness, the EU should develop cooperation actions for the development of tourism in third countries with a view to enabling balanced development of their economies, which will also help to ease tensions in the area of neighbourly relations and to enhance the attractiveness of the region and the flow of incoming tourism;

18. Considers that designating a European Year of Tourism would help to promote the diversity of European tourism and raise the profile of the various stakeholders active in the tourism sector; calls on the Commission to consider such an initiative;

19. Calls on the Commission to submit an analysis of the advantages and disadvantages of setting up a European Agency for Tourism;

**Branding/joint promotion of Europe as a tourist destination**

20. Strongly encourages the Commission, in cooperation with the European Travel Commission (ETC), which brings together the national tourism organisations, to continue and deepen the promotion of Europe as the world’s top tourist destination under the umbrella of a common European approach; calls in particular for the implementation of the long-term strategy launched by the Commission and the ETC in February 2014, ‘Destination Europe 2020’, which includes a set of marketing, branding and promotion actions for Europe as a tourist destination;

21. Calls in particular for the creation of a ‘Destination(s) Europe’ brand with the aim of complementing and enhancing the promotional activities of tourism organisations operating at the national, regional, cross-border and local levels, and of the European tourism industry, for the benefit of the visibility and competitiveness of European tourist destinations, especially in long-haul markets; stresses that the ‘Destination(s) Europe’ brand needs an inclusive approach which generates advantages for both established and less-known European destinations while preserving the inherent diversity of different European regions inasmuch as they make a living from their own territorial brand, and that it must fully respect the competences of the Member States in accordance with Article 195 TFEU;
22. Recognises that common objectives need to be clearly defined and the potential and added value of a ‘Destination(s) Europe’ brand analysed, in accordance with the needs and specific requirements expressed by the Member States; takes the view that, in order to achieve these results, further in-depth consultations need to be conducted with the industry, tourism organisations and regional and local authorities; recommends the setting-up of a brand manual, which should specify agreed promotion modalities;

23. Recommends giving consideration to how the private sector can become involved in the ‘Destination(s) Europe’ brand’s marketing strategy, and how it can contribute financially to the development and goals of the strategy; stresses the importance of public-private partnerships and consequently suggests developing a Special Public-Private Partnership of Tourism (SPOT) programme; calls on the Member States to involve their respective regional and local authorities in this process, and to cooperate constructively with the industry in order to achieve those objectives;

24. Calls for the enhancement of the ‘Destination(s) Europe’ brand as the most family-, child- and generation-friendly holiday region in the world;

25. Views it as essential that one of the key elements of the ‘Destination Europe’ brand be the security of tourists; calls, therefore, on the authorities of the Member States, in close cooperation with the Commission, to implement strategies (including tourist information campaigns) with the objective of giving tourists the safest possible experience in European tourist destinations;

26. Stresses the need to increase political awareness of the fact that promoting Europe in third countries serves as a marketing tool with the objective of increasing the number of inbound tourists, and thereby helps to bring economic benefit not only to less-known destinations and countries experiencing economic difficulties, but also to the EU as a whole; considers that a strict visa policy is a barrier to inbound tourism from third countries; welcomes the measures put forward by the Commission in 2014 with a view to issuing new tourist visas and facilitating the movement of tourists through the Schengen area; encourages the Council, to this end, to reach a rapid agreement with Parliament so that the EU can benefit from a greater influx of tourists from certain third countries with a high potential interest in visiting the EU;

27. Recalls that the EU should start investing in order to be ready to tap the potential of third countries with a large population and emerging economies, particularly the BRIC countries, where the number of outbound tourists is rising; points out the need for initiatives aimed at promoting tourism and for greater flexibility and consistency in respect of tourist visa arrangements and border crossings; stresses that the promotion of a larger number of Visa Tourism platforms, coupled with a cautious approach to the simplification of the Visa Code, is an important component in increasing the number of tourists from outside Europe and raising the visibility of European tourist destinations; highlights the potential of touring visas for groups of tourists who had already been in the country, and the importance of implementing more visa waiver agreements in order to make optimum use of international tourist arrivals; considers it advisable, with due respect for the Member States’ right and duty to control entry across their own borders, for the European institutions and the Member States to develop, in the context of the common visa policy, a long-term strategy for better-coordinated and simplified visa procedures;

Pan-European and transnational tourism products

28. Takes the view that public and private stakeholders should strengthen their efforts to develop new transnational European tourism products, while taking full account of the role of macro-regional strategies in their development; notes that macro-regions such as the Adriatic-Ionian macro-region offer distinctive natural, cultural and historical bases for the development of such products; calls on public and private stakeholders in the EU’s Baltic, Danube, Adriatic-Ionian and Alpine macro-regional strategies to devise, each in their own area, joint strategies for the development of tourism;

29. Encourages international cooperation in the creation of transnational thematic itineraries (at the level of a larger number of European countries) in order to amplify experiential elements that motivate visits to certain destinations (defined at the state level), increase the mobility of holidaymakers, achieve higher average spending and broaden the promotional platform (in particular as regards visitors from ‘long-haul’ inbound markets);
30. Highlights the increase in international competition with the emergence of destinations outside Europe; considers it essential, therefore, to foster greater cooperation between European destinations through tourism clusters and networks at the local, regional, national and transnational levels and within maritime basins;

31. Recognises the importance of transnational tourism products in promoting territorial cohesion; is convinced, therefore, that initiatives implemented within institutionalised cooperation frameworks should be supported through adequate incentives;

32. Calls on the Member States to promote new tourism routes by regenerating disused areas, streets, railways, deserted paths and outdated routes;

33. Calls on the Commission and the members of the ETC to support its existing mandate to assist in the development and promotion of targeted transnational and pan-European tourism products and services, together with coastal and maritime tourism, by means of an advanced, improved and fully accessible Visiteurope.com portal; calls on the Commission to ensure that the Visiteurope.com portal can also be accessed on all common mobile and portable terminals via a specially programmed application (app);

34. Calls on the Commission, furthermore, to boost its cooperation with the Council of Europe, the ETC and the UN World Tourism Organisation, together with other international partners, in order to strengthen efforts to develop new transnational and pan-European tourism products;

35. Stresses, while taking into account the fact that today's consumers tend to seek a tourism experience rather than a mere destination, that a successful marketing strategy to promote European tourism products needs to correspond to the needs of different travel segments and markets in third countries;

36. Highlights the need for travel agents and tour operators to promote the 112 European emergency number on relevant websites and e-tickets, and in our main tourist destinations;

37. Welcomes the Calypso social tourism initiative, which allows seniors, young people, people on lower incomes and people with disabilities to go on holidays outside the high season; stresses that this initiative has the potential to overcome the problem of seasonality, particularly in less well-known destinations;

38. Believes, however, that in order to combat seasonality in Europe there needs to be a stronger focus on developing targeted tourism products which offer travellers a specific tourism experience and correspond to their specific needs; calls on the Commission, therefore, to encourage and support the Member States and the tourism industry in creating more diversified and targeted products around specific themes such as the rural, cultural and industrial heritage, history, religion, health, spa and wellness experiences, sport, wine and food, music and art as forms of alternative tourism which help to bring added value to the area in question by diversifying its economy and making employment less seasonal; encourages the Member States, to this end, to make appropriate use of EU funds, and calls on the Commission to extend the objectives for action under the COSME programme accordingly; considers that sport, music and arts festivals have strong potential to mobilise tourists from Europe and abroad;

39. Emphasises that Europe's diversity and multiculturalism offer great potential for the development of themed tourism, and allow the coordinated promotion of alternative and sustainable tourism and cultural exchanges; encourages initiatives to connect tourist attractions to one another in order to establish thematic tourism products and trails on a European, national, regional and local scale, exploiting the complementarity and specificities of the various European tourist attractions so as to provide the best possible experience for tourists;
40. Stresses the need to promote and highlight Europe’s rich cultural heritage, using the UNESCO World Heritage List as a unique selling proposition but also including sites that may be less widely known or not easily reachable, especially given that cultural tourism accounts for about 40% of European tourism and thereby contributes significantly to economic growth, employment, social innovation and local, regional, urban and rural development, while reducing the impact of seasonality; also stresses, in this context, the key role played by sponsorship in maintaining Europe’s heritage and helping Member States bear the cost burden.

41. Stresses that the promotion of cultural events at various levels could contribute to the attractiveness of tourist destinations, and therefore suggests looking at the possibility of creating a Europe-wide calendar of events, to be posted at the VisitEurope.com portal, in order to improve tourist information services.

42. Calls on national tourism organisations to lend adequate web visibility to initiatives and awards highlighting the European heritage, and to foster related promotional initiatives and activities (such as the European Heritage label and the European Cultural Routes).

43. Reiterates the importance of protecting and preserving the cultural heritage against the possible harmful effects of structural changes caused by tourism activities, and against the risks posed by mass tourism, especially during the high season; gives priority to the quality of the work performed rather than its cost; stresses, in this context, the role that patronage can play in helping to conserve the European heritage and compensating for the decline in public budgets allocated for this purpose.

44. Asks the Commission and the Member States to implement the action to protect endangered monuments and sites in Europe in order to safeguard and promote the cultural heritage and thereby encourage cultural tourism.

45. Stresses the important role played by European cultural tourism in furthering personal development and knowledge, especially among young people, promoting Europe’s rich national and local cultural diversity and heritage, contributing to intercultural learning, providing an opportunity for networking, strengthening European identity and expressing European values.

46. Stresses the potential of cultural tourism for poverty alleviation; calls, in this connection, for the fostering of Member States’ creative industries and of rural tourism in order to promote Europe’s extraordinary cultural wealth and to fight poverty and unemployment.

47. Stresses that the joint acquisition of travel passes and tickets should be simplified as a form of support for cultural campaigns.

48. Stresses that Europe’s breadth of languages — official, co-official, minority and lesser-known — form the bedrock of its cultural heritage and are themselves key to sustainable and responsible tourism.

49. Notes the opportunities offered by significant historical events and sites, such as the Sites of Conscience, to address contemporary challenges through sensitive interpretation and education programmes; encourages the use of cultural heritage and tourism to foster intercultural dialogue and bring the people of Europe closer together.

50. Stresses the potential of sport tourism, which could in future become one of the most dynamic sectors in the developing European travel industry, and calls for the introduction of specific policies to promote and support its development; recalls the important place of sporting activities in making Europe’s regions attractive to tourists; highlights the opportunities arising from travel by athletes and spectators in the run-up to sports events and during those events, which can attract tourists to even the most remote areas; emphasises that the potential of sport tourism is not yet sufficiently exploited.
Quality

51. Is convinced that European tourism must make a transition from a model of quantitative growth to a qualitative model leading to steady and sustainable development, and that there is, in fact, a need to build a tourism industry that allows the creation of more qualified jobs which are properly remunerated; believes that the economic diversification of tourism in rural and coastal areas offers opportunities for new and sustainable employment;

52. Acknowledges the difference in standards of service quality in the tourism sector, and takes the view that quality standards are important as a means of levelling the playing field for operators and increasing transparency for the consumer, thereby helping to strengthen the confidence of all parties; calls on all stakeholders to take further the discussion of how the EU can promote agreed quality standards for tourism services;

53. Calls on the Commission to launch a European tourism quality brand to reward rigorous efforts by tourism professionals in supporting the quality of tourism services based on the highest respect for the cultural and natural heritage, improving the quality of tourism jobs, enhancing accessibility for all and promoting the cultural traditions of local communities;

54. Calls on the Commission to boost collaboration between Member States in order to improve product quality by protecting the ‘made in’ brand;

55. Calls on the Commission and the Member States to collaborate with tourism associations, and together to define a common European system for the classification of tourism infrastructure (hotels, restaurants, etc.); considers that the Hotelstars Union initiative aimed at gradually harmonising accommodation classification systems across Europe should be further promoted, thus allowing a better comparison of the accommodation offer in Europe and contributing to common service quality criteria;

56. Believes that maintaining safety standards in tourism services in the EU is an essential ingredient of good quality; welcomes, therefore, the Commission Green Paper entitled 'Safety of Tourism Accommodation Services'; notes the submissions from many consumer groups, fire safety organisations and tourism sector organisations supporting action at EU level on tourism safety; calls on the Commission, therefore, to come forward with proposals for minimum standards for tourism safety in the EU, in particular in the area of fire safety and carbon monoxide safety in holiday accommodation; stresses the need for systematic collection of data on accommodation safety;

57. Underlines the fact that high-quality tourism services are guaranteed if combined with appropriate training and decent work conditions, and that disregard for, and the weakening of, the required skills and social achievements in the sector are counterproductive;

58. Takes the view that investing in training and education is an essential element in providing quality services in a sector that employs mostly young people, typically aged between 16 and 35; strongly encourages the Commission to work with private entities and other public bodies to create low-season training and internship programmes in order to make the sector more attractive and less seasonal; considers that such training should emphasise higher qualifications and soft skills development, leading to improved job prospects across the sector; calls on the Commission, therefore, to support the tourism sector’s efforts to upgrade employers’ and employees’ skills and competences in order to anticipate future trends and skills needs; takes the view that statistics on employment in the tourism sector should be improved;

59. Calls on the Commission, in this connection, to support the tourism industry by eliminating skills gaps and boosting the market relevance of vocational education and training; suggests that the Commission issue and distribute a guide on best practice and available training opportunities in the EU, thereby enabling a higher degree of professionalism and greater voluntary mobility among professionals within the EU;
60. Underlines the importance of improving the mutual recognition by Member States of professional qualifications in the tourism industry in order to enable workers to identify the best possible career prospects, thereby fostering their mobility;

61. Welcomes mobility tools, and cooperation projects such as Knowledge Alliances and Sector-Skills Alliances under Erasmus+ and Erasmus for Young Entrepreneurs, as efficient means for tourism workers involved in education and training at all levels to exchange best practices, improve their language skills and obtain practical knowledge of cultural tourism; is concerned, however, at the lack of interest among young people in pursuing careers in certain tourism sectors; stresses the advantages of a 'dual-education' system in the tourism sector and the importance of combining learning with hands-on work experience, thereby improving both theoretical knowledge and practical skills; calls on the Member States and on local and regional authorities to take full advantage of the opportunities offered by the European Social Fund and by other EU, national and regional funds to promote vocational training;

62. Calls on the Member States to invest in high-quality training for tourist guides and to encourage a multilingual approach in order to better promote sites of interest to foreign tourists; further calls on the Commission and the Member States to define European quality standards for tourist guides, ensuring compliance with minimum training requirements;

63. Calls on the Commission to carry out a study on the impact on Europe’s competitiveness as a destination of taxes and levies raised on tourism products and services at local, regional, national and European level; calls on the Member States to recognise the importance of reducing VAT rates on travel and tourism services in order to help develop local economies and sustain growth and jobs, as well as helping Europe to remain competitive on the global market;

Unlocking the potential of coastal and marine tourism

64. Recognises the importance for coastal and island areas of the European Strategy for more Growth and Jobs in Coastal and Maritime Tourism (in line with the Blue Growth strategy and the Europe 2020 strategy), which presents a set of common responses to the many challenges they face;

65. Strongly encourages the Commission to present an action plan to accompany the 14 actions described in the aforementioned coastal and maritime tourism strategy, with concrete goals and timetables, and to report to Parliament on the progress made on those actions;

66. Calls on the Commission to conduct an annual seminar, with the participation of the coastal and marine Member States and the respective regions, with the aim of promoting a pan-European dialogue and facilitating the sharing of best practices and the implementation of a long-term strategy;

67. Recalls the importance of connectivity and accessibility, and notes that they differ between high and low season in the outermost regions and islands, which depend largely on sea and air transport; also emphasises the importance of creating regional plans that promote mobility within destinations; asks the Commission that Action 12 of the aforementioned coastal and maritime tourism strategy also take into account the efficiency of State aid in coastal and maritime regions;

68. Strongly encourages the Commission, together with Member States and stakeholders in the nautical and maritime tourism sector, to assess the need to create intelligent and innovative strategies as a solution for combating seasonality that is adapted to both the high- and low-season periods and takes account of various target groups; calls on stakeholders to make efforts to create experiences, products and complementary services that are integrated with local products, particularly in connection with maritime heritage and culture, water sports, recreational sailing, observation of marine life and nature, sun and beach-related activities, artisanal fishing, food and health;
69. Highlights the importance of cruise tourism for the growth of the tourism sector in Europe; calls on the Commission, therefore, together with the Member States, to assess the resources required and existing port and nautical infrastructure, and to standardise the sorting of waste and recycling, in order to create innovative planning actions for these areas by developing the concept of the smart port city;

70. Stresses that joint planning and joint action are just as necessary for the acceptance of tourism by the population as they are for its sustainable development;

*Sustainable, responsible and social tourism*

71. Calls on the Commission to continue to promote sustainable, responsible and eco-friendly tourism in cooperation with strategic partners such as the ETC and other stakeholders by developing new specific products and promoting existing ones, and suggests setting up a Europe-wide, fully accessible web platform that brings together existing information on certified products, new forms of tourism, destinations and routes, and on specific services such as transportation means and tourism guides, in one database with access through the VisitEurope.com portal;

72. Believes that increased (co-)funding must be earmarked for sustainable tourism projects under the COSME programme;

73. Urges the Commission to finalise the European Charter for Sustainable and Responsible Tourism and to continue to give financial support to important initiatives and networks such as EDEN (European Destinations of Excellence) and European cultural trails;

74. Encourages the national tourism organisations, on the basis of standards proposed by the Commission, to set up a specific unique portal at national level on sustainable and responsible tourism in order to allow customers to make an informed choice among targeted national and transnational products and destinations;

75. Stresses the importance of ensuring the development of sustainable, responsible and accessible tourism, in which the concept of the ‘smart destination’ should be central to destination development, and which should combine the aspects of sustainability, experiential tourism and appropriate use of natural resources, together with the new technologies, including the aspects of physical and information communication accessibility; is convinced that information networks on soft tourism projects offer good opportunities to support SMEs, local sustainable development, sustainable jobs and stable economies;

76. Calls on the Commission to carry out a study on sustainability certificates for soft tourism services, including an analysis of voluntary instruments indicating which instruments have been successful;

77. Calls for the promotion and further development of child- and family-friendly options in the tourism sector, for example through the creation of a European family-friendly tourism seal;

78. Emphasises the importance of promoting programmes to allow outdated hotel facilities to be regenerated in accordance with eco-sustainable tourism criteria;

79. Emphasises the crucial role played by European tourism in the regeneration of rural and urban areas with a view to achieving sustainable local and regional development;

80. Calls for the development of sustainable tourism services in those regions which, despite having great cultural and tourism potential, have suffered damage to their image as a result of a greater focus on, and the development of, other sectors, including the industrial sector;

81. Highlights the importance of an awareness that tourism should not have a negative impact on residents’ daily lives; considers that, on the contrary, the resident population should be positively integrated with, and able to participate in, the tourism phenomenon;
82. Emphasises that the natural and cultural heritage and biodiversity protection constitute a precious capital for the tourism sector, and therefore supports the Member States and regional authorities and tourism businesses in promoting eco-tourism and complying with EU environmental legislation when deciding on and executing infrastructure projects; calls on the Member States to integrate natural heritage initiatives into their national and regional tourism strategies;

83. Stresses the importance of sustainable and responsible tourism for the protection and promotion of the regional natural and cultural heritage; is convinced, therefore, that regional tourism products and short stays should be supported and promoted through appropriate measures;

84. Calls on the Commission and the Member States to develop networks of green routes incorporating rural and wooded areas and minor natural sites, by integrating existing transport infrastructure networks with new eco-sustainable solutions;

85. Emphasises that sustainable fishing tourism can make an important contribution to the economy of rural areas in Europe; stresses that this form of tourism can only continue to exist if endangered fish species are managed more sustainably in Europe’s inland waters;

86. Notes that agro-tourism is one of the most basic forms of alternative tourism in the EU and calls on the Commission, in cooperation with the Member States, to support actions designed to provide incentives to further develop the infrastructure and accessibility of this sector;

87. Calls on the Commission to further promote local areas and specialities by encouraging the showcasing, and ensuring the protection, of local products such as agricultural and non-agricultural protected geographical indications (PGIs);

88. Considers that sensitive regions such as islands, coasts and mountains, and in particular remote and outermost regions, often depend strongly on tourism business and are the first to be affected by climate change; is convinced, therefore, that climate protection should be a priority and be more strongly integrated into European, national and regional tourism and transport policies, including through a focus on energy efficiency, renewable energy, sustainable transport and waste management; calls on the Commission to make an impact assessment of how climate change affects tourism in these sensitive regions — economically, environmentally and socially — and of the influence it will have in the future;

89. Underlines the need to promote the tourism potential of remote rural, island, coastal and mountain areas, encourages the development of sustainable maritime and marine tourism in the EU, and calls on the Member States to develop sustainable infrastructure and improve cross-border connectivity as a means of enhancing their appeal and accessibility;

90. Highlights the fact that islands have their own problems, especially in terms of connections between smaller islands and the mainland, and calls on the Commission to propose measures to boost investment in that area;

91. Considers the introduction of voluntary ‘environmental checks’ with the aim of improving environmental quality in the tourism industry to be a useful contribution on the part of the industry, and recommends that companies displaying particular commitment be recognised;

92. Calls on the authorities and operators responsible at national, regional and local level to make a stronger effort to promote non-vehicular networks such as European bridleways, walking routes, pilgrimage routes and cycle tracks, in combination with all cross-border rail services, including high-speed and night trains; recalls that transport interoperability with other modes should also always be explored; recommends eliminating increased fares on border stretches, which are one of the barriers to the more widespread use of railways by tourists in border areas;
93. Recognises that sustainable urban tourism is a fast-growing business and that mobility and transport policy in touristic city centres should be efficient and sustainable and lead to win-win situations for both the visitors and the visited;

94. Supports the development of integrated multimodal forms of transport for tourists through the creation of tickets enabling different transportation means to be used according to differing requirements; emphasises that progress in integrated ticketing services would be a strong incentive to cross-border tourism;

95. Emphasises that electric vehicles offer an increasingly attractive solution for both rural and urban tourism in terms of the new, flexible mobility, and that this mobility option should be offered increasingly in holiday resorts;

96. Stresses the importance of facilitating the use of public transport by bicycle users;

97. Strongly encourages the Commission to assess the possibility of making the European Tourism Indicators System (ETIS) an EU instrument to help tourism destinations to control, manage, evaluate and improve their performance in terms of sustainability;

98. Calls on the Member States to pass on positive experiences of sustainable tourism management in the context of international cooperation abroad;

99. Takes the view that full accessibility and affordability in tourism are an integral part of the sector’s sustainability; affirms that the ‘tourism for all’ principle allows and empowers people, particularly those with specific needs (such as people with disabilities or reduced mobility, young people, the elderly, low-income families, and families with children), to enjoy their rights as citizens, and that it consequently needs to be the reference for any national, regional, local or European tourism-related action; calls on the Member States to place particular emphasis on the use of new technologies when developing tourism concepts for senior citizens and people with specific disabilities;

100. Recommends that the Member States develop a Europe-wide uniform and transparent identification system for accessible options and establish corresponding internet platforms; calls on the Commission to submit suggestions along these lines;

101. Recommends that the Member States introduce the establishment of accessibility as an eligibility criterion for the tourism industry in the context of economic development programmes;

102. Stresses that consumer trust in companies providing services in the tourism sector also relies on companies making available to consumers simple, effective and quick alternative means of resolving consumer disputes, and on companies protecting consumers’ personal and financial data;

103. Takes the view that, in order to make European tourism accessible, airlines must put an end to the distorted and frequently widespread practice of allocating more space to business class than to economy class;

104. Stresses the contribution of civil society in promoting new forms of tourism through social networks, voluntary organisations, cultural and sports associations, citizens’ action groups, and organisations representing young people, women and expatriate communities;

105. Calls for greater recognition of the vital role played by the voluntary sector in developing and supporting the tourism sector through cultural volunteering;

106. Urges the Commission and the Member States to pay attention to and support the potential of the social economy to develop sustainable and responsible tourism;
107. Considers that tourism has important social value for young people, wage earners and retired people, and calls on the Member States to use EU funds for the development of health-related and recreational tourism;

108. Stresses that the continuing immigration crisis in Europe particularly affects coastal areas, where tourism is an important element of residents’ income; calls on the Commission to draft a report on the impact that the uncontrolled influx of immigrants into the EU is having on the tourism sector;

**Sharing economy**

109. Welcomes the opportunities brought by the sharing economy for start-ups and innovative companies in the tourism sector; acknowledges the complementarity of these services with other tourism offers as regards their location and the people they target;

110. Recalls that the sharing economy, or collaborative consumption, is a new socio-economic model that has taken off thanks to the technological revolution, with the internet connecting people through online platforms on which transactions involving goods and services can be conducted securely and transparently;

111. Emphasises that the current legislation is not suited to the sharing economy, and that for this reason local and national governments have started to analyse such online platforms and are trying to regulate their effects, often applying disproportionate measures which are somewhat disparate within the Union; urges the Commission, together with the Member States, to analyse the best possible initiatives to be taken at European, national, regional and local level; recommends that consideration be given to establishing an appropriate regulatory framework within the overarching EU digital single market strategy;

112. Stresses that the response to the rise of the ‘sharing economy’ must first be analysed before regulatory measures are taken; considers, however, that any action on the part of public authorities needs to be proportional and flexible in order to enable a regulatory framework that secures a level playing field for companies, and in particular a supportive positive business environment for SMEs and for innovation in the industry; considers, furthermore, that for the sake of consumer protection the security, safety and health regulations applicable to the traditional tourism sector should also apply to tourism services provided on a commercial basis within the sharing economy;

113. Stresses that providers’ activities need to be categorised correctly in order to distinguish clearly between ad hoc or permanent sharing and professional business services, to which appropriate regulations should apply;

114. Emphasises also that platforms need to be fully accessible and that consumers using such sites must be correctly informed and not misled, and the privacy of their data protected; underlines the importance of a viable and transparent system of reviews, and of ensuring that consumers are not penalised by service providers for leaving negative reviews;

115. Emphasises that the technology companies acting as intermediaries need to inform providers of their obligations, particularly as regards the protection of consumer rights, and to provide reliable and accessible information about all fees and hidden costs associated with conducting business, and about how to remain fully compliant with local laws, particularly as regards tax law and the observance of norms pertaining to consumer safety and the working conditions of those providing tourism services;

116. Calls on the Commission to assess the economic and social impact of the sharing economy and its implications for the tourism industry, consumers, technology companies and public authorities, and to report back to Parliament on the outcome of the initiatives it has undertaken so far, including the work of the task force set up by DG GROW;
Digitisation

117. Calls on the Commission to define jointly with industry and tourism associations a smart roadmap of initiatives focusing on the wider scope of innovation (process, ICT, research) and on the required skills, in order to encourage travel and tourism companies to adopt digital tools and use them more efficiently; takes the view that the Commission could make a concentrated effort to disseminate best practices in this area;

118. Welcomes the Commission’s Digital Tourism Platform and its objectives of (i) boosting the innovation capacity and digitisation of tourism-related SMEs for the purpose of activating the tourism sector, and (ii) generating proposals as to how to adapt and shape sustainable, competitive and consumer-focused policies aimed at further developing the tourism sector; encourages the use of innovative technologies, the sharing of best practices and the deepening of cooperation at regional level with a view to making Europe’s tourism sector more attractive and competitive; considers that the promotion of e-learning and the increased uptake of digital technologies would further advance this goal;

119. Is aware that SMEs (most of which are micro-enterprises) and start-ups in the tourism sector face considerable difficulties in promoting their services abroad and in adapting to the fast-changing market conditions; notes that new IT tools such as the Tourism Business Portal developed by the Commission, together with webinars, can help them take advantage of digital opportunities; stresses that making the Tourism Business Portal available in all the languages of the Member States would further promote the territorial benefits of these actions; encourages the taking of similar initiatives at the local, regional and national levels;

120. Calls on the Commission to continue to foster collaboration between public and private travel and tourism stakeholders in order to facilitate research on, and the adoption of, digital solutions by European companies; highlights, in particular, the need for better coordination between public tourism administrations at the national, regional and local levels, tour operators, the hospitality sector and digital businesses;

121. Calls on the Commission to assist the sector in constructing tools which will make it possible to monitor visitors’ destinations, build up their profile and trace their mobility, so as to identify their interests and develop appropriate products, and to create tools offering à la carte destinations or the monitoring of networks in order to ascertain the opinions of our visitors;

122. expects the Commission to present a comprehensive report encompassing an assessment of the current state of play as regards digitisation in the EU tourism market, with a view to identifying and addressing challenges and opportunities for the various public and private players at national, regional and local level; considers that such a report should include appropriate recommendations in order to ensure fair competition and a level playing field for all actors and to protect consumers by providing for transparency, neutrality and accessibility;

123. Notes the increase in the online booking of tourism services directly by the user and the risks which this may carry for consumers, who are often unaware of their rights and of the applicable legislation; requests that the Commission pursue in detail any abuses which may arise in this area, in particular involving combined purchases from various service providers (flight tickets and car hire, for example), and to adapt and develop these new ways of booking services at the time of the next review of the Package Travel Directive;

124. Welcomes the recent conclusion of the trilogue negotiations on a revised Package Travel Directive; calls for its timely and effective transposition and application with a view to transforming the sector and protecting consumers in the digital environment;
125. Calls on the Commission to refocus funds and programmes in order to better support the digitisation of European tourism companies;

126. Calls on the Commission to ensure that service providers are given fair and equal access to relevant data by travel and transport operators in order to facilitate the deployment of digital multimodal information and ticketing services; notes the importance of intelligent transport systems (ITS) in providing accurate, real-time traffic and travel data for the development of integrated mobility services that would benefit European tourism development;

127. Calls on the Member States to identify and support EU-wide initiatives that foster the use of digital infrastructure and interoperability among different platforms; calls on the Member States, in this context, to provide free wi-fi in tourism areas and to abolish roaming charges by 15 June 2017, as decided, and also geo-blocking;

128. Calls on the Member States and local authorities to ensure that all stations and arrival, departure and transfer platforms are equipped with information offices incorporating trained staff able to provide information on key destinations, transportation means and tourism facilities, together with multilingual digital information systems offering free and unlimited access to wi-fi networks that can also be used by people with disabilities;

129. Stresses that travellers still face differing prices, terms and conditions when booking accommodation or means of transport online; welcomes, therefore, the Commission communication entitled ‘A Digital Single Market Strategy for Europe’; calls on the Commission to adopt a comprehensive proposal to end the unjustified geo-blocking of access to goods, services and the best available rate on the basis of geographical location or country of residence;

130. Urges the Member States to encourage access to high-speed broadband as a priority for remote and outermost tourism areas such as islands and coastal, mountain and rural areas in order to enhance the growth of tourism businesses and to reduce the digital gap in the EU;

131. Calls on the Member States and the players involved to develop effective means to counter the skills shortage in all parts of the tourism industry, in particular in the area of digitisation;

132. Is worried that many of the economic benefits of online distribution are not being reaped in Europe; takes the view that European governments should do more to empower entrepreneurship and, in particular, technology-oriented solutions in Europe;

133. Instructs its President to forward this resolution to the Council and the Commission.
Development of a satellite-based technology to enable global flight tracking systems

European Parliament resolution of 29 October 2015 on allocation by the World Radiocommunication Conference, to be held in Geneva from 2 to 27 November 2015 (WRC-15), of the necessary radio spectrum band to support the future development of a satellite-based technology to enable global flight tracking systems (2015/2857(RSP))

The European Parliament,

— having regard to the new item on inflight tracking on the agenda of the next International Telecommunication Union (ITU) World Radiocommunication Conference (WRC-15), to be held in Geneva from 2 to 27 November 2015,

— having regard to the working paper entitled ‘Aircraft Tracking and Localisation Options’, presented by the EU to the International Civil Aviation Organisation (ICAO) Multidisciplinary Meeting regarding Global Tracking of 12 and 13 May 2014,

— having regard to the recommendations made by the aforementioned ICAO Multidisciplinary Meeting regarding Global Tracking,

— having regard to European Aviation Safety Agency Opinion 01/2014 of 5 May 2014, entitled ‘Amendment of requirements for flight recorders and underwater locating devices’,

— having regard to safety recommendations issued by various national safety investigation authorities with a view to increasing safety by facilitating the recovery of information for the purposes of civil aviation safety investigations and improving flight recorder performance and handling as well as the location of aircraft after an accident over water (1),

— having regard to the draft Commission regulation amending Regulation (EU) No 965/2012 as regards requirements for flight recorders, underwater locating devices and aircraft tracking systems (2),

— having regard to the question to the Commission on the allocation by the World Radiocommunication Conference, to be held in Geneva from 2 to 27 November 2015 (WRC-15), of the necessary radio spectrum band to support the future development of a satellite-based technology to enable global flight tracking systems (O-000118/2015 — B8-1101/2015),

— having regard to the motion for a resolution of the Committee on Transport and Tourism,

— having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas the tragedies involving Air France flight AF447 (1 June 2009) and Malaysia Airlines flight MH370 (8 March 2014) highlighted the need to put in place new systems to determine the position of public transport aircraft at all times, even in remote locations;

B. whereas such global air traffic management (ATM) surveillance systems will make it easier to determine the location of an aircraft in the event of abnormal behaviour, an emergency or an accident;

C. whereas, in light of the AF447 and MH370 tragedies, such systems should be unaffected by the loss of normal electrical power on board and should not offer any possibility of being disabled during the flight;

D. whereas such systems will improve the effectiveness of search and rescue operations and of investigations, as current flight tracking systems only partially cover the globe;

E. whereas these systems could also be an important tool for increasing ATM efficiency and capacity while significantly enhancing aviation safety and lowering infrastructure costs;

F. whereas the Commission, in cooperation with the European Aviation Safety Agency (EASA), the International Civil Aviation Organisation (ICAO) and stakeholders, has started to study various technical options, on the basis of their performance, and has proposed rules on aircraft tracking with phased implementation;

G. whereas among the possible options currently in operation and/or being studied (for instance, Automatic Dependent Surveillance — Contract (ADS-C), the Aircraft Communications Addressing and Reporting System (ACARS) High Frequency Data Link), the Automatic Dependent Surveillance — Broadcast (ADS-B) technology, supported by satellite communications, appears to be very promising;

H. whereas ADS-B technology can assist ATM surveillance outside the most densely populated areas, where radar coverage is limited, impossible or extremely costly (including oceans and uninhabited land areas);

I. whereas satellite-supported ADS-B technology relies on communications between aircraft and a constellation of satellites to deliver surveillance capability to air navigation service providers, and whereas for this purpose it may require the allocation of a specific radio spectrum band protected from interference;

J. whereas the World Radiocommunication Conference (WRC-15), scheduled for November 2015 and organised by the International Telecommunication Union (ITU), is the forum for determining which radio services are allocated to specific radio spectrum bands;

K. whereas action should be taken to ensure that the development of ADS-B technology is not hampered by a lack of timely allocation of an appropriate radio spectrum band;

1. Supports the Commission’s action aimed at rapidly developing a performance-based global flight tracking system that will enable air navigation service providers to determine the position of public transport aircraft at all times, even in remote locations;

2. Stresses that such a system should remain effective even in the event of loss of normal electrical power on board, and should not offer any possibility of being disabled during the flight;

3. Believes that the development of such a system should be achieved through strong cooperation between all interested stakeholders (e.g. industry, airlines, air navigation service providers, safety and rescue services, safety investigation authorities and international organisations);

4. Notes that satellite-supported ADS-B technology, based on communications between aircraft and satellites, is one of the promising options for the development of a global ATM surveillance system;
5. Stresses that when implementing ADS-B technology it is essential to consider the needs of all airspace users and to ensure interoperability between alternative technologies in order to avoid safety and security breaches;

6. Notes that the development of satellite-supported ADS-B technology may require the allocation of an appropriate radio spectrum band in order to prevent any interference;

7. Calls on the Commission to take the necessary steps — with a view to the next World Radiocommunication Conference (WRC-15), to be held in Geneva in November 2015 — regarding the allocation of the necessary radio spectrum band to support the future development of a satellite-based global flight tracking system;

8. Instructs its President to forward this resolution to the Commission and the governments and parliaments of the Member States.
III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2015)0360

Common Agricultural Policy: repealing obsolete acts


(Ordinary legislative procedure: first reading)

(2017/C 355/12)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2015)0174),

— having regard to Article 294(2), Article 42, first paragraph, and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0101/2015),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) and Article 114 of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 1 July 2015 (1),

— having regard to the undertaking given by the Council representative by letter of 7 September 2015 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rules 59 and 39 of its Rules of Procedure,

— having regard to the report of the Committee on Agriculture and Rural Development (A8-0255/2015),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

(1) Not yet published in the Official Journal.
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2015)0090


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2015/2284.)
EU-Switzerland agreement on the automatic exchange of financial account information *


(Consultation)
(2017/C 355/13)

The European Parliament,

— having regard to the draft Council decision (08266/1/2015),

— having regard to the draft Amending Protocol to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (08297/2015),

— having regard to Article 115 and Article 218(6), second subparagraph, point (b), and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0169/2015),

— having regard to Rules 59 and 108(7) of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0271/2015),

1. Approves the draft Council decision as amended and approves conclusion of the Amending Protocol to the Agreement;

2. Regrets that no improvements can be made, particularly regarding information provided and the automatic, binding and unrestricted nature of exchanges of information;

3. Calls upon the Commission to keep Parliament informed in case of any change or new development in the final steps of the conclusion of the Amending Protocol to the Agreement;

4. Reminds the Council of its obligation to consult Parliament once more should it modify its draft decision;

5. Stresses the importance of taking effective action against fraud and tax avoidance and in particular tax evasion and tax avoidance by natural and legal persons based in the Union with the involvement of financial institutions based in third countries;

6. Calls upon the Commission to assess, 18 months after the date of entry into force of the Amending Protocol to the Agreement, the application of the Agreement and its outcome, and present a report to the European Parliament and the Council, accompanied where appropriate by proposals for its review;

7. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Swiss Confederation.
Amendment 1
Draft decision
Article 2 — paragraph 1

1. The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2(1) of the Amending Protocol (*)

(*) The date of entry into force of the Amending Protocol will be published in the Official Journal of the European Union by the General Secretariat of the Council.

Amendment

1. The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2(1) and Article 4 of the Amending Protocol (*) in order to ensure that the rules on automatic exchange of information with respect to reportable accounts are being followed and collaboration on compliance and enforcement is enabled.

(*) The date of entry into force of the Amending Protocol will be published in the Official Journal of the European Union by the General Secretariat of the Council.

Amendment 2
Draft decision
Article 2 — paragraph 2

2. The Commission shall inform the Swiss Confederation and the Member States of the notifications given in accordance with point (d) of Article 1(1) of the Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance as resulting from the Amending Protocol.

Amendment

2. The Commission shall inform the Swiss Confederation and the Member States of the notifications given in accordance with point (d) of Article 1(1) of the Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance as following from the Amending Protocol.
Taxation of savings income in the form of interest payments: repealing the Savings Directive *

European Parliament legislative resolution of 27 October 2015 on the proposal for a Council directive repealing
(Special legislative procedure — consultation)
(2017/C 355/14)

The European Parliament,
— having regard to the Commission proposal to the Council (COM(2015)0129),
— having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0086/2015),
— having regard to Rules 59 and 50(2) of its Rules of Procedure,
— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0299/2015),
1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1
Proposal for a directive
Recital 5

Text proposed by the Commission


Amendment

(5) Directive 2014/107/EU is generally broader in scope than Directive 2003/48/EC and provides that in cases of overlap of scope, Directive 2014/107/EU prevails. There are still residual cases in which only Directive 2003/48/EC would otherwise apply. These residual cases are a consequence of slight differences in approach between the two directives and of different specific exemptions. Where, in those limited instances, the scope of Directive 2003/48/EC lies outside the scope of Directive 2014/107/EU, the relevant provisions of Directive 2003/48/EC would continue to apply, resulting in dual reporting standards within the Union. Although no specific cost-benefit analysis has been made of a dual reporting system, not even for a temporary transition period between the two standards, it is reasonable to assume that the minor benefits of retaining such dual reporting would be outweighed by the costs.
Amendment 2
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Provisions equivalent to those in Directive 2003/48/EC are at present applied through separate bilateral agreements between the Union and five European countries that are not Member States of the Union (the Swiss Confederation, the Principality of Liechtenstein, the Republic of San Marino, the Principality of Monaco and the Principality of Andorra), as well as between each of the Member States and 12 dependent or associated territories (the Channel Islands, the Isle of Man and the dependent or associated territories in the Caribbean). It is important that all of those bilateral agreements are adapted to the new OECD Global Standard and to Directive 2014/107/EU. It is also crucial that no loopholes or other inadequacies are created in the process of moving from the existing to the new standard. While having a clear mandate for negotiating the changes to the agreements with those five European countries that are not Member States of the Union, the Commission should, within the framework of its expertise, also take an active role in facilitating and promoting the revision of the Member State agreements with the 12 dependent or associated territories. In order to facilitate ease and efficiency, the Commission should, where appropriate, and subject to explicit Member State consent, take charge of such negotiations.
Amendment 3
Proposal for a directive
Article 1 — paragraph 3 a (new)

3a. The Commission shall, by 1 July 2016, submit a report to the Council and to the European Parliament on the transition of moving from the reporting standard applied under Directive 2003/48/EC to the new reporting standard established by Directive 2014/107/EU. The report shall include, but not be limited to, any risks of creating loopholes or other inaccuracies in reporting that could have opened up for cross-border tax fraud and evasion. The report shall also cover the related process of revising the separate bilateral agreements between the Union and five European countries that are not Member States of the Union (the Swiss Confederation, the Principality of Liechtenstein, the Republic of San Marino, the Principality of Monaco and the Principality of Andorra) as well as between each of the Member States and 12 dependent or associated territories (the Channel Islands, the Isle of Man and the dependent or associated territories in the Caribbean). The Commission shall, by 1 October 2017, submit a follow-up report in order to closely monitor the situation. The reports shall, where appropriate, be accompanied by legislative proposals.
P8_TA(2015)0363

Automated data exchange with regard to dactyloscopic data in Sweden *

European Parliament legislative resolution of 27 October 2015 on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in Sweden (10027/2015 — C8-0197/2015 — 2015/0804(CNS))

(Consultation)

(2017/C 355/15)

The European Parliament,
— having regard to the Council draft (10027/2015),
— having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0197/2015),
— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (1), and in particular Article 33 thereof,
— having regard to its resolution of 10 October 2013 on strengthening cross-border law-enforcement cooperation in the EU: the implementation of the ‘Prüm Decision’ and the European Information Exchange Model (2),
— having regard to its resolution of 9 July 2015 on the European Agenda on Security (3),
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0304/2015),
1. Approves the Council draft;
2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
4. Instructs its President to forward its position to the Council and the Commission.

Automated data exchange with regard to dactyloscopic data in Belgium *

European Parliament legislative resolution of 27 October 2015 on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in Belgium (10029/2015 — C8-0196/2015 — 2015/0805(CNS))

(Consultation)

(2017/C 355/16)

The European Parliament,

— having regard to the Council draft (10029/2015),
— having regard to Article 39(1) of the Treaty on the European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0196/2015),
— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (1), and in particular Article 33 thereof,
— having regard to its resolution of 10 October 2013 on strengthening cross-border law-enforcement cooperation in the EU: the implementation of the ‘Prüm Decision’ and the European Information Exchange Model (2),
— having regard to its resolution of 9 July 2015 on the European Agenda on Security (3),
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0303/2015),

1. Approves the Council draft;
2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
4. Instructs its President to forward its position to the Council and the Commission.

Automated data exchange with regard to dactyloscopic data in Poland *

European Parliament legislative resolution of 27 October 2015 on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in Poland (09989/2015 — C8-0195/2015 — 2015/0806(CNS))

(Consultation)

(2017/C 355/17)

The European Parliament,

— having regard to the Council draft (09989/2015),
— having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0195/2015),
— having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (1), and in particular Article 33 thereof,
— having regard to its resolution of 10 October 2013 on strengthening cross-border law-enforcement cooperation in the EU: the implementation of the ‘Prüm Decision’ and the European Information Exchange Model (2),
— having regard to its resolution of 9 July 2015 on the European Agenda on Security (3),
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0302/2015),

1. Approves the Council draft;
2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
4. Instructs its President to forward its position to the Council and the Commission.

The European Parliament,

— having regard to the Council position at first reading (09173/3/2015 — C8-0281/2015),
— having regard to the opinion of the European Economic and Social Committee of 11 December 2013 (1),
— having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2013)0512),
— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
— having regard to Rule 76 of its Rules of Procedure,
— having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A8-0297/2015),

1. Approves the Council position at first reading;
2. Takes note of the Commission statement annexed to this resolution;
3. Notes that the act is adopted in accordance with the Council position;
4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Commission statement

When revising the Commission staff working document of 3 December 2009 entitled ‘Guidance on the implementation/application of Directive 2005/29/EC on unfair commercial practices’, the Commission will also address the issue of commercial practices whereby travel service providers who market their services online offer additional services in a hidden, unclear or ambiguous manner, such as hiding the option of not booking any further services. The Commission will inform Parliament on how its views have been taken into account when the revised Guidance is adopted.

(1) OJ C 170, 5.6.2014, p. 73.
European single market for electronic communications


(Ordinary legislative procedure: second reading)

(2017/C 355/19)

The European Parliament,
— having regard to the Council position at first reading (10788/2/2015 — C8-0294/2015),
— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Irish Houses of the Oireachtas, the Maltese Parliament, the Austrian Federal Council and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
— having regard to the opinion of the European Economic and Social Committee of 21 January 2014 (1),
— having regard to the opinion of the Committee of the Regions of 31 January 2014 (2),
— having regard to its position at first reading (3) on the Commission proposal to Parliament and the Council (COM(2013)0627),
— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
— having regard to Rule 76 of its Rules of Procedure,
— having regard to the recommendation for second reading of the Committee on Industry, Research and Energy (A8-0300/2015),

1. Approves the Council position at first reading;
2. Notes that the act is adopted in accordance with the Council position;
3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

(1) OJ C 177, 11.6.2014, p. 64.
(2) OJ C 126, 26.4.2014, p. 53.
Trade in certain goods which could be used for capital punishment, torture or other treatment or punishment ***I


(Ordinary legislative procedure: first reading)

(2017/C 355/20)

Amendment 1
Proposal for a regulation
Recital 8

Text proposed by the Commission

| (8) Granting a global authorisation would also be appropriate where a manufacturer needs to export medicinal products controlled by Regulation (EC) No 1236/2005 to a distributor in a country that has not abolished capital punishment, provided the exporter and the distributor have concluded a legally binding agreement requiring the distributor to apply an appropriate set of measures ensuring that the medicinal products will not be used for capital punishment. |

Amendment

| (8) Granting a global authorisation would also be appropriate where a manufacturer needs to export medicinal products controlled by Regulation (EC) No 1236/2005 to a distributor in a country that has not abolished capital punishment, provided the exporter and the distributor have concluded a legally binding agreement requiring the distributor to apply an appropriate set of measures ensuring that the medicinal products will not be used for capital punishment, for torture or for other cruel, inhuman or degrading treatment or punishment. |

Amendment 2
Proposal for a regulation
Recital 12

Text proposed by the Commission

| (12) It is necessary to prohibit brokers in the Union from providing brokering services in relation to goods whose export and import are prohibited as such goods have no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Prohibiting the provision of such services serves the purpose of protecting public morals. |

Amendment

| (12) It is necessary to prohibit brokers in the Union from providing brokering services in relation to goods whose export and import are prohibited as such goods have no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Prohibiting the provision of such services serves the purpose of protecting public morals and respecting the principles of human dignity which underpin European values, as embodied in the Treaty on European Union and the Charter of Fundamental Rights of the European Union. |

(**1**) The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0267/2015)
Amendment 3
Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) A targeted end-use clause should be introduced in order for Member States to suspend or halt the transfer of security-related items not listed in Annexes II and III that clearly have no practical use other than for the purposes of capital punishment, torture or other cruel, degrading or inhuman treatment or punishment, or where there are reasonable grounds to believe that the transfer of those items would lead to the facilitation or the commission of capital punishment, torture or other cruel, degrading or inhuman treatment or punishment. Powers granted under the targeted end-use clause should not extend to medical products that could be used for the purpose of capital punishment,

Amendment 4
Proposal for a regulation
Article 1 — point 2 — point a a (new)

Regulation (EC) No 1236/2005

Article 2 — point f

Present text

Amendment

(aa) Point (f) is replaced by the following:

(f) ‘technical assistance’ means any technical support related to repairs, development, manufacture, testing, maintenance, assembly or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;

‘(f) “technical assistance” means any technical support related to repairs, development, manufacture, testing, maintenance, assembly, usage, practices or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance and assistance provided by electronic means;
Amendment 5
Proposal for a regulation
Article 1 — point 2 — point c
Regulation (EC) No 1236/2005
Article 2 — point k — subparagraph 2

**Text proposed by the Commission**

For the purposes of this Regulation the sole provision of ancillary services is **excluded from** this definition. Ancillary services are transportation, financial services, insurance or re-insurance, or general advertising or promotion;

**Amendment**

For the purposes of this Regulation the provision of ancillary services is **included in** this definition. Ancillary services are transportation, financial services, insurance or re-insurance, or general advertising or promotion, **including via internet**;

Amendment 6
Proposal for a regulation
Article 1 — point 2 — point c
Regulation (EC) No 1236/2005
Article 2 — point l

**Text proposed by the Commission**

(l) ‘broker’ means any natural or legal person or partnership resident or established in a Member State of the Union that carries out services defined under point (k) **from the Union into the territory of a third country**;

**Amendment**

(l) ‘broker’ means any natural or legal person or partnership resident or established in, or a national of, a Member State of the Union, or a subsidiary of a legal person or partnership, that carries out services defined under point (k);

Amendment 7
Proposal for a regulation
Article 1 — point 2 — point c
Regulation (EC) No 1236/2005
Article 2 — point m

**Text proposed by the Commission**

(m) ‘supplier of technical assistance’ means any natural or legal person or partnership resident or established in a Member State of the Union that supplies technical assistance defined under point (l) **from the Union into the territory of a third country**;

**Amendment**

(m) ‘supplier of technical assistance’ means any natural or legal person or partnership resident or established in a Member State of the Union that supplies technical assistance defined under point (l);
Amendment 8
Proposal for a regulation
Article 1 — point 2 — point c
Regulation (EC) No 1236/2005
Article 2 — point n

Text proposed by the Commission

(n) ‘exporter’ means any natural or legal person or partnership on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds a contract with the consignee in the third country concerned and has the necessary power for determining the sending of the goods out of the customs territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter means the person who has the necessary power for determining the sending of the item out of the customs territory of the Union. Where the benefit of a right to dispose of the goods belongs to a person established outside the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting party established in the Union;

Amendment

(n) ‘exporter’ means any natural or legal person or partnership on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds a contract with the consignee in the third country concerned and has the necessary power for determining the sending of the goods out of the customs territory of the Union. If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the exporter means the person who has the necessary power for determining the sending of the item out of the customs territory of the Union. Where the benefit of a right to dispose of the goods belongs to a person established outside the Union pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting party resident or established in the Union;

Amendment 9
Proposal for a regulation
Article 1 — point 2 — point c
Regulation (EC) No 1236/2005
Article 2 — point ra (new)

Text proposed by the Commission

(ra) ‘transit’ means a transport of non-Union goods, listed in Annexes, entering and passing through the customs territory of the Union with a destination outside the Union.

Amendment

(ra) ‘transit’ means a transport of non-Union goods, listed in Annexes, entering and passing through the customs territory of the Union with a destination outside the Union.
Amendment 10
Proposal for a regulation
Article 1 — point 3 a (new)
Regulation (EC) No 1236/2005

Text proposed by the Commission

Amendment

(3a) The following article is inserted:

‘Article 4b

Transit prohibition

1. Any transit of goods listed in Annex II shall be prohibited, irrespective of the origin of such goods.

2. By way of derogation from paragraph 1, the competent authority may authorise a transit of goods listed in Annex II, if it is demonstrated that, in the country to which the goods will be exported, such goods will be used for the exclusive purpose of public display in a museum in view of their historic significance.’

Amendment 11
Proposal for a regulation
Article 1 — point 3 b (new)
Regulation (EC) No 1236/2005

Text proposed by the Commission

Amendment

(3b) The following article is inserted:

‘Article 4c

Prohibition of commercial marketing and promotion

Online and offline commercial marketing and promotion activities within the Union, by any natural or legal person or partnership, for the purpose of the transfer of goods listed in Annex II shall be prohibited.’
Amendment 12
Proposal for a regulation
Article 1 — point 5
Regulation (EC) No 1236/2005
Article 6 — paragraph 1

Text proposed by the Commission

1. Decisions on applications for authorisations in respect of the export of goods listed in Annex IIIa shall be taken by the competent authorities on a case by case basis, taking into account all relevant considerations, including in particular whether an application in respect of an essentially identical export has been dismissed by another Member State in the preceding three years and considerations about intended end-use and the risk of diversion.

Amendment

1. Decisions on applications for authorisations in respect of the export of goods listed in Annexes III and IIIa shall be taken by the competent authorities on a case by case basis, taking into account all relevant considerations, including in particular whether an application in respect of an essentially identical export has been dismissed by another Member State in the preceding three years and considerations about intended end-use and the risk of diversion.

Amendment 13
Proposal for a regulation
Article 1 — point 5a (new)
Regulation (EC) No 1236/2005
Article 6 — paragraph 1a (new)

Text proposed by the Commission

(5a) In Article 6, the following paragraph is inserted:

1a. The competent authority, taking into account all relevant evidence, shall, along with Member States, ensure that all companies marketing security equipment and those organising trade fairs and other events where such equipment is marketed, are made aware of the fact that such equipment could be used for torture and other cruel, degrading or inhuman treatment or punishment and that marketing such equipment may become prohibited and authorisations relating to it may be withdrawn.

Amendment

In Article 6, paragraph 2 is replaced by the following:

(5b) In Article 6, paragraph 2 is replaced by the following:
2. The competent authority shall not grant any authorisation when there are reasonable grounds to believe that goods listed in Annex III and Annex IIIa might be used for torture or other cruel, inhuman or degrading treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person in a third country.

The competent authority shall take into account:

— available international court judgements,

— findings of the competent bodies of the UN, the Council of Europe and the EU, and reports of the Council of Europe’s European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment and of the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment.

Other relevant information, including available national court judgements, reports or other information prepared by civil society organisations and information on restrictions on exports of goods listed in Annexes II and III applied by the country of destination, may be taken into account.
Amendment 15
Proposal for a regulation
Article 1 — point 5 c (new)
Regulation (EC) No 1236/2005
Article 6 a (new)

Text proposed by the Commission

(5c) The following article is inserted:

‘Article 6a
Transit authorisation requirement

1. An authorisation shall be required for the transit of goods listed in Annex III or IIIa if the economic operator has been informed by the competent authorities of the Member State where the transit occurs that the items in question are or may be intended, in their entirety or in part, for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

2. If an economic operator is aware that the goods in transit listed in Annex III or IIIa are intended, in their entirety or in part, for the purpose of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, it shall notify the competent authorities, which shall decide whether or not it is expedient to make the transit concerned subject to authorisation.

3. A Member State which imposes an authorisation requirement, pursuant to paragraphs 1 and 2, on the transit of an item not listed in Annex III or IIIa, shall inform the other Member States and the Commission.’

Amendment 16
Proposal for a regulation
Article 1 — point 6
Regulation (EC) No 1236/2005
Article 7a — paragraph 1

Text proposed by the Commission

1. A broker shall be prohibited from providing to any person, entity or body in a third country brokering services in relation to goods listed in Annex III, irrespective of the origin of such goods, if the broker knows or has grounds for suspecting that any part of a shipment of such goods is or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.

Amendment

1. A broker shall be prohibited from providing to any person, entity or body in a third country brokering services in relation to goods listed in Annexes III and IIIa, irrespective of the origin of such goods, if the broker knows or has grounds for suspecting that any part of a shipment of such goods is or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.
Amendment 17
Proposal for a regulation
Article 1 — point 6
Regulation (EC) No 1236/2005
Article 7a — paragraph 2

Text proposed by the Commission

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annex III, irrespective of the origin of such goods, if the supplier of such assistance knows or has grounds for suspecting that some or all of the relevant goods are or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union.

Amendment

2. A supplier of technical assistance shall be prohibited from supplying to any person, entity or body in a third country technical assistance in relation to goods listed in Annexes III and IIIa, irrespective of the origin of such goods, if the supplier of such assistance knows or has grounds for suspecting that some or all of the relevant goods are or may be intended to be used for torture or other cruel, inhuman or degrading treatment or punishment in a country that does not belong to the customs territory of the Union. A supplier of technical assistance shall also be prohibited from giving instruction, advice, training or transmitting working knowledge or skills that could aid the commission of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Amendment 18
Proposal for a regulation
Article 1 — point 6a (new)
Regulation (EC) No 1236/2005
Article 7aa (new)

Text proposed by the Commission

6a. The following article is inserted:

‘Article 7aa

Exchange of best practices

Member States are encouraged to promote best practice between suppliers of technical assistance to ensure that this assistance contributes positively to combating torture and other cruel, inhuman or degrading treatment or punishment.’
### Amendment 19
Proposal for a regulation

**Article 1 — point 7**

Regulation (EC) No 1236/2005

Article 7c — paragraph 3 — point 3.3 (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3. The Commission, in cooperation with competent authorities of the Member States and third countries where appropriate, shall adopt best practice guidelines on the verification of end-use.</td>
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</tr>
</tbody>
</table>

### Amendment 20
Proposal for a regulation

**Article 1 — point 7 a (new)**

Regulation (EC) No 1236/2005

Chapter III b (new) — Article 7e (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(7a) The following Chapter is inserted:</td>
<td></td>
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<tr>
<td>‘Chapter III b</td>
<td></td>
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<tr>
<td>Non-listed goods</td>
<td></td>
</tr>
<tr>
<td>Article 7e</td>
<td></td>
</tr>
<tr>
<td>Catch-all clause</td>
<td></td>
</tr>
<tr>
<td>1. An authorisation shall be required for the export of items not listed in the Annexes to this Regulation if the exporter has been informed by the competent authorities of the Member State in which it is established that the items in question are or may be intended, in their entirety or in part, for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.</td>
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<tr>
<td>2. If an exporter is aware that items which it proposes to export, not listed in Annex II, III or IIIa, are intended, in their entirety or in part, for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, it shall notify the authorities of the Member State in which it is established, which shall decide whether or not it is expedient to make the export concerned subject to authorisation.</td>
<td></td>
</tr>
</tbody>
</table>
A Member State which imposes an authorisation requirement, pursuant to paragraphs 1 and 2, on the export of item not listed in Annex II, III or IIIa, shall immediately inform the other Member States and the Commission thereof and indicate precise reasons for the imposition of an authorisation requirement. Member States shall also immediately inform the Commission of any modifications made to measures adopted under paragraphs 1 and 2.

The other Member States shall give all due consideration to this information and shall inform their customs administration and other relevant national authorities.

When imperative grounds of urgency so require, the Commission shall adopt delegated acts adding items referred to in paragraphs 1 and 2 to Annex II, Annex III or Annex IIIa. The procedure provided for in Article 15b shall apply to delegated acts adopted pursuant to this paragraph.

Medicinal products, as defined in Directive 2001/83/EC of the European Parliament and of the Council, shall be excluded from the scope of this Article.

6. By way of derogation from paragraph 5, where medicinal products are to be exported by a manufacturer to a distributor, the manufacturer shall provide information on the arrangements made and the measures taken to prevent these products from being used for capital punishment, on the country of destination and, if it is available, information on the end-use and the end-users of the goods.

This information shall be accessible, upon request, to a relevant independent oversight body such as National Preventive Mechanism established under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or a national human rights institution in a Member State.
Amendment 22
Proposal for a regulation
Article 1 — point 8 a (new)
Regulation (EC) No 1236/2005
Article 10 — paragraph 2

Present text

2. If a customs declaration is made concerning goods listed in Annexes II or III, and it is confirmed that no authorisation has been granted pursuant to this Regulation for the intended export or import, the customs authorities shall detain the goods declared and draw attention to the possibility to apply for an authorisation pursuant to this Regulation. If no application for an authorisation is made within six months of time after the detention, or if the competent authority dismisses such an application, the customs authorities shall dispose of the detained goods in accordance with applicable national legislation.

Amendment

(8a) In Article 10, paragraph 2 is replaced by the following:

‘2. If a customs declaration is made concerning goods listed in Annex II, III, or IIIa and it is confirmed that no authorisation has been granted pursuant to this Regulation for the intended export or import, the customs authorities shall detain the goods declared and draw attention to the possibility to apply for an authorisation pursuant to this Regulation. If no application for an authorisation is made within six months of time after the detention, or if the competent authority dismisses such an application, the customs authorities shall dispose of the detained goods in accordance with applicable national legislation.’

Amendment 23
Proposal for a regulation
Article 1 — point 12
Regulation (EC) No 1236/2005
Article 12a — paragraph 2

Text proposed by the Commission

2. The Commission may, within three months, ask the requesting Member State to provide supplementary information, if it considers that the request fails to address one or more relevant points or that additional information on one or more relevant points is necessary. It shall communicate the points on which supplementary information needs to be provided.

Amendment

2. Upon receipt of a request referred to in paragraph 1, the Commission shall immediately inform all Member States and circulate the information received from the requesting Member State. Pending a final decision by the Commission, Member States may immediately suspend transfers of the goods contained in the request. The Commission may, within three months, ask the requesting Member State to provide supplementary information, if it considers that the request fails to address one or more relevant points or that additional information on one or more relevant points is necessary. It shall communicate the points on which supplementary information needs to be provided.
Amendment 24
Proposal for a regulation
Article 1 — point 12
Regulation (EC) No 1236/2005
Article 12 a — paragraph 3

Text proposed by the Commission

3. If it considers that there is no need to ask for supplementary information or, where applicable, upon receipt of the supplementary information it has requested, the Commission shall within six months commence the procedure for the adoption of the requested amendment or inform the requesting Member States of the reasons for not doing so.

Amendment

3. If it considers that there is no need to ask for supplementary information or, where applicable, upon receipt of the supplementary information it has requested, the Commission shall within three months commence the procedure for the adoption of the requested amendment or inform the requesting Member States of the reasons for not doing so.

Amendment 25
Proposal for a regulation
Article 1 — point 12 a (new)
Regulation (EC) No 1236/2005
Article 13 — paragraph 1

Present text

1. Without prejudice to Article 11, the Commission and the Member States shall, upon request, inform each other of the measures taken under this Regulation and supply each other with any relevant information at their disposal in connection with this Regulation, in particular information on authorisations granted and refused.

Amendment

(12a) In Article 13, paragraph 1 is replaced by the following:

‘1. Without prejudice to Article 11, each Member State shall inform the Commission of measures taken under this Regulation and supply any relevant information at their disposal in connection with this Regulation, in particular information on authorisations granted and refused, as well as in relation to measures taken under the targeted end-use clause. The Commission shall forward the information to other Member States.’

Amendment 26
Proposal for a regulation
Article 1 — point 12 b (new)
Regulation (EC) No 1236/2005
Article 13 — paragraph 3a (new)

Text proposed by the Commission

(12b) In Article 13, the following paragraph is inserted:

‘3a. The Commission shall make annual report compiled of annual activity reports referred to in paragraph 3. The report shall be made publicly available.’
Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 12 shall be conferred on the Commission for a period of five years from .... The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months from the notification of that act to the European Parliament and to the Council or if, before expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
**Amendment 28**

**Proposal for a regulation**

**Article 1 — point 15 a (new)**

Regulation (EC) No 1236/2005

**Article 15c (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(15a) The following article is inserted;</td>
<td></td>
</tr>
<tr>
<td>‘Article 15c’</td>
<td></td>
</tr>
<tr>
<td>Anti-Torture Coordination Group</td>
<td></td>
</tr>
<tr>
<td>1. An Anti-Torture Coordination Group chaired by a representative of the Commission shall be set up. Each Member State shall appoint a representative to this Group. It shall examine any question concerning the application of this Regulation which may be raised either by the chair or by a representative of a Member State.</td>
<td></td>
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<tr>
<td>2. The Coordination Group shall in cooperation with the Commission take appropriate measures to establish direct cooperation and exchange of information between competent authorities, in particular to eliminate the risk of possible disparities in the application of export controls to goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment and which may lead to a deflection of trade.</td>
<td></td>
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<tr>
<td>3. The Chair of the Anti-Torture Coordination Group shall, whenever it considers it to be necessary, consult exporters, brokers and other relevant stakeholders, including from all parts of civil society with relevant expertise in matters covered by this Regulation.</td>
<td></td>
</tr>
<tr>
<td>4. The Commission shall submit an annual report in writing to the European Parliament on the activities, examinations and consultations of the Anti-Torture Coordination Group, which shall be subject to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council.’</td>
<td></td>
</tr>
</tbody>
</table>
Amendment 29
Proposal for a regulation
Article 1 — point 15 b (new)
Regulation (EC) No 1236/2005
Article 15d (new)

Text proposed by the Commission

Amendment

(15b) The following article is inserted:

‘Article 15d

1. By… (*), and every three years thereafter, the Commission shall review the implementation of this Regulation and present a comprehensive implementation and impact assessment report to the European Parliament and to the Council, which may include proposals for its amendment. Member States shall provide to the Commission all appropriate information for the preparation of the report.

2. Special sections of the report shall deal with:

(a) the Anti-Torture Coordination Group and its activities, examinations and consultations. Information that the Commission provides on the Coordination Group’s examinations and consultations shall be treated as confidential pursuant to Article 4 of Regulation (EC) No 1049/2001. Information shall, in any case, be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information;

(b) information on national licensing decisions by Member States, reporting to the Commission by Member States, notification and consultation mechanisms among Member States, promulgation and enforcement.

(c) comprehensive information on the nature and effect of measures taken by the Member States pursuant to Article 17, including operation of the penalty regimes introduced by Member States, and assessment whether such regimes are effective, proportionate and dissuasive.

(*) OJ: please insert date: three years after the entry into force of this Regulation.’
Amendment 30
Proposal for a regulation
Article 1 — point 15 c (new)
Regulation (EC) No 1236/2005
Article 17 — paragraph 2.a (new)

Text proposed by the Commission

Amendment

(15c) In Article 17, the following paragraph is added:

‘2.a The Commission shall assess whether rules on penalties laid down by Member States are of a similar nature and effect.’

Amendment 31
Proposal for a regulation
Article 1 — point 15 — point (-a) (new)
Regulation (EC) No 1236/2005
Annex III — column 2 — points 1 and 2

Present text

Amendment

(-a) In Annex III, in the second column, points 1 and 2 are replaced by the following:

1. Goods designed for restraining human beings, as follows:

1.1. Shackles and gang chains

Notes:

1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar

2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II

3. This item does not control ‘ordinary handcuffs’. Ordinary handcuffs are handcuffs which meet all the following conditions:

— their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280 mm when both cuffs are locked;

— the inside circumference of each cuff is a maximum of 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;

2. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar

2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II

3. This item does not control ‘ordinary handcuffs’. Ordinary handcuffs are handcuffs which meet all the following conditions:

— their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280 mm when both cuffs are locked;

— the inside circumference of each cuff is a maximum of 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;
— the inside circumference of each cuff is a minimum of 200 mm when the ratchet is engaged at the first notch entering the locking mechanism; and

— the cuffs have not been modified to cause physical pain or suffering.

1.2. Individual cuffs or rings fitted with a locking mechanism, having an inside circumference exceeding 165 mm when the ratchet is engaged at the last notch entering the locking mechanism

Note:

This item includes neck restraints and other individual cuffs or rings fitted with a locking mechanism, which are linked to ordinary handcuffs by means of a chain

1.3. Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting

Note: This item includes spit hoods which are linked to ordinary handcuffs by means of a chain

1.3.a Chairs, boards and beds fitted with straps

2. Weapons and devices designed for the purpose of riot control or self-protection, as follows:

2.1. Portable electric discharge weapons that can target only one individual each time an electric shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns

Notes:

1. This item does not control electric shock belts and other devices falling within item 2.1 of Annex II

2. This item does not control individual electronic shock devices when accompanying their user for the user’s own personal protection

Notes:

1. This item does not control electric shock belts and other devices falling within item 2.1 of Annex II

2. This item does not control individual electronic shock devices when accompanying their user for the user’s own personal protection
2.2. Kits containing all essential components for assembly of portable electric discharge weapons controlled by item 2.1

Note:
The following goods are considered to be essential components:
— the unit producing an electric shock,
— the switch, whether or not on a remote control, and
— the electrodes or, where applicable, the wires through which the electrical shock is to be administered

2.3. Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks

2.3.a Acoustic devices for the purpose of crowd/riot control

2.3.b Millimetre wave weapons’
Amendment 34
Proposal for a regulation
Annex II — Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission

Amendment

Gabon

Amendment 35
Proposal for a regulation
Annex II — Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission

Amendment

Liberia

deleted

Amendment 36
Proposal for a regulation
Annex II — Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission

Amendment

Madagascar

deleted

Amendment 37
Proposal for a regulation
Annex II — Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Text proposed by the Commission

Amendment

Mongolia

deleted
Amendment 38
Proposal for a regulation
Annex II — Part 2
Regulation (EC) No 1236/2005
Annex IIIb

Sao Tome and Principe deleted
Mandatory automatic exchange of information in the field of taxation *


(Special legislative procedure — consultation)

(2017/C 355/21)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2015)0135),

— having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0085/2015),

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs (A8-0306/2015),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Citation 2 a (new)

Text proposed by the Commission

Having regard to the Charter of Fundamental Rights of the European Union, in particular the respect for the right to the protection of personal data and the freedom to conduct a business,
The challenge posed by cross-border tax avoidance, aggressive tax planning and harmful tax competition has increased considerably and has become a major focus of concern within the Union and at global level. Tax base erosion is considerably reducing national tax revenues, which hinders Member States in applying growth-friendly tax policies. In particular, rulings concerning tax-driven structures lead to a low level of taxation of artificially high amounts of income in the country giving the advance ruling and may leave artificially low amounts of income to be taxed in any other countries involved. An increase in transparency is therefore urgently required. The tools and mechanisms established by Council Directive 2011/16/EU (1) need to be enhanced in order to achieve this.


Following the LuxLeaks scandal and by means of this report, the European Parliament expresses its strong determination not to tolerate tax fraud and tax avoidance as well as to advocate for a fair distribution of the tax burden between citizens and companies.


The challenge posed by cross-border tax avoidance, aggressive tax planning and harmful tax competition has increased considerably and has become a major focus of concern within the Union and at global level. Tax base erosion is considerably reducing national tax revenues, which hinders Member States in applying growth-friendly tax policies, causes distortions of competition to the detriment of undertakings — particularly SMEs — which pay the correct amounts of tax and shifts taxation towards less mobile factors such as labour and consumption. However, in specific cases, rulings concerning tax-driven structures have led to a low level of taxation of artificially high amounts of income in the country giving the advance ruling and have left artificially low amounts of income to be taxed in any other countries involved, thereby reducing the tax base in those Member States. An increase in targeted transparency and exchange of information is therefore urgently required at least in accordance with OECD standards. The tools and mechanisms established by Council Directive 2011/16/EU (1) need to be enhanced in order to achieve this.
Amendment 4
Proposal for a directive
Recital 2

Text proposed by the Commission

The European Council, in its conclusions of 18 December 2014, underlined the urgent need to advance efforts in the fight against tax avoidance and aggressive tax planning, both at the global and Union levels. Stressing the importance of transparency, the European Council welcomed the Commission’s intention to submit a proposal on the automatic exchange of information on tax rulings in the Union.

Amendment

The European Council, in its conclusions of 18 December 2014, underlined the urgent need to advance efforts in the fight against tax avoidance and aggressive tax planning, both at the global and European levels. Stressing the importance of transparency and corresponding information exchange, the European Council welcomed the Commission’s intention to submit a proposal on the automatic exchange of information on tax rulings in the Union.

Amendment 5
Proposal for a directive
Recital 4

Text proposed by the Commission

However, the efficient spontaneous exchange of information in respect of advance cross-border rulings and advance pricing arrangements is hindered by several important practical difficulties such as the discretion permitted to the issuing Member State to decide which other Member States should be informed.

Amendment

However, the efficient spontaneous exchange of information in respect of advance cross-border rulings and advance pricing arrangements is hindered by several important practical difficulties such as the discretion permitted to the issuing Member State to decide which other Member States should be informed and the weak monitoring system which makes it difficult for the Commission to identify any violation of the requirement to exchange information.

Amendment 6
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

An efficient exchange and processing of tax information and the resulting peer pressure would have a strong deterrent effect against the introduction of harmful tax practices and would allow Member States and the Commission to have all the relevant information at their disposal in order to take action against such practices.
### Amendment 7

**Proposal for a directive**

**Recital 5**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) The possibility that the provision of information may be refused where it would lead to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information whose disclosure would be contrary to public policy <em>should</em> not apply to provisions of mandatory automatic exchange of information on advance <em>cross-border</em> rulings and advance pricing arrangements in order not to reduce the effectiveness of these exchanges. The limited nature of the information that is required to be shared with all Member States <em>should ensure</em> sufficient protection of those commercial interests.</td>
<td></td>
</tr>
<tr>
<td>(5) The possibility that the provision of information may be refused where it would lead to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information whose disclosure would be contrary to public policy <em>must</em> not apply to provisions of mandatory automatic exchange of information on advance rulings and advance pricing arrangements in order not to reduce the effectiveness of these exchanges. The limited nature of the information that is required to be shared with all Member States <em>ensures</em> sufficient protection of those commercial interests.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 8

**Proposal for a directive**

**Recital 5a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5a) Advance tax rulings and price arrangements can have a cross-border dimension even though they relate to purely national transactions. That is particularly true of cascade transactions, where the advance tax ruling or price arrangement concerns the first national transactions, without taking into consideration the next (cross-border) transactions.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 9

**Proposal for a directive**

**Recital 5b (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5b) In order to avoid arbitrary distinctions between tax arrangements that arise in the context of different national administrative practices, the definitions of advance rulings and advance pricing arrangements should cover tax arrangements regardless of the formal or informal manner in which they were issued, and irrespective of their binding or non-binding nature.</td>
<td></td>
</tr>
</tbody>
</table>
Amendment 10
Proposal for a directive
Recital 5c (new)

Text proposed by the Commission

(5c) Advance tax rulings facilitate the consistent and transparent application of the law.

Amendment 11
Proposal for a directive
Recital 5d (new)

Text proposed by the Commission

(5d) Transparent tax rules provide legal certainty for taxpayers and businesses and generate investment.

Amendment 12
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) In order to reap the benefits of the mandatory automatic exchange of advance cross-border rulings and advance pricing arrangements, the information should be communicated promptly after they are issued and therefore regular intervals for the communication of the information should be established.

Efficient and effective penalties can be developed in cases of non-compliance.

Amendment 13
Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The mandatory automatic exchange of advance cross-border rulings and advance pricing arrangements should in each case include communication of a defined set of basic information to all Member States. The Commission should adopt any measures necessary to standardise the communication of such information under the procedure laid down in Directive 2011/16/EU for establishing a standard form to be used for the exchange of information. That procedure should also be used in the adoption of any necessary measures and practical arrangements for the implementation of the information exchange.
Amendment 14  
Proposal for a directive  
Recital 8

Text proposed by the Commission

(8) Member States should exchange the basic information to be communicated also with the Commission. This **would** enable the Commission at any point in time to monitor and evaluate the effective application of the automatic exchange of information on advance *cross-border* rulings and advance pricing arrangements. Such communication will not discharge a Member State from its obligations to notify any state aid to the Commission.

Amendment

(8) Member States should exchange the basic information to be communicated also with the Commission, *since the Commission should be able to assess independently if such information is relevant for detecting illegal state aid*. This *basic information should* enable the Commission at any point in time to **efficiently** monitor and evaluate the effective application of the automatic exchange of information on advance rulings and advance pricing arrangements *and to ensure that rulings do not have a negative impact on the internal market*. Such communication will not discharge a Member State from its obligations to notify any state aid to the Commission.

Amendment 15  
Proposal for a directive  
Recital 8 a (new)

Text proposed by the Commission

(8a) Before 1 October 2018 Member States should provide the Commission with an ex-post analysis of the effectiveness of this Directive.

Amendment

(8a) Before 1 October 2018 Member States should provide the Commission with an ex-post analysis of the effectiveness of this Directive.

Amendment 16  
Proposal for a directive  
Recital 9

Text proposed by the Commission

(9) Feedback by the receiving Member State to the Member State sending the information is a necessary element of the operation of an effective system of automatic information exchange. It is therefore appropriate to provide for measures enabling the provision of feedback in cases where the information has been used and where no feedback can be provided under other provisions of Directive 2011/16/EU.

Amendment

(9) Feedback by the receiving Member State to the Member State sending the information is a necessary element of the operation of an effective system of automatic information exchange, *as it encourages administrative cooperation between Member States*. It is therefore appropriate to provide for measures enabling the provision of feedback in cases where the information has been used and where no feedback can be provided under other provisions of Directive 2011/16/EU. That would make it more difficult to circumvent the information for purposes of fraud.
Amendment 17
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) A Member State should be able to rely on Article 5 of Directive 2011/16/EU as regards the exchange of information on request to obtain additional information, including the full text of advance cross-border rulings or advance pricing arrangements, from the Member State having issued such rulings or arrangements.

Amendment

(10) A Member State should be able to rely on Article 5 of Directive 2011/16/EU as regards the exchange of information on request to obtain additional information, including the full text of advance rulings or advance pricing arrangements, from the Member State having issued such rulings or arrangements and any texts which effect subsequent changes.

Amendment 18
Proposal for a directive
Recital 10a (new)

Text proposed by the Commission

(10a) The expression ‘information that is foreseeably relevant’ as referred to in Article 1(1) of Directive 2011/16/EU should be clarified in order to prevent interpretations whose purpose is tax avoidance.

Amendment

(10a) The expression ‘information that is foreseeably relevant’ as referred to in Article 1(1) of Directive 2011/16/EU should be clarified in order to prevent interpretations whose purpose is tax avoidance.

Amendment 19
Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Member States should take all measures necessary to remove any obstacle that might hinder the effective and widest possible mandatory automatic exchange of information on advance cross-border rulings and advance pricing arrangements.

Amendment

(11) Member States should take all measures necessary to remove any obstacle that might hinder the effective and widest possible mandatory automatic exchange of information on advance rulings and advance pricing arrangements.
Amendment 20
Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

(12a) In order to enhance transparency for citizens, the Commission should publish a summary of the main tax rulings agreed in the previous year, based on information contained in the secure central directory. That report should include at least a description of the issues addressed in the tax ruling, a description of the criteria used to determine an advance pricing arrangement and identify the Member State(s) most likely to be affected. In doing so, the Commission should comply with the confidentiality provisions laid down in this Directive.

Amendment 21
Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

(12b) It is desirable that the Member States ask their competent authorities to allocate human resources from among their existing staff to gather and analyse such information.

Amendment 22
Proposal for a directive
Recital 12 c (new)

Text proposed by the Commission

(12c) By 26 June 2017, a Union-wide register for beneficial ownership should be operational, which will aid in tracking down possible tax avoidance and profit shifting. The creation of a central register for automatic exchange of advance tax rulings or price arrangements between Member States, which would be accessible to tax authorities and responsible administrations in the Member States and the Commission would be significant.
<table>
<thead>
<tr>
<th>Amendment</th>
<th>Proposal for a directive</th>
<th>Recital</th>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
<th>The existing provisions regarding confidentiality should be amended to reflect the extension of mandatory automatic exchange of information to advance cross-border rulings and advance pricing arrangements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment 23</td>
<td>Proposal for a directive</td>
<td>Recital 15</td>
<td>(15) The existing provisions regarding confidentiality should be amended to reflect the extension of mandatory automatic exchange of information to advance cross-border rulings and advance pricing arrangements.</td>
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</tr>
<tr>
<td>Amendment 24</td>
<td>Proposal for a directive</td>
<td>Recital 15 a (new)</td>
<td>Text proposed by the Commission</td>
<td>Amendment</td>
<td>(15a) It is essential that the fundamental principle of the Member States’ sovereignty in tax matters is upheld where direct taxes are concerned and that the current proposal does not jeopardise the subsidiarity principle.</td>
</tr>
<tr>
<td>Amendment 25</td>
<td>Proposal for a directive</td>
<td>Recital 16</td>
<td>Text proposed by the Commission</td>
<td>Amendment</td>
<td>(16) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the right to the protection of personal data and the freedom to conduct a business. The personal data should be processed for specific, explicit and legitimate purposes and only if adequate, relevant and not excessive in relation to the purposes. Any restriction of those rights should only be imposed provided that the conditions set out in the Charter of Fundamental Rights are complied with. Subject to the principle of proportionality, restrictions may be imposed provided that they comply with the necessary and true objectives of general interest recognised by the law, or satisfy the need to protect the rights and liberties of others.</td>
</tr>
</tbody>
</table>
### Amendment 26

#### Proposal for a directive

**Recital 17**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(17) Since the objective of this Directive, namely the efficient administrative cooperation between Member States under conditions compatible with the proper functioning of the Internal Market, cannot be sufficiently achieved by the Member States but can rather, by reason of the uniformity and effectiveness required, be better achieved at <strong>Union</strong> level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.</td>
<td>(17) Since the objective of this Directive, namely the efficient administrative cooperation between Member States under conditions compatible with the proper functioning of the Internal Market, cannot be sufficiently achieved by the Member States but can rather, by reason of the uniformity and effectiveness required, be better achieved at <strong>European</strong> level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.</td>
</tr>
</tbody>
</table>

### Amendment 27

#### Proposal for a directive

**Article 1 — point 1 — point a**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) for the purposes of Article 8(1) and Article 8a, the systematic communication of predefined information to another Member State, without prior request, at pre-established regular intervals. For the purposes of Article 8(1), reference to available information relates to information in the tax files of the Member State communicating the information, which is retrievable in accordance with the procedures for gathering and processing information in that Member State.</td>
<td>(a) for the purposes of Article 8(1) and Article 8a, the systematic communication of predefined information to another Member State, without prior request, <strong>which, in respect of Article 8(1), takes place</strong> at pre-established regular intervals. For the purposes of Article 8(1), reference to available information relates to information in the tax files of the Member State communicating the information, which is retrievable in accordance with the procedures for gathering and processing information in that Member State.</td>
</tr>
</tbody>
</table>

### Amendment 28

#### Proposal for a directive

**Article 1 — paragraph 1 — point 1 — point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. ‘advance cross-border ruling’ means any agreement, communication, or any other instrument or action with similar effects, including one issued in the context of a tax audit, which:</td>
<td>14. ‘advance ruling’ means any agreement, communication, or any other instrument or action with similar effects, including one issued in the context of a tax audit <strong>and irrespective of its formal, informal, legally binding or non-binding nature</strong>, which:</td>
</tr>
</tbody>
</table>
Amendment 29
Proposal for a directive
Article 1 — paragraph 1 — point 1 — point b
Directive 2011/16/EU
Article 3 — point 14 — point a

Text proposed by the Commission

(a) is given by, or on behalf of, the government or the tax authority of a Member State, or any territorial or administrative subdivisions thereof, to any person;

Amendment

(a) is given or published by, or on behalf of, the government or the tax authority of a Member State, or any territorial or administrative subdivisions thereof, on which one or more persons can rely:

Amendment 30
Proposal for a directive
Article 1 — point 1 — point b
Directive 2011/16/EU
Article 3 — point 14 — point c

Text proposed by the Commission

(c) relates to a cross-border transaction or to the question of whether or not activities carried on by a legal person in the other Member State create a permanent establishment, and;

Amendment

(c) relates to a transaction or to the question of whether or not activities carried on by a legal person in the other Member State create a permanent establishment, and;

Amendment 31
Proposal for a directive
Article 1 — point 1 — point b
Directive 2011/16/EU
Article 3 — point 14 — subparagraph 2

Text proposed by the Commission

The cross-border transaction may involve, but is not restricted to, the making of investments, the provision of goods, services, finance or the use of tangible or intangible assets and does not have to directly involve the person receiving the advance cross-border ruling;

Amendment

The transaction may involve, but is not restricted to, the making of investments, the provision of goods, services, finance or the use of tangible or intangible assets and does not have to directly involve the person receiving the advance ruling;
Amendment 32
Proposal for a directive
Article 1 — paragraph 1 — point 1 — point b
Directive 2011/16/EU

Article 3 — point 15 — subparagraph 1

Text proposed by the Commission

15. ‘advance pricing arrangement’ means any agreement, communication or any other instrument or action with similar effects, including one issued in the context of a tax audit, given by, or on behalf of, the government or the tax authority of one or more Member States, including any territorial or administrative subdivision thereof, to any person that determines in advance of cross-border transactions between associated enterprises, an appropriate set of criteria for the determination of the transfer pricing for those transactions or determines the attribution of profits to a permanent establishment.

Amendment

15. ‘advance pricing arrangement’ means any agreement, communication or any other instrument or action with similar effects, including one issued in the context of a tax audit, given or published by, or on behalf of, the government or the tax authority of one or more Member States, including any territorial or administrative subdivision thereof, on which one or more persons can rely, that determines in advance of transactions between associated enterprises, an appropriate set of criteria for the determination of the transfer pricing for those transactions or determines the attribution of profits to a permanent establishment.

Amendment 33
Proposal for a directive
Article 1 — point 1 — point b
Directive 2011/16/EU

Article 3 — point 16

Text proposed by the Commission

16. For the purpose of point 14 ‘cross-border transaction’ means a transaction or series of transactions where:

(a) not all the parties to the transaction or series of transactions are resident for tax purposes in the Member State giving the advance cross-border ruling, or;

(b) any of the parties to the transaction or series of transactions is simultaneously resident for tax purposes in more than one jurisdiction, or;

(c) one of the parties to the transaction or series of transactions carries on business in another Member State through a permanent establishment and the transaction or series of transactions forms part or the whole of the business of the permanent establishment. A cross-border transaction or series of transactions shall also include arrangements made by a single legal person in respect of business activities in another Member State which that person carries on through a permanent establishment.

Amendment

deleted
For the purpose of point 15 ‘cross-border transaction’ means a transaction or series of transactions involving associated enterprises which are not all resident for tax purposes in the territory of a single Member State.

Amendment 34
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 1

1. The competent authority of a Member State issuing or amending an advance cross-border ruling or an advance pricing arrangement after the date of entry into force of this Directive shall, by automatic exchange, communicate information thereon to the competent authorities of all other Member States as well as to the European Commission.

Amendment 35
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 2

2. The competent authority of a Member State shall also communicate information to the competent authorities of all other Member States as well as to the European Commission on advance cross-border rulings and advance pricing arrangements issued within a period beginning ten years before the entry into force but still valid on the date of entry into force of this Directive.

Amendment 36
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 3

3. Paragraph 1 shall not apply in a case where an advance cross-border ruling exclusively concerns and involves the tax affairs of one or more natural persons.
Amendment 37
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraph 1 shall also apply where the request for an advance ruling relates to a legal structure without legal personality. In that instance, the competent authority of the Member State issuing the advance ruling shall forward the information it has to the competent authorities of all other Member States and shall arrange for the memorandum of incorporation to be transferred to the Member State of residence of each incorporator and each beneficiary.

Amendment 38
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 4 — point a

Text proposed by the Commission

Amendment

(a) in respect of the information exchanged pursuant to paragraph 1: within one month following the end of the quarter during which the advance cross-border rulings or advance pricing arrangements have been issued or amended.

Amendment 39
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 4 — point b

Text proposed by the Commission

Amendment

(b) in respect of the information exchanged pursuant to paragraph 2: before 31 December 2016;

(b) in respect of the information exchanged pursuant to paragraph 2: within three months following the entry into force;
Amendment 40
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 5 — point b

Text proposed by the Commission
(b) the content of the advance cross-border ruling or advance pricing arrangement, including a description of the relevant business activities or transactions or series of transactions;

Amendment
(b) the content of the advance ruling or advance pricing arrangement, including a description of the relevant business activities or transactions or series of transactions;

Amendment 41
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 5 — point b a (new)

Text proposed by the Commission
(ba) the criteria used to determine the advance ruling or the advance pricing arrangement, as well as the limitation in time thereof, if any, or the circumstances under which the decision can be revoked;

Amendment
(ba) the criteria used to determine the advance ruling or the advance pricing arrangement, as well as the limitation in time thereof, if any, or the circumstances under which the decision can be revoked;

Amendment 42
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 5 — point d

Text proposed by the Commission
(d) the identification of the other Member States likely to be directly or indirectly concerned by the advance cross-border ruling or advance pricing arrangement;

Amendment
(d) the identification of the other Member States likely to be directly or indirectly concerned by the advance ruling or advance pricing arrangement;
Amendment 43
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 5 — point e

Text proposed by the Commission
(e) the identification of any person, other than a natural person, in the other Member States likely to be directly or indirectly affected by the advance cross-border ruling or advance pricing arrangement (indicating to which Member State the affected persons are linked).

Amendment
(e) the identification of any person, other than a natural person, in the other Member States likely to be directly or indirectly affected by the advance ruling or advance pricing arrangement (indicating to which Member State the affected persons are linked).

Amendment 44
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 5 — point e a (new)

Text proposed by the Commission

Amendment
(ea) as soon as it is available, the European Tax Identification Number (TIN) as outlined in the Commission’s Action Plan on the fight against tax fraud and tax evasion of 2012;

Amendment 45
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 5 — point e b (new)

Text proposed by the Commission

Amendment
(eb) a description of the set of criteria used and of the arrangements applicable where, by means of a de jure or de facto mechanism, the taxpayer’s taxable base is reduced by derogation from the standard rules of the Member State issuing the opinion, involving, for example, authorisation for a faster rate of amortisation than is customary or deduction of costs not directly incurred or not actually incurred by the taxpayer;
### Amendment 46

**Proposal for a directive**  
**Article 1 — paragraph 1 — point 3**  
**Directive 2011/16/EU**  
**Article 8a — paragraph 5 — point e (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ec) a description of the set of criteria used and of the arrangements applicable where a taxpayer is granted a rate of taxation which is lower than the standard rate in the Member State issuing the opinion;</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 47

**Proposal for a directive**  
**Article 1 — paragraph 1 — point 3**  
**Directive 2011/16/EU**  
**Article 8a — paragraph 5 — point e d (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ed) a description of the set of criteria used and of the mechanism applied where a party to that mechanism is established in a third country in which taxation is either non-existent or much more favourable.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 48

**Proposal for a directive**  
**Article 1 — paragraph 1 — point 3**  
**Directive 2011/16/EU**  
**Article 8a — paragraph 6**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>6. To facilitate the exchange the Commission shall adopt any measures and practical arrangements necessary for the implementation of this Article, including measures to standardise the communication of the information set out in paragraph 5 of this Article, as part of the procedure for establishing the standard form provided in Article 20(5). The Commission shall assist Member States which have endowed decentralised territorial or administrative bodies with tax-related competences in ensuring that they meet their responsibility to provide training and support to those bodies.</td>
<td></td>
</tr>
</tbody>
</table>

The Commission shall assist Member States which have endowed decentralised territorial or administrative bodies with tax-related competences in ensuring that they meet their responsibility to provide training and support to those bodies.
Amendment 49
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 7

Text proposed by the Commission

7. The competent authority to which information is communicated pursuant to paragraph 1 shall confirm, if possible by electronic means, the receipt of the information to the competent authority which provided the information immediately and in any event no later than seven working days.

Amendment

7. The competent authority to which information is communicated pursuant to paragraph 1 shall confirm, if possible by electronic means, the receipt of the information to the competent authority which provided the information immediately and in any event no later than seven working days, thus facilitating the operation of an effective system of automatic information exchange.

Amendment 50
Proposal for a directive
Article 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 8

Text proposed by the Commission

8. Member States may, in accordance with Article 5, request additional information, including the full text of an advance cross-border ruling or an advance pricing arrangement, from the Member State which issued it.

Amendment

8. Member States — or their territorial or administrative bodies including local authorities if applicable — may, in accordance with Article 5, request additional information, including the full text of an advance ruling or an advance pricing arrangement, from the Member State which issued it.

Amendment 51
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 9 a (new)

Text proposed by the Commission

9a. Member States shall notify the Commission and other Member States at an early stage about any relevant change in their tax ruling practice (application formalities, decision process, etc.).
Amendment 52
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8a — paragraph 9b (new)

Text proposed by the Commission

9b. Member States’ tax authorities shall notify the Commission and other Member States about any relevant changes to their domestic laws on corporate taxation (introduction of a new allowance, relief, exception, incentive or similar measure etc.) that could have an impact on their effective tax rates or on any other Member State’s tax revenue.

Amendment 53
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8b — paragraph 1

Text proposed by the Commission

1. Before 1 October 2017, Member States shall provide the Commission on an annual basis with statistics on the volume of automatic exchanges under Articles 8 and 8a and, to the extent possible, with information on the administrative and other relevant costs and benefits relating to exchanges that have taken place and any potential changes, for both tax administrations and third parties.

Amendment 54
Proposal for a directive
Article 1 — paragraph 1 — point 3
Directive 2011/16/EU
Article 8b — paragraph 2a (new)

Text proposed by the Commission

2a. Before 1 October 2017, and on an annual basis thereafter, the Commission shall publish a report summarising the main cases contained in the secure central directory referred to in Article 21(5). In doing so, the Commission shall comply with the confidentiality provisions laid down in Article 23a.
Amendment 55
Proposal for a directive
Article 1 — paragraph 1 — point 4
Directive 2011/16/EU
Article 14 — paragraph 3

3. Where a Member State makes use of any information communicated by another Member State in accordance with Article 8a, it shall send feedback thereon to the competent authority which provided the information as soon as possible, and no later than three months after the outcome of the use of the requested information is known, except if feedback has already been provided pursuant to paragraph 1 of this Article. The Commission shall determine the practical arrangements in accordance with the procedure referred to in Article 26(2).

Amendment
3. Where a Member State makes use of any information communicated by another Member State in accordance with Article 8a, it shall send feedback thereon to the Commission and the competent authority which provided the information as soon as possible, and no later than three months after the outcome of the use of the requested information is known, except if feedback has already been provided pursuant to paragraph 1 of this Article. The Commission shall determine the practical arrangements in accordance with the procedure referred to in Article 26(2).

Amendment 56
Proposal for a directive
Article 1 — point 5
Directive 2011/16/EU
Article 20 — paragraph 5

5. The automatic exchange of information on advance cross-border rulings and advance pricing arrangements pursuant to Article 8a shall be carried out using a standard form once that form has been adopted by the Commission in accordance with the procedure referred to in Article 26(2).

Amendment
5. The automatic exchange of information on advance rulings and advance pricing arrangements pursuant to Article 8a shall be carried out using a standard form once that form has been adopted by the Commission in accordance with the procedure referred to in Article 26(2).
Amendment 57
Proposal for a directive
Article 1 — point 6
Directive 2011/16/EU
Article 21 — paragraph 5

Text proposed by the Commission

5. The Commission shall develop a secure central directory where information to be communicated in the framework of Article 8a of this Directive may be recorded in order to satisfy the automatic exchange provided for in paragraphs 1 and 2 of Article 8a. The Commission shall have access to the information recorded in this directory. The necessary practical arrangements shall be adopted by the Commission in accordance with the procedure referred to in Article 26(2).

Amendment

5. On 31 December 2016 at the latest, the Commission shall develop a secure central directory where information to be communicated in the framework of Article 8a of this Directive must be recorded in order to satisfy the automatic exchange provided for in paragraphs 1 and 2 of Article 8a. Member States shall ensure that all information communicated in the framework of Article 8a during the transitional period where the secure central directory is not yet developed is uploaded into the secure central directory by 1 April 2017. The Commission and the Member States shall have access to the information recorded in this directory. The necessary practical arrangements shall be adopted by the Commission in accordance with the procedure referred to in Article 26(2).

Amendment 58
Proposal for a directive
Article 1 — paragraph 1 — point 8
Directive 2011/16/EU
Article 23a — paragraph 1

Text proposed by the Commission

1. Information communicated to the Commission pursuant to this Directive shall be kept confidential by the Commission in accordance with the provisions applicable to Union authorities.

Amendment

1. Information communicated to the Commission pursuant to this Directive shall be kept confidential by the Commission in accordance with the provisions applicable to Union authorities, as enshrined in Article 8 of the Charter of Fundamental Rights of the European Union.
Amendment 59
Proposal for a directive
Article 1 — paragraph 1 — point 8
Directive 2011/16/EU

2. Information communicated to the Commission by a Member State under Article 23, as well as any report or document produced by the Commission using such information, may be transmitted to other Member States. Such transmitted information shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under the national law of the Member State which received it.

Amendment 60
Proposal for a directive
Article 1 — paragraph 1 — point 8
Directive 2011/16/EU

2. Information communicated to the Commission by an EU or EEA Member State under Article 23, as well as any report or document produced by the Commission using such information, may be transmitted to other EU Member States (and in case of reciprocity also EEA Member States). Such transmitted information shall be covered by the obligation of official secrecy and enjoy the protection extended to similar information under the national law of the EU Member State (and in case of reciprocity also EEA Member State) which received it.

Text proposed by the Commission
Reports and documents produced by the Commission referred to in the first subparagraph may only be used by the Member States for analytical purposes but shall not be published or made available to any other person or body without express agreement of the Commission.

Amendment
Reports and documents produced by the Commission referred to in the first subparagraph may only be used by the EU or EEA Member States for analytical purposes but shall not be published or made available to any other person or body without express agreement of the Commission.
### Amendment 61

**Proposal for a directive**  
**Article 1 — paragraph 1 — point 8 a (new)**  
Directive 2011/16/EU  
Article 23 b (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td><em>(8a)</em> The following Article is inserted:</td>
<td></td>
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<tr>
<td>‘Article 23b</td>
<td></td>
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<tr>
<td>Penalties</td>
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<tr>
<td>The Commission shall examine all penalties to be established in the event of refusal or omission of information exchange.’</td>
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### Amendment 62

**Proposal for a directive**  
**Article 1 — paragraph 1— point 9 a (new)**  
Directive 2011/16/EU  
Article 25 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td><em>(9a)</em> The following Article is inserted:</td>
<td></td>
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<tr>
<td>‘Article 25a</td>
<td></td>
</tr>
<tr>
<td>OECD developments</td>
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<tr>
<td>This Directive shall be compatible with OECD developments and shall take into consideration the OECD comprehensive set of rules contained in the Standard for Automatic Exchange of Financial Account.’</td>
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</table>

### Amendment 63

**Proposal for a directive**  
**Article 1 — paragraph 1— point 9 b (new)**  
Directive 2011/16/EU  
Article 25 b (new)

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td><em>(9b)</em> The following Article is inserted:</td>
<td></td>
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<tr>
<td>‘Article 25b</td>
<td></td>
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<tr>
<td>Further action of Member States</td>
<td></td>
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<tr>
<td>This Directive shall not preclude Member States from taking further action to develop domestic or agreement-based provisions for the prevention of tax avoidance.’</td>
<td></td>
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</tbody>
</table>
Amendment 64
Proposal for a directive
Article 1 — paragraph 1 — point 9 c (new)
Directive 2011/16/EU

Article 27

Text proposed by the Commission

Amendment

(9c) Article 27 is replaced by the following:

‘Article 27

Reporting

Every three years after the entry into force of this Directive, the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council.’
The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union,

— having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,

— having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities’ own resources (1),


— having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (3) (MFF Regulation),

— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (4) (IIA),

— having regard to its resolution of 11 March 2015 on general guidelines for the preparation of the budget, Section III — Commission (5),

— having regard to its resolution of 29 April 2015 on Parliament’s estimates of revenue and expenditure for the financial year 2016 (6),

— having regard to the draft general budget of the European Union for the financial year 2016, which the Commission adopted on 24 June 2015 (COM(2015)0300),

— having regard to the position on the draft general budget of the European Union for the financial year 2016, which the Council adopted on 4 September 2015 and forwarded to Parliament on 17 September 2015 (11706/2015 — C8-0274/2015),

— having regard to its resolution of 8 July 2015 on the mandate for the trilogue on the 2016 draft budget (7),

having regard to the Commission communication to the European Parliament, the European Council and the Council of 23 September 2015 on managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration (COM(2015)0490),

— having regard to Letters of amendment Nos 1/2016 (COM(2015)0317) and 2/2016 (COM(2015)0513) to the draft general budget of the European Union for the financial year 2016,

— having regard to Rule 88 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets and the opinions of the other committees concerned (A8-0298/2015),

Section III

General overview

1. Stresses that Parliament's reading of the 2016 budget fully reflects the political priorities adopted by an overwhelming majority in its abovementioned resolutions of 11 March 2015 on general guidelines and of 8 July 2015 on a mandate for the trilogue; recalls that those consist in internal and external solidarity, in particular an effective tackling of the migration and refugee crisis, as well as in boosting competitiveness through the creation of decent and quality employment and the development of enterprises and entrepreneurship across the Union (the 'three Es');

2. Highlights that the Union is currently facing a number of serious emergencies, notably the unprecedented migration and refugee crisis; is convinced that the necessary financial resources need to be deployed in the Union budget, in order to match the political challenges and allow the Union to deliver and effectively respond to those crises, as a matter of utmost urgency and priority; understands that the migration and refugee crisis cannot be solved by financial resources alone and that a comprehensive approach is needed to address both its internal and external dimension; considers that extraordinary times require extraordinary measures and that a strong political commitment is needed to secure fresh appropriations for this purpose; underlines in this context that solidarity is an underlying principle of the EU budget; is concerned that, in the refugee crisis, solidarity appears in an uneven way across Member States; asks the Commission to come up with a proposal on how the EU budget can prompt Member States towards a more balanced approach to solidarity;

3. Notes that Parliament has, from the outset, placed a particular focus on migration and refugees in the 2016 budget; recalls its earlier statements that the handling of migration flows lies at the crossroads of internal and external solidarity and that external financing instruments should also be mobilised, in an integrated approach, in order to address the root causes of the problems the Union is faced with; recalls common treaties and agreements such as the Schengen Acquis and the Dublin Regulation (1) and the Commission proposal on a binding crisis mechanism for relocation (COM(2015)0450);

4. Decides, therefore, to immediately put forward a comprehensive package of amendments increasing the Draft Budget (DB) by EUR 1 161 million both on Heading 3 (Security and Citizenship) and Heading 4 (Global Europe), in order to provide an initial response to the migration crisis; stresses that, as regards the internal dimension of this crisis, Parliament's amendments already integrate fully and align the two packages on the relocation of asylum-seekers, while proposing additional increases for the Asylum, Migration and Integration Fund (AMIF) and the Union agencies in this field; highlights, as regards the external dimension, a number of additional reinforcements targeting specific programmes in Heading 4, such as the European Neighbourhood Instrument, the Development Cooperation Instrument, Humanitarian Aid and the Instrument for Pre-Accession Assistance;

(1) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).
5. Underlines, however, that those amendments should be considered alongside the Commission's Letter of amendment No 2/2016, which includes, in addition to the second relocation package, the additional measures set out in the abovementioned Commission communication of 23 September 2015; regrets that Parliament and the Council do not have more time to examine the suitability of that Letter of amendment, but understands the need for an immediate response and the considerable time pressure; stresses that Parliament fully endorses these new measures and intends to defend their financing through fresh appropriations even to a higher extent than the level proposed in its own position on the 2016 budget;

6. Decides to also take action with regard to the ongoing crisis affecting European farmers, notably in the dairy sector, and to already integrate in its position on the 2016 budget the EUR 500 million support emergency measures announced by the Commission; trusts that the Commission's Letter of amendment No 2/2016 will allow the exact budget lines that will be reinforced in this context to be determined; welcomes the decision by the Commission to carry over unused appropriations of the crisis reserve from the 2015 budget to the 2016 budget and notes that these unspent funds will be used for reimbursements to the beneficiaries of direct payments as provided for in Regulation (EU) No 1306/2013;

7. Acknowledges that a lot more effort needs to be undertaken to address the shortcomings in the Union economy by boosting competitiveness, growth and quality jobs; emphasises the key role played by micro, small, medium-sized and social enterprises in this regard; reinforces therefore the COSME programme by EUR 16.5 million; decides also to propose new commitments in 2016 for the continuation of the Youth Employment Initiative (YEI), whose entire financial envelope was frontloaded in the years 2014-2015; acknowledges the significant contribution of this programme to the fight against unemployment and is determined to ensure that the necessary appropriations are made available in order to prevent a funding gap in its implementation; adopts, therefore, a EUR 473.2 million increase for 2016, corresponding to the original instalment that was foreseen for the YEI on a yearly basis;

8. Reiterates its conviction that the Union budget should not finance new initiatives to the detriment of existing Union programmes and policies and disregard political commitments already made; while acknowledging and fully confirming the large political and financial support to the launching of European Fund for Strategic Investment (EFSI), intends to deliver on the commitment that it made during the EFSI negotiations, namely to minimise to the maximum the impact on Horizon 2020 and the Connecting Europe Facility (CEF) in the frame of the annual budgetary procedure; proposes, therefore, to fully offset the cuts of these two programmes — due to the provisioning of the EFSI Guarantee Fund — in 2016 (EUR 1 326 million), in order to allow them to fully accomplish the objectives agreed only two years ago with the adoption of their respective legal bases;

9. Stresses the importance of fully respecting the joint statement on a payment plan 2015-2016 agreed between Parliament, Council and Commission, following the shared commitment to reduce the backlog of outstanding payment claims for the 2007-2013 cohesion programmes to around EUR 2 billion by the end of 2016; criticises, in this respect, that the Council's proposed cuts are in direct contradiction with this payment plan; stresses, moreover, the need to avoid any future build-up of such an unsustainable backlog, and calls on the Commission to come up with concrete proposals to that effect; considers, for this reason, that unforeseen payment needs should be financed with fresh appropriations and that the frontloading of EUR 1 billion in 2016 for Greece should, therefore, be financed through the available MFF payments' ceiling; stresses its long-standing position that payments deriving from commitments mobilised under the Flexibility Instrument are counted over and above that ceiling;

10. Restores all cuts proposed by Council to the DB (EUR 563.6 million in commitments and EUR 1 421.8 million in payments); fails to understand the reasoning behind the proposed cuts, for example those to Horizon 2020 and CEF, two programmes already affected by redeployments to EFSI, and to development and neighbourhood policies, especially in light of recent events; is concerned that, by proposing such important cuts to the DB, Council is largely disregarding the undeniable added value of the Union budget; contests, in any event, Council's declared intention to target budget lines with a low execution rate or absorption capacity, as this is not substantiated by the actual implementation figures and ignores the varying implementation patterns of certain programmes;
11. Regrets that Commission expert groups continue to lack balance as they are excessively dominated by corporate interests;

12. Concludes that, for the purpose of adequately financing these pressing needs, and considering the very tight MFF margins in 2016, all means available in the MFF Regulation in terms of flexibility, including the full mobilisation of the Flexibility Instrument, will need to be deployed; expects that the Council will share this approach and that an agreement will easily be reached in conciliation, allowing the Union to rise to the occasion and effectively respond to the challenges ahead; stresses, in this respect, that the global MFF margin for commitments from 2015 should be mobilised as soon as the legal conditions are fulfilled; expects to reach a pre-agreement with the Council and the Commission on this issue;

13. Recalls the Joint Declaration of the three Union institutions, in the context of the MFF political agreement, that the annual budgetary procedures will integrate, as appropriate, gender-responsive elements; emphasises that gender mainstreaming should underpin, as a horizontal principle, Union policies and calls for a comprehensive implementation of gender budgeting; welcomes, moreover, the first steps of the greening of the Union budget; points to the need to further advance this process in order to meet the agreed targets in climate and environmentally friendly spending;

14. Sets the overall level of appropriations for 2016 at EUR 157,427,3 million and EUR 146,459,3 million in commitment and payment appropriations respectively;

Sub-heading 1a — Competitiveness for growth and jobs

15. Criticises that, again this year, sub-heading 1a is severely affected by the Council’s cuts with a reduction of EUR 140,9 million in commitments and EUR 435,4 million in payments as compared to the DB; highlights that around half of these cuts are targeted at Horizon 2020, which results in a further reduction for this programme in 2016 after that part of its appropriations have been redeplored to EFSI;

16. Underlines that, for the sake of a coherent approach, several cuts applied by the Council on the ground of a low absorption capacity on many sub-heading 1a programmes in June 2015 have now to be reversed due the strong acceleration in these programmes’ implementation in September 2015; notes that this is a general trend, in line with the life cycle of these programmes; decides therefore to restore the DB level on the lines cut by the Council both in commitments and in payments;

17. In line with its priorities for 2016, Employment, Enterprises, Entrepreneurship, and after careful assessment of their absorption capacity so far, decides to propose, in addition to the full compensation of the EFSI-related cuts for Horizon 2020, and CEF, some selective increases above the level of the DB for COSME, Horizon 2020, EaSI and Erasmus+ programmes;

18. Stresses, in particular, that the frontloading of appropriations for COSME in 2014-2015 has proven to be truly beneficial given the constant increase in the SMEs’ demand for support in access to markets and funding in the past few years; opposes, therefore, the decrease of COSME in the DB as compared to 2015 and decides to increase appropriations above the DB for this programme; recalls that the Commission has already pointed to a shortfall in the COSME financial instruments for 2015, 2016 and 2017, which demonstrates the gap between available commitments and expected demand; within COSME, asks for a substantial reinforcement of the appropriations for the Erasmus for Young Entrepreneurs, given that the available resources are not sufficient to cover the substantial demand in participation;

19. Calls on the Commission to analyse the financial burden caused by fees and charges due within obligatory certification and licensing procedures; urges the Commission to provide a proper evaluation of the impact of those costs on the competitiveness of industrial companies and SMEs;
20. Decides to increase above the DB appropriations for the three supervisory agencies (EBA, EIOPA and ESMA) as well as for ACER to provide them with adequate resources to face their increasing tasks;

21. Confirms its support for the ITER programme and is committed to securing its appropriate financing; is concerned, however, about possible further delays and additional costs of this programme as well as the related potential repercussions on the Union budget; regrets, therefore, that it was unable to assess the level of the 2016 ITER appropriations against the updated payment plan and schedule, which is only due to be presented in the ITER Council in November 2015: expects, however, that this revised plan will provide sufficient evidence that Parliament’s recommendations, as set out in the relevant 2013 discharge resolution (1), have been properly taken into account and that financial soundness and spending efficiency will be ensured; intends to raise this matter in the 2016 budgetary conciliation; moreover, insists on the need for full transparency regarding the use of Fusion for Energy’s contributions to the ITER programme; calls for a proper accountability mechanism giving a clear overview of the amount of financial resources provided to the international project and evaluating their efficient use;

22. Reserves part of the appropriations for the standardisation of financial reporting and auditing and calls for the implementation of the recommendations of the Maystadt report referring to the task and responsibilities of the European Financial Reporting Advisory Group (EFRAG), thereby also strengthening the Union’s influence in international accounting standard-setting; is also concerned about the significant EU funding provided to the IFRS foundation not being matched by necessary improvements regarding accountability, transparency and democracy;

23. As a result, increases the level of commitment and payments appropriations for sub-heading 1a above the DB by EUR 1 405.5 million and EUR 491.5 million respectively (including pilot projects and preparatory actions), thus exceeding the ceiling for commitments by EUR 1 316.9 million, to be financed by all means available as regards flexibility in the MFF Regulation after exhaustion of the available margins;

24. Disapproves of Council’s proposed cuts of EUR 3,1 million in commitments and, more importantly, EUR 220,1 million in payments under sub-heading 1b, including on completion lines; calls on the Council to explain how these cuts are compatible with the objective, on the one hand, of reducing the backlog of unpaid bills and, on the other hand, of avoiding negative repercussions and unnecessary delays for the implementation of the 2014-2020 programmes; recalls that cohesion policy represents the Union’s main investment policy aimed at reducing disparities between European regions by strengthening economic, social and territorial cohesion; underlines that instruments such as the European Social Fund, the European Regional Development Fund, the Cohesion Fund or the Youth Employment Initiative are instrumental in fostering convergence, narrowing the development gap and supporting the creation of quality and sustainable jobs;

25. Notes the Commission’s preliminary assessment, based on Member States’ latest forecasts, that programme implementation in the area of cohesion policy is likely to be delayed in 2016; is alarmed that any significant underspending in the third year of implementation of the new European Structural and Investment Funds cycle, at a time when programmes should be reaching full swing, will not only have a detrimental effect on the timely achievement of results on the ground, but may also lead to serious pressure on payments in subsequent years, possibly reconstituting a backlog of unpaid bills; urges the Member States concerned to make speedy progress in tackling the underlying causes of these delays

(1) European Parliament resolution of 29 April 2015 with observations forming an integral part of the decision on discharge in respect of the implementation of the budget for the Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2013 (OJ L 255, 30.9.2015, p. 395).
in implementation, such as through the prompt designation of programme authorities and the non-multiplication and simplification of national administrative procedures; in line with the payment plan, requests the Commission to closely monitor the evolution of payments under sub-heading 1b related to the 2014-2020 programming period, including through detailed, regularly updated forecasts to be discussed at dedicated interinstitutional meetings, and make appropriate proposals as needed;

26. Recalls that the Commission has not proposed any commitment appropriations for the Youth Employment Initiative in 2016 as a result of its frontloading in the years 2014-2015; decides, in line with the Regulation on the European Social Fund (1) which foresees the possibility of such a continuation, to provide the Youth Employment Initiative with EUR 473.2 million in commitment appropriations, namely an amount corresponding to the initial annual instalment foreseen for this programme; is convinced that funding for this important programme, which addresses one of the Union's most pressing challenges, should not stop in 2015; underlines that the additional funding should be used to scale up the programme, thus assisting a greater number of young people in their search for a decent and permanent job; urges the Member States to do their utmost to speed up the implementation of the Initiative on the ground, for the direct benefit of young Europeans; urges the Commission to report to Parliament on Union funded measures to combat youth unemployment and on the results achieved with those measures;

27. Taking account of pilot projects and preparatory actions, increases commitment appropriations for sub-heading 1b by EUR 482.7 million and payment appropriations by EUR 1 164 million above the DB, thus exceeding the ceiling for commitments by EUR 467.3 million to be financed by any means available as regards flexibility in the MFF Regulation;

Heading 2 — Sustainable growth: natural resources

28. Notes that the Council reduced appropriations also in Heading 2 by EUR 199.9 million in commitments and EUR 251.1 million in payments, including rural development, the European Maritime and Fisheries Fund and the LIFE programme; considers that the Letter of amendment No 2/2016 should remain the basis for any reliable revision of European Agricultural Guarantee Fund (EAGF) appropriations; restores the DB levels accordingly;

29. Welcomes the presentation by the Commission of a EUR 500 million comprehensive package of emergency measures to support European farmers, notably in the dairy sector amid falling commodity prices and greater milk production; stresses that the effects are most severe in remote areas where the socio-economic importance of the dairy sector is unquestionable; incorporates this amount in its reading as a show of support for the Commission's announcement, and looks forward to its full inclusion in the course of the conciliation procedure on the basis of the Letter of amendment No 2/2016; underlines that this package should add up to the range of measures aimed at addressing the losses and long-term effects on European farmers of the Russian embargo on agricultural products, Russia being thus far the second most important destination for Union agricultural exports;

30. Considers export refunds to be trade distorting and in contradiction to the EU development goals; supports therefore their complete elimination;

31. Reiterates that CAP appropriations or any other appropriations from the budget should not be used for the financing of lethal bullfighting activities; recalls that such funding is a clear violation of the European Convention for the Protection of Animals Kept for Farming Purposes (Council Directive 98/58/EC) (2):

32. Stresses the increasing tasks assigned to the Union as part of the European Maritime and Fisheries Fund; therefore restores the level of appropriations of the 2015 budget for scientific advice and knowledge in fisheries due to the importance of data collection in decision-making, and reinforces the European Fisheries Control Agency (EFCA) budget to support its role in coordinating and implementing the Common Fisheries Policy.

33. Increases therefore commitment appropriations by EUR 510.4 million and payment appropriations by EUR 520.6 million (including pilot projects and preparatory actions), leaving a margin of EUR 647.2 million below the ceiling for commitments in Heading 2:

Heading 3 — Security and Citizenship

34. Recalls that the DB provided for reinforcements in the area of security and migration, including a EUR 150 million scheme for the relocation of 40,000 persons in need of international protection, leading the Commission to exceed the ceiling for this heading by EUR 124 million and to propose the corresponding mobilisation of the Flexibility Instrument; welcomes the fact that the Council has agreed to the principle of mobilising the Flexibility Instrument for this purpose; notes however that a long-term financial plan to respond to the refugee crisis is needed and considers that this shall also be addressed through the revision of the MFF.

35. Decides, in light of the current exceptional flows of migrants and refugees, to concentrate its reinforcements on strengthening the AMIF; strongly supports in this context the second EUR 780 million package on the relocation of an additional 120,000 persons; decides to incorporate the necessary funds in its reading, and to align the first relocation package with the second one by adding EUR 20 million to finance transport costs (EUR 500 per migrant to Italy and Greece); approves an additional increase of EUR 79 million for general reinforcement of the AMIF; highlights the necessity of also ensuring sufficient financing possibilities for the AMIF for the upcoming years; recalls that point 17 of IIA allows for an increase of more than 10% in the amount foreseen for the entire duration of a programme when the new, objective, long-term circumstances arise.

36. Notes that such measures are only a first step towards the full implementation of the principle of solidarity on which the Union is based on; calls on the Commission and the Council to fully implement the plans proposed in the abovementioned Commission communication of 23 September 2015 and show a clear commitment to the respect for human rights, as stated in Charter of Fundamental Rights of the European Union; stresses the importance of proper financing of return operations in accordance with the Charter and the principle of ‘non-refoulement’ in order to achieve an effective return policy, preventing and reducing irregular migration; underlines the importance of supporting refugees close to their home countries and of facilitating asylum procedures in Member States.

37. Finally decides to reinforce the agencies with migration-related tasks for a total of EUR 26 million with the European Asylum Support Office (EASO) receiving the biggest increase of EUR 12 million above the DB; recalls that this agency plays a central, coordinating role in the implementation of the provisional measures in the area of international protection and is increasingly being called upon to assist concerned Member States.

38. Welcomes the Commission communication of 23 September 2015 and the corresponding measures reflected in the Letter of amendment No 2/2016, notably EUR 600 million of additional emergency funding for the most affected Member States; is satisfied that the Commission is taking leadership in that area and, in doing so, confirms the approach taken by Parliament in its reading; stands ready to consider further reinforcements in the course of the conciliation.

39. Deplores that the Council decreases commitment appropriations by EUR 25.1 million and payment appropriations by EUR 33.6 million compared to the DB; believes that these reductions jeopardise the proper implementation of programmes and actions under Heading 3; recalls in this context that though some of the proposed cuts may seem minor, one needs to keep in mind the relatively small size of several important and valuable programmes, making them particularly vulnerable to cuts; decides therefore to restore the level of the DB.
40. Furthermore, deems it necessary, given their important role in supporting cultural and creative industries that represent key European values, to increase, by a total of EUR 10.5 million in commitment appropriations above the DB, the culture and media sub-programmes, including the Multimedia Actions, and the Cultural and Creative Sectors Guarantee Facility (CCSGF) planned for 2016 and intended to tackle the critical issue of access to finance for SMEs and organisations in the cultural and creative sectors;

41. Considers it also a priority to reinforce the Europe for Citizens’ programme with EUR 1.5 million as well as modifying the budget nomenclature of the Europe for Citizens programme by dedicating a separate line to the implementation of the European Citizens’ Initiative;

42. Notes that its reading (including pilot projects and preparatory actions) exceeds the ceiling of Heading 3 by EUR 1 055.1 million in commitments, with EUR 931.1 million above the DB, while increasing payment appropriations by EUR 586.5 million; proposes therefore to mobilise any means available in the MFF to finance the package of reinforcements linked to migration;

Heading 4 — Global Europe

43. Points to the fact that, of all headings, Heading 4 bears the biggest cuts by the Council both in commitments (- EUR 163.4 million) and in payments (- EUR 450.4 million); notes with surprise that the European Neighbourhood Instrument (notably poverty and security in the Mediterranean countries), the Development Cooperation Instrument (including the migration and asylum thematic objective) and the Instrument for Pre-accession Assistance (despite candidate countries hosting a considerable number of refugees or being located on major migration routes) are among the most affected; underlines that this approach is in blatant contradiction to the statements of the Council and the European Council on the migration agenda, on the refugee crisis and on cooperation with countries of origin and transit;

44. Against this background, decides to restore the level of appropriations provided for by the DB; notes that the payment situation of Heading 4 is still a matter of particular concern due to the rolling-over of a significant backlog of unpaid bills and the artificial postponing of contractual commitments to face a persistent underbudgeting in payments; reaffirms, therefore, that the increases in payment appropriations proposed by the Commission were merely necessary, notwithstanding the fact that the unprecedented migration and refugee crisis has meanwhile imposed additional challenges for the Union’s external action;

45. Complements the package of amendments on migration and the refugee crisis by adopting targeted reinforcements in commitment appropriations first and foremost within the European Neighbourhood Instrument (+ EUR 178.1 million) but also in the Development Cooperation Instrument (+ EUR 26.6 million), Humanitarian aid (+ EUR 26 million), the Instrument for Pre-accession Assistance (+ EUR 11.2 million), the Instrument contributing to Stability and Peace (+ EUR 12.6 million) and the European Instrument for Democracy and Human Rights (+ EUR 1 million); while supporting, where necessary, reprioritisation within those programmes to address the most topical challenges, stresses that this must not lead to reduced efforts related to the initial objectives of the respective legal basis, thus risking the destabilisation of the European neighbourhood or other regions concerned; reiterates the need to adopt a comprehensive and human rights-based approach linking migration with development and working towards the integration of legal migrants, asylum seekers and refugees; emphasises the need to reinforce cooperation and commitment with countries of origin and transit to effectively tackle the current migration crisis, and in particular the needs of displaced persons in third countries in fields of health and education; considers, therefore, such reinforcements indispensable to the financing of additional initiatives, on top of the initial objectives of the respective legal bases;

46. Notes that the Union Regional Trust Fund in Response to the Syrian Crisis and the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa were created because the Union budget lacks both the necessary flexibility and funding to allow for a rapid and comprehensive response to the crisis; stresses that a more holistic solution needs to be found in the MFF review/revision on how to make support from the Union
budget for humanitarian assistance and development more effective and more readily available and how to successfully
merge it with the European Development Fund and bilateral aid offered by Member States; calls for the extra appropriations
for the programmes under Heading 4 to be used in particular to increase the funding for the two Trust Funds as well as for
immediate assistance via the UNHCR and the World Food Programme; calls on the individual Member States to turn words
into deeds and bring the necessary additional contributions to match the Union funding linked to the Trust Funds and to
close the funding gap of the UN agencies without further delay; notes that the pipeline of projects potentially funded by the
Trust Funds further weakens the Council’s case for an alleged lack of absorption capacity in Heading 4;

47. Reinforces by EUR 40 million the budget line for support for the peace process and financial assistance to Palestine
and to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); notes that UNRWA
plays an effective role in supporting the growing number of Palestinian refugees suffering directly from the Syrian crisis,
which poses an additional burden on the agency; is concerned about the funding gaps faced by UNRWA and calls for those
additional appropriations to be channelled to its General Fund in support of basic education, social and health services;

48. Recalls that in order to alleviate damaging long term effects that stem from humanitarian crisis it is essential to
ensure that children affected continue to receive an education; therefore increases funding for supporting education in the
Humanitarian aid budget so that it accounts for 3% instead of 1%, with the aim of reaching a threshold of 4% by 2019;

49. Approves a symbolic reinforcement of the CFSP budget to support any initiative aimed at making migration a
specific component of CSDP civilian missions, while giving full support to the EUNAVFOR Med military mission aimed at
fighting human smugglers and traffickers;

50. Appreciates the ongoing reflection process taking place in the EEAS on the future of EU Special Representatives and
their relationship with the EEAS; considers that any change to the budget line for EU Special Representatives should only
take place after the current reflection process is concluded;

51. Deems it necessary to increase appropriations for the Turkish Cypriot Community budget line (+ EUR 2 million) for
the purpose of contributing decisively to the continuation and intensification of the mission of the Committee on Missing
Persons in Cyprus and of supporting the bicommunal Technical Committee on Cultural Heritage, thus promoting trust and
reconciliation between the two communities;

52. Emphasises that the implementation of the Trade Facilitation Agreement reached at the 9th Ministerial Conference
of the WTO will require increased funding support for the least developed and developing countries; stresses the need for
coordinated efforts between the Commission and the Member States with regard to international financial institutions in
order to avoid reduced appropriations for Aid for Trade and multilateral initiatives as well as irregularities in relation to
cooperation with certain partners leading to reduced spending effectiveness, and to ensure the Trade Facilitation Agreement
works for development;

53. Decides, together with pilot projects and preparatory actions, to exhaust the margin of EUR 261.3 million left by the
DB below the ceiling for Heading 4 in commitments and not to go any further at this stage; increases also payment
appropriations by EUR 132.5 million; looks forward to a fruitful conciliation on the basis of these amendments, also taking
the Letter of amendment No 2/2016 into account; stresses, however, that this ceiling might be insufficient given that it has
been set well before major developments in Ukraine, Syria, Tunisia and more generally throughout the neighbouring
countries, the Middle East and Africa; calls, therefore, for a full use of the potential of the Emergency Aid Reserve and
remains open to any further mobilisation of the flexibility provisions foreseen in the MFF for addressing the external
dimension of the migration and refugee crisis;
Heading 5 — Administration; Other headings — administrative and research support expenditure

54. Notes that Council cuts in this heading amount to EUR 31,2 million, of which EUR 19,3 million concerns the Commission's administrative budget notably for its buildings, equipment, and above all for its staff as a consequence of increasing the standard flat rate abatement to 4,3 %; does not see any justification for Council's reading and recalls that, following constant restraint these past years, Commission's proposed administrative expenditure for 2016 was kept close to the expected level of inflation i.e. stable in real terms and that Commission implements a continued reduction of its staff;

55. Considers moreover these cuts arbitrary in view of the foreseeability of this type of expenditure largely based on contractual obligations, and in view of its very high implementation as reported by the Commission; notes in particular that the occupation of the Commission establishment plan reached a record high on 1 April 2015 with 97,8 % posts actually occupied; regrets that in addition, in headings other than Heading 5, Council cut the administrative and research support expenses by a total of EUR 28 million, despite these being key to ensuring success of the programmes in the different Union policy areas;

56. Decides consequently to restore the DB on all the lines of administrative and research support expenditure in policy areas and on all the lines in Heading 5 decreased by the Council, as well as to approve a limited number of small reinforcements;

57. Asks the Commission to ensure that the combined budget of the OLAF Supervisory Committee and its Secretariat is specified in a separate line of the OLAF budget for 2016;

Agencies

58. Endorses, as a general rule, the Commission's estimates of the budgetary needs of agencies; notes that the Commission has already considerably reduced the initial requests of most agencies;

59. Considers, therefore, that any further cuts proposed by the Council could endanger the proper functioning of the agencies and would not allow them to fulfil the tasks they have been assigned by the legislative authority;

60. Decides to increase, within the overall package on migration, the appropriations for the main agencies working in this field: the European Asylum Support Office, Frontex, Europol, Eurojust, eu.LISA, Cepol and the Fundamental Rights Agency for a total of EUR 26 million, as these agencies are vital to address the current pressing problem of migratory flows in an effective manner; welcomes the additional appropriations and additional 120 establishment plan posts for agencies in Amending Budget No 7/2015 and expects this decision to also impact the 2016 budget as well as the budgets for the following years; highlights the quickly deteriorating crisis situation and huge increase in migratory flows; urges the Commission to provide updated and consolidated information about the agencies' needs before budgetary conciliation; calls on the Commission to propose a medium-term and long-term strategy for the justice and home affairs agencies' actions: objectives, missions, coordination, development of hot spots and financial resources;

61. Decides furthermore to increase the 2016 budget appropriations for the three financial supervisory agencies due to their additional tasks and increased workload; invites the Commission to submit by 2017 a proposal for a fee-based financing concept replacing completely the current contributions from member states, as a means of securing the European authorities' independence from their national member authorities;

62. Decides to also increase the appropriations for the Agency for the Cooperation of Energy Regulators, the European Fisheries Control Agency and the European Monitoring Centre for Drugs and Drug Addiction, in order to better match the available resources with the agencies' tasks;
63. Cannot accept, however, the Commission’s and the Council’s approach to agencies’ staffing, and therefore modifies a substantial number of establishment plans; underlines once more that each agency should cut 5% of posts over 5 years as agreed in the IIA, but that new posts that are needed to fulfil additional tasks due to new policy developments and new legislation since 2013 have to be accompanied by additional resources and need to be counted outside the IIA staff reduction target;

64. Emphasises therefore again its opposition to the concept of a redeployment pool amongst agencies, but reaffirms its openness to free posts by means of achieving efficiency gains between agencies through increased administrative cooperation or even analyse the possibilities of mergers where appropriate and through pooling certain functions with either the Commission or another agency;

65. Underlines once more that posts financed from industry have no impact on the Union budget and therefore should not be subject to any staff reduction; emphasises that it should be left to the discretion of the agency concerned to balance fluctuating workload by not filling all posts at their disposal;

66. Modifies therefore a number of establishment plans of agencies in line with the priorities described above to align staffing with additional tasks, modifies others to bring them more in line with a real 5% cut over 5 years and to treat fee-financed posts differently; recalls that the 5% cut over 5 years was introduced in order to decrease the costs of the administration; highlights in this context that additional posts in the establishment plan do not have an automatic financial impact on the Union budget since agencies fill their posts according to their needs and agencies therefore do not always have all posts in their establishment plans filled;

Pilot projects and preparatory actions (PP-PAs)

67. Having carried out a careful analysis of the pilot projects and preparatory actions submitted — as regards the rate of success of the on-going ones and excluding initiatives already covered by existing legal bases, and taking fully into account the Commission’s assessment of the projects’ implementability, decides to adopt a compromise package made up of a limited number of PP-PAs, also in view of the limited margins available;

Payments

68. Stresses once again the importance of the joint payment plan 2015-2016 agreed, ahead of the budgetary procedure, by Parliament, the Council and the Commission, which reflects the commitment of the three institutions to reduce the backlog of outstanding payments; notes that the three institutions agreed to cooperate fully in view of authorising a level of payment appropriations in the 2016 budget which allows reaching such a goal, and that payment appropriations requested for 2016 were calculated by the Commission accordingly; considers that any action to manage the risk of an unsustainable backlog should be complemented by efforts to ensure a more productive exchange of opinions and improve the cooperative spirit between the Council on the one hand and Parliament and Commission on the other hand; recalls that, according to Article 310 TFEU, the revenue and expenditure shown in the Union budget shall be in balance;

69. Deplores that, despite the resulting moderate increases and comfortable margins proposed by the Commission, the Council decided to cut down payment appropriations by EUR 1,4 billion, targeting both completion lines and programmes reaching full swing, thus jeopardising the phasing out of the abnormal backlog; recalls that, for programmes under direct management, shortages of payment appropriations are not only reflected in the evolution of the backlog but also in artificial delays in the implementation of programmes, for example delaying calls for proposals and/or the signature of new contracts;
70. Decides to restore the DB in payments on all lines cut by the Council, on the assumption that the payment levels proposed by the Commission in its DB are the ones needed to achieve the objectives of the payment plan;

71. Reinforces, by an appropriate ratio, payment appropriations on all those lines which are amended in commitment appropriations, taking into account areas with a fast disbursement profile or a high degree of urgency namely Erasmus+, the two relocation schemes, UNRWA and humanitarian aid; increases payment appropriations by a further EUR 1 billion to fully cover by fresh appropriations the frontloading of payments for Greece; also decides, in view of past implementation, to increase payments for the European Globalisation Adjustment Fund;

Other sections

Section I — European Parliament

72. Recalls that Parliament’s estimates for 2016 were set at EUR 1 823 648 600, which corresponds to a 1.6 % increase over the 2015 budget; recalls, in addition, that EUR 15 million has been earmarked for urgent investments in security and cybersecurity, setting the overall level of its 2016 budget at EUR 1 838 648 600;

73. Points out that as of 15 June 2015, after Parliament’s estimates for 2016 were adopted, a new political group has been created and that, due to these changes in the organisation of Parliament, supplementary appropriations are needed to ensure that all political groups are treated equally;

74. Fully compensates these reinforcements by reducing the appropriations in the budget lines for contingency reserve, the general Members’ allowance, further training, fitting out of premises, energy consumption, computing and telecommunications — investment in projects and furniture;

75. Notes the Bureau conclusions of 7 September 2015 in view of the parliamentary reading on the 2016 budget, which proposes to transpose its recent decisions and technical adjustments into the budget; approves these limited technical changes proposed by the Bureau, which involve budget-neutral adjustments to appropriations and to the establishment plan, and updates to certain aspects of the budgetary nomenclature;

76. Maintains therefore unchanged the overall level of its budget for 2016, as adopted by the plenary on 29 April 2015, at EUR 1 838 648 600;

77. Underlines that the activities of the political groups do not correspond to administrative work; confirms that, for this reason, the total level of staff in political groups shall be exempted from the 5 % staff reduction target in line with the decisions taken by it in respect of the financial years 2014 (1), 2015 (2) and the estimates for 2016 (3);

78. Recalls that political groups have had a recruitment freeze in place since 2012 and that their needs were only partially covered in the preceding budgetary years;

79. Reiterates its commitment to implement point 27 of the IIIA and to reduce its staff by 1 %;

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80. Stresses that Parliament and the Council must address the need for a roadmap to a single seat, as requested by a large majority in this Parliament in several resolutions, in order to create long term savings in the Union budget;

Changes to the establishment plan

81. Reduces the establishment plan of its General Secretariat for 2016 by 57 posts (1 % staff reduction target) as follows:

4 AD14, 13 AD13, 2 AD12, 1 AD9, 2 AD8, 1 AD5, 2 AST11, 1 AST10, 3 AST9, 8 AST8, 7 AST7, 4 AST6, 3 AST5, 2 AST4, 1 AST3, 1 AST1 permanent posts and 2 temporary AST4 posts; recalls that the budgetary impact of this measure was already taken into account in the estimates;

82. Transforms, in accordance with the new Staff Regulations, 80 AST permanent posts (25 AST11, 10 AST10, 5 AST8, 15 AST7, 5 AST6, 5 AST5, 5 AST4, 5 AST3 and 5 AST2) into 80 AST/SC1 posts;

83. Proceeds to the following technical corrections: deletes three AST7 posts and three AST6 posts and adds six AST5 posts and deletes the footnote n°1 to the establishment plan, given that the relevant procedure has not been used in the recent past;

84. Authorises the creation of 43 new temporary posts (2 AD7, 19 AD5, 5 AST5, 5 AST3 and 12 AST1) and the upgrading of one temporary post AD10 to an AD14 for the supplementary needs relating to the creation of the new political group;

5 % staff reduction

85. Recalls that Parliament is implementing the 5 % staff reduction target for the third consecutive year with a due respect for the letter and spirit of the IIA; underlines that, to this end, 171 permanent posts have been removed from its establishment plan since 2014 (1); stresses that, in order to fully comply with the 5 % staff reduction target, two further annual reductions of 57 posts (2) should be made by 2018;

86. Underlines that, in accordance with point 27 of the IIA, the 5 % reduction target is a compensation in terms of staff, related to the increase in the working hours from 37.5 to 40 a week as compared to the establishment plan of 1 January 2013; considers that this reduction must apply to a constant workload and that, consequently, new responsibilities and missions must be exempted from this calculation;

87. Notes that, in line with the strengthening of its prerogatives and new tasks Parliament has undergone since 2013, important structural changes, such as internalisation processes which have been staffed as far as possible by internal redeployments, new posts were only created when strictly necessary; decides to exclude these additional posts from the effort to reduce staff numbers by 5 %;

88. Urges the Commission, when monitoring the implementation of the staff reduction target by Parliament, to take account of the new additional considerations such as the constant workload, exemption of political groups, internalisations offset by reductions in external services budget lines, and new prerogatives and tasks;

89. Stresses that the implementation of the 5 % staff reduction should not jeopardise the proper functioning of Parliament and the exercise by Parliament of its core powers, nor alter its legislative excellence or the quality of the working conditions for Members and staff;

90. Recalls that no agreement can deprive Parliament and the Council of its sovereign freedom of evaluation and of its power to decide every year on the content of the budget;

(2) Since a political decision on excluding the political groups from this calculation has been taken, this reduction is being applied to the Secretariat’s part of the establishment plan (reference number of posts (1 %): - 57).
Other staff related issues

91. Recalls that the need for new posts in the Secretariat should be covered by internal redeployment, unless the need for creating new posts is duly justified and demonstrated;

92. Recalls that any reorganisation of parliamentary work or of procedures should not lead to a deterioration in the working conditions and social rights of staff, regardless of their position;

93. Reiterates that, in order to ensure adequate support to Members for the accomplishment of their parliamentary activities, a new balance is necessary between accredited parliamentary assistants and local assistants; takes note of the fact that the Secretary-General has made a proposal to the Bureau in order to achieve this goal; notes the agreement reached in the Bureau which corresponds, in essence, with the request made by the European Parliament in its abovementioned resolution of 29 April 2015 on Parliament’s estimates; welcomes the decision to immediately implement this agreement;

94. Reiterates its commitment to support multilingualism in parliamentary work through high standards of interpretation and translation; asks the Secretary-General to present to the Committee on Budgets the results of the analysis and assessment he launched after the non-agreement on new working conditions for interpreters (spring 2015); expects the Secretary-General to use all flexibility required to ensure high quality interpretation and translation services for Members;

95. Asks the Secretary-General to provide a detailed overview of all posts in Parliament in the years 2014-2016, including distribution of posts by service, category and type of contract;

Property policy

96. Recalls that the Committee on Budgets should be informed on a regular basis about new developments in Parliament’s building policy and should be consulted in due time, that is before a contract is obtained, on any building project having financial implications; confirms that the financial impact of all building projects will be closely scrutinised;

97. Believes that decisions related to building projects should be subject to a transparent decision making process;

98. Reiterates once again its call for the new mid-term building strategy to be presented to the Committee on Budgets as soon as possible and at the latest by early 2016, in time for the preparation of Parliament’s estimates for the financial year 2017; invites the Secretary-General to present to the Committee on Budgets a possible long-term strategy until 2025 early in advance before Parliament’s reading of the budget in the autumn 2016;

99. Notes that since 2014 no appropriations have been provided for investment in the construction of the Konrad Adenauer building (KAD) in Luxembourg; recalls that the 2016 estimates included only appropriations to cover works and services to be paid directly by Parliament, principally for the project management, technical expertise and consultancy; invites the Secretary-General to evaluate, before the end of this year, the funds not used in the 2015 budget and to commit them to the KAD project, via a transfer request at year-end 2015, in order to avoid future building-related interest payments as far as possible;

Members’ expenses

100. Reiterates the appeal for greater transparency regarding the general expenditure allowance for the Members; calls on Parliament’s Bureau to work on a definition of more precise rules regarding the accountability of the expenditure authorised under this allowance, without generating additional costs to Parliament;
101. Requests an assessment on the results of the voluntary approach chosen by the Joint Working Group to limit business class flights by Members and staff as well as on the possible ways to obtain more advantageous tariffs with a view to reducing Member and staff travel expenses;

Section IV — Court of Justice

102. Deplores that, despite the continued increase in the volume of judicial activity and the planned reform of the General Court, the Commission has reduced staffing by 20 posts, thereby risking creating bottlenecks and jeopardising the proper functioning and prompt dispensation of justice; decides therefore to reinstate the 20 posts initially requested by the Court;

103. Regrets that Council has raised the standard abatement rate applied to the appropriations for staff remuneration from 2.5% to 3.2% which is equivalent to a reduction of EUR 1.55 million and contradicts the extremely high rate of occupation of posts of the Court (98% at the end of 2014) and the high budget implementation rate (99% in 2014); therefore readjusts the standard abatement rate to the level of the draft budget and cancels the related reduction in appropriations in order to ensure that the Court can deal adequately with the substantial increase in the number of cases and make full use of the posts granted to it;

104. Decides furthermore to reinstate the seven posts originally requested by the Court in order for it to meet the twofold requirement of strengthening the Safety and Security section of the Court to better protect staff, visitors and documents, and at the same time implementing the new Article 105 of the Rules of Procedure of the General Court which requires a highly secure system to be set up in order to enable parties involved in certain cases to provide information and material pertaining to the security of the Union, the Member States or to the conduct of their international relations;

105. Underlines in the same context the need for resources for security and surveillance of the Court’s buildings and decides therefore to restore the cuts proposed by Council in this area back to the level of the draft budget;

106. Removes the existing reserve regarding missions and replaces it with a new one, to be released when the Court publishes information on the external activities of Judges, as requested by Parliament in its 2013 discharge resolution related to the Court (¹);

Section V — Court of Auditors

107. Readjusts the standard abatement rate to its initial level of 2.76% in order to allow the Court of Auditors to meet its needs in respect of the establishment plan;

108. Restores all other lines cut by Council for the Court of Auditors to implement its work programme and deliver the planned Audit Reports;

Section VI — European Economic and Social Committee

109. Readjusts the standard abatement rate to its initial level of 4.5% in order to allow the Committee to meet its needs and cope with the continued reduction of staff in the context of the cooperation agreement between Parliament and the Committee;

110. Decides further to restore the draft budget regarding travel and subsistence allowances;

(¹) European Parliament resolution of 29 April 2015 with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2013, Section IV — Court of Justice (OJ L 255, 30.9.2015, p. 118).
Section VII — Committee of the Regions

111. Reduces on the one hand the remuneration and allowances by an amount corresponding to 66 upgrades and four additional posts not already accounted for in the draft budget to reflect the transfer of those posts to Parliament;

112. Increases on the other hand a number of lines (outsourcing of translation, third parties, communication, representation expenses, communication of political groups, missions and cleaning and maintenance) more in line with the Committee's own estimates in order for the Committee to carry out its political work and fulfil its obligations;

113. Finally, restores the cuts by Council regarding security and surveillance of the Committee's buildings to ensure sufficient financing for security measures in the event of increased security threat level ('yellow') during 2016;

Section VIII — European Ombudsman

114. Notes with regret that the Council has decreased the draft budget of the Ombudsman by EUR 135,000; underlines that this reduction would impose a disproportionate burden on the very limited budget of the Ombudsman and would have a major impact on the institution's capacity to serve Union citizens effectively; therefore restores all the budget lines cut by Council in order to enable the Ombudsman to fulfil her mandate and commitments;

Section IX — European Data Protection Supervisor

115. Notes with regret that the Council has decreased the draft budget of the European Data Protection Supervisor by EUR 135,000; underlines that this reduction would impose a disproportionate burden on the Data Protection Supervisor's very limited budget and would have major impact on the institution's capacity to serve the Union institutions effectively; therefore restores all the budget lines cut by Council in order to enable the Data Protection Supervisor to fulfil his obligations and commitments;

Section X — European External Action Service

116. Believes that, in order to be able to cope with the challenges posed by geopolitical uncertainty and to ensure the Union's role across the world, due financing of the EEAS needs to be ensured; restores therefore the draft budget on all lines and deletes the reserves adopted by Council related to the fluctuation of the Euro exchange rate;

117. Is convinced that the Union budget can contribute to addressing effectively not only the consequences but also the root causes of the crises that the Union is currently facing; takes the view, however, that unforeseen events with an Union-wide dimension should be tackled by pooling efforts and putting additional means at Union level rather than by calling past commitments into question or reverting to the illusion of purely national solutions; stresses, therefore, that flexibility provisions are there to enable such a joint and speedy response and should be used to the full in order to make up for the tight constraints of the MFF ceilings;

118. Underlines that, barely two years after the beginning of the current MFF, the Commission has had to twice request the mobilisation of the Flexibility Instrument, as well as the deployment of the Contingency Margin, in order to cover pressing and unforeseen needs that could not be financed within the existing MFF ceilings; also notes that the Global Margin for Commitments in 2015, the first year of its operation, was immediately utilised to its full extent while the resources of two important Union programmes needed to be reduced to allow for the financing of new initiatives; underlines that, due to the frontloading in 2014-15, several Union programmes have less or even no commitments available as of 2016; clearly sees, therefore, that the MFF ceilings are too tight in many headings and paralyse the Union in areas of greatest need, while the available MFF flexibility mechanisms have already been pushed to their limits; considers that these developments make the case for a genuine MFF mid-term revision; eagerly anticipates the ambitious Commission proposals to that effect in 2016;
119. Instructs its President to forward this resolution, together with the amendments to the draft general budget, to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.
P8_TC2-COD(2011)0901B


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2015/2422.)

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement by the European Parliament and the Council

At the end of the reform process, the General Court will consist of two Judges per Member State. Therefore, in order to achieve equality between women and men, which is an objective of the European Union according to Article 3 TEU, the governments of the Member States should, to the greatest possible extent, in the process of appointing candidates as Judges at the General Court pursuant to Article 254 TFEU, ensure an equal presence of women and men.
The European Parliament,

— having regard to the Council position at first reading (08806/1/2015 — C8-0260/2015),
— having regard to the opinion of the European Economic and Social Committee of 15 October 2014 (1),
— having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2014)0457),
— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
— having regard to Rule 76 of its Rules of Procedure,
— having regard to the recommendation for second reading of the Committee on Fisheries (A8-0295/2015),

1. Approves the Council position at first reading;
2. Approves the statement annexed to this resolution;
3. Notes that the act is adopted in accordance with the Council position;
4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication, together with the European Parliament statement thereon, in the Official Journal of the European Union;
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament on granting derogations for the use of trawl nets and gill-nets fisheries in the Black Sea

‘The European Parliament declares that the provisions in Article 15a to be inserted in Regulation (EU) No 1343/2011, regarding derogations from the prohibition on the use of certain gear in the coastal waters of the Black Sea, are of an exceptional nature. They take into account the prevailing situation in the region, where Member States have put in place measures in order to allow for the use of the gear concerned in accordance with relevant recommendations from the GFCM. That information was already available to Parliament prior to the tabling of the current Commission proposal. For those reasons, Parliament accepts, in the present context, the arrangement authorising the Member States concerned to grant the derogations in question. It stresses, however, that those provisions are not to be taken or used as a precedent in any future legal act.’

Use of genetically modified food and feed


(Ordinary legislative procedure: first reading)

(2017/C 355/25)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2015)0177),
— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0107/2015),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Belgian Chamber of Representatives, the Spanish Parliament, the Netherlands House of Representatives and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
— having regard to the opinion of the European Economic and Social Committee of 16 September 2015 (1),
— having regard to the opinion of the Committee of Regions of 13 October 2015 (2),
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A8-0305/2015),

1. Rejects the Commission proposal;
2. Calls on the Commission to withdraw its proposal and submit a new one;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

(1) Not yet published in the Official Journal.
(2) Not yet published in the Official Journal.
The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2013)0894),
— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0487/2013),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the positions of both Council and European Parliament on 29 March 2011, when the conciliation on novel foods failed,
— having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French National Assembly and the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
— having regard to the opinion of the European Economic and Social Committee of 30 April 2014 (1),
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on International Trade and the Committee on Agriculture and Rural Development (A8-0046/2014).

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2015/2283.)
Emissions of certain atmospheric pollutants ***I


(Ordinary legislative procedure: first reading)

(2017/C 355/27)

Amendment 2
Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The seventh Environment Action Programme (18) confirms the Union’s long-term objective for air policy, to achieve levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment, and calls, to that end, for full compliance with the current air quality legislation of the Union, post-2020 strategic targets and actions, enhanced efforts in areas where the population and ecosystems are exposed to high levels of air pollutants, and reinforced synergies between air quality legislation and Union’s policy objectives set for climate change and biodiversity in particular.

Amendment

(2) The seventh Environment Action Programme (18) confirms the Union’s long-term objective for air policy, to achieve levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment, and calls, to that end, for full compliance with the current air quality legislation of the Union, post-2020 strategic targets and actions, enhanced efforts in areas where the population and ecosystems are exposed to high levels of air pollutants, and reinforced synergies between air quality legislation and Union’s policy objectives set for climate change and biodiversity in particular. The Common Agricultural Policy for the 2014-2020 period offers the possibility for Member States to contribute to air quality with specific measures. Future evaluation will provide a better understanding of the effects of these measures.

Amendment 3
Proposal for a directive
Recital 4a (new)

Text proposed by the Commission

(4a) Member States and the Union are parties to the 2013 Minamata Convention on Mercury, which seeks to improve human health and environmental protection through the reduction of mercury emissions from existing and new sources. This Directive should contribute to the reduction of mercury emissions in the Union as required by the Communication from the Commission to the Council and the European Parliament of 28 January 2005 on a Community Strategy on Mercury and the Minamata Convention on Mercury.

Amendment 4
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The national emission ceiling regime established by Directive 2001/81/EC should therefore be revised in order to ensure compliance with the international commitments of the Union and the Member States.

Amendment

(6) The national emission ceiling regime established by Directive 2001/81/EC should therefore be revised in order to ensure compliance with the international commitments of the Union and the Member States.

Amendment 5
Proposal for a directive
Recital 8

Text proposed by the Commission

(8) This Directive should also contribute to the achievement of the air quality objectives set in Union legislation and to the mitigation of climate change impacts by reducing emissions of short-lived climate pollutants as well as to the improvement of air quality globally.

Amendment

(8) This Directive should also contribute to the achievement, in a cost-effective manner, of the air quality objectives set in Union legislation and to the mitigation of climate change impacts by reducing emissions of short-lived climate pollutants in addition to the improvement of air quality globally and by improving synergies with Union climate and energy policy and ensuring non-duplication of existing Union legislation. In particular, this Directive should be aligned with evolving Union and international climate change action, including, but not limited to, the 2030 policy framework for climate and energy and a comprehensive, binding global climate change agreement.
Amendment 6
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) This Directive should also contribute to the reduction of the health-related costs of air pollution in the Union by improving EU citizens’ quality of life as well as to favour the transition to a green economy.

Amendment 7
Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) In order to reduce emissions from maritime transport, it is necessary to ensure a full and timely implementation of the limits laid down by the International Maritime Organization (IMO) and a strict enforcement of Directive 2012/33/EU of the European Parliament and of the Council (1a). Further action to control shipping emissions is also needed. It is appropriate that the Union and Member States consider defining new emission control areas and continue to work within the IMO to further reduce the emissions.


Amendment 8
Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) Member States should comply with the emission reduction commitments set out in this Directive for 2020 and 2030. So as to ensure demonstrable progress towards the 2030 commitments, Member States should meet intermediate emission levels in 2025, set on the basis of a linear trajectory between their emission levels for 2020 and those defined by the emission reduction commitments for 2030, unless this would entail disproportionate costs. Where the 2025 emissions cannot be so limited, Member States should explain the reasons in their reports under this Directive.

(9) In order to limit the atmospheric emissions of air pollutants and to effectively contribute to the Union objective of achieving air quality that does not give rise to significant negative impacts on and risks to health, and to reducing the levels and deposition of acidifying and eutrophying pollutants below critical loads and levels, binding national emission reduction commitments are set in this Directive for 2020, 2025 and 2030.
Amendment 9
Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In order to promote cost-effective achievement of the national emission reduction commitments and of the intermediate emission levels, Member States should be entitled to account for emission reductions from international maritime traffic if emissions from that sector are lower than the levels of emissions that would result from compliance with Union law standards, including the sulphur limits for fuels set in Directive 1999/32/EC of the Council (21). Member States should also have the possibility to jointly meet their commitments and intermediate emission levels regarding methane (CH₄) and of making use of Decision n°406/2009/EC of the European Parliament and of the Council for so doing (22). For the purpose of checking compliance with their national emission ceilings, emission reduction commitments and intermediate emission levels, Member States could adjust their national emission inventories in view of improved scientific understanding and methodologies regarding emissions. The Commission could object to the use of any of these flexibilities by a Member State, should the conditions set out in this Directive not be met.

Amendment

(11) In order to promote cost-effective achievement of the national emission reduction commitments, Member States should have the possibility to jointly meet their commitments regarding methane (CH₄) and of making use of Decision n° 406/2009/EC of the European Parliament and of the Council for so doing (22). For the purpose of checking compliance with their national emission ceilings, emission reduction commitments and emission levels, Member States could adjust their national emission inventories in view of improved scientific understanding and methodologies regarding emissions. The Commission could object to the use of these flexibilities by a Member State, should the conditions set out in this Directive not be met.

Amendment 10
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Member States should adopt and implement a national air pollution control programme with a view to meeting their emission reduction requirements and intermediate emission levels, and to contributing effectively to the achievement of the Union air quality objectives. To this effect, Member States should take account of the need to reduce emissions in zones and agglomerations affected by excessive air pollutant concentrations and/or in those that contribute significantly to air pollution in other zones and agglomerations, including in neighbouring countries. National air pollution control programmes should, to that end, contribute to the successful implementation of air quality plans enacted under Article 23 of Directive 2008/50/EC of the European Parliament and of the Council (23).


Amendment

(12) Member States should adopt and implement a national air pollution control programme with a view to meeting their emission reduction requirements and to contributing effectively to the achievement of the Union air quality objectives. To this effect, Member States should take account of the need to reduce emissions in zones and agglomerations affected by excessive air pollutant concentrations and/or in those that contribute significantly to air pollution in other zones and agglomerations, including in neighbouring countries. National air pollution control programmes should, to that end, contribute to the successful implementation of air quality plans enacted under Article 23 of Directive 2008/50/EC of the European Parliament and of the Council (23).

Amendment 11
Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to reduce atmospheric $\text{NH}_3$ and $\text{PM}_{2.5}$ emissions from the main contributors, national air pollution control programmes should include measures applicable to the agricultural sector. Member States should be entitled to implement measures other than those set out in this Directive with an equivalent level of environmental performance owing to specific national circumstances.

Amendment

(13) In order to reduce atmospheric $\text{NH}_3$, $\text{CH}_4$ and $\text{PM}_{2.5}$ emissions from the main contributors, national air pollution control programmes should include measures applicable to the agricultural sector. These measures should be cost-effective and based on specific information and data, taking account of scientific progress and previous measures undertaken by Member States. The development of guidelines on good agricultural practice for using $\text{NH}_3$, to be exchanged at Union level, would also be desirable in an attempt to reduce these emissions. Member States should be entitled to implement measures other than those set out in this Directive with an equivalent level of environmental performance owning to specific national circumstances.
Amendment 12
Proposal for a directive
Recital 13a (new)

Text proposed by the Commission

Amendment

(13a) In order to reduce emissions from the main contributors, national air pollution control programmes should include measures applicable to all relevant sectors, including agriculture, industry, road transport, non-road mobile machinery, inland and domestic shipping, domestic heating and solvents. Member States should be entitled to implement measures other than those set out in this Directive with an equivalent level of environmental performance taking into account specific national circumstances.

Amendment 13
Proposal for a directive
Recital 13b (new)

Text proposed by the Commission

Amendment

(13b) In taking measures to be included in national air control programmes which are applicable to the agricultural sector, Member States should ensure that impacts on small to medium-sized farms are fully taken into account and these impacts do not entailing significant additional costs that cannot be borne by such farms. Improvements in air quality should be achieved through proportionate measures that safeguard the future of agricultural holdings. The national air pollution control programmes should provide a balance between animal husbandry and pollution control.
Amendment 14
Proposal for a directive
Recital 13 c (new)

Text proposed by the Commission

Amendment

(13c) The measures taken under national air pollution control programmes to prevent NH3, CH4 and PM2.5 emissions in the agricultural sector should be eligible for financial support under, inter alia, the Rural Development Funds, in particular measures by small and medium-sized farms requiring significant changes of practices or significant investments such as extensive grazing, agroecology, anaerobic digestion for biogas production using farm waste, and low emission housing systems.

Amendment 15
Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In order to improve air quality, particularly in urban areas, national air pollution control programmes should include measures to reduce emissions of nitrogen oxides and particulate matter in those areas.

Amendment 16
Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters and with the case law of the Court of Justice, the public should be given wide access to justice in order to ensure the effective implementation and enforcement of this Directive and to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.
Amendment 17  
Proposal for a directive  
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) Environmental inspections and market surveillance are needed in order to ensure the effectiveness of this Directive and of measures adopted pursuant to the achievement of its objectives.

Amendment 18  
Proposal for a directive  
Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) When assessing the synergies between EU air quality policy and climate and energy policy the Commission should take account of the European Parliamentary Research Service’s study ‘Air Quality — Complementary Impact Assessment on interactions between EU air quality policy and climate and energy policy’.

Amendment 123  
Proposal for a directive  
Recital 20

Text proposed by the Commission

Amendment


Amendment 19
Proposal for a directive
Recital 21

(21) In order to take into account technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the reporting guidelines set out in Annex I, as well as Part I of Annex III and Annexes IV and V to adapt them to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 21
Proposal for a directive
Recital 26 a (new)

(26a) The candidate and potential candidate countries should align, as far as possible, their national laws with this Directive.

Amendment 22
Proposal for a directive
Article 1 — paragraph 1 a (new)

This Directive aims at limiting atmospheric emissions of acidifying and eutrophying pollutants, ozone precursors, primary particulate matter and precursors of secondary particulate matter and other air pollutants, thereby contributing to:

(a) the Union's long-term objective of achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment, in line with the air quality guidelines published by the World Health Organisation;
(b) the achievement of Union biodiversity and ecosystem objectives by reducing the levels and deposition of acidifying and eutrophying pollutants, and other pollutants, including ground-level ozone, below critical loads and levels;

(c) the achievement of the air quality objectives set out in legislative acts of the Union;

(d) the mitigation of climate change impacts by reducing emissions of short-lived climate pollutants and by improving synergies with Union climate and energy policy.

This Directive shall in particular, be aligned with evolving Union and international climate change action, including, but not limited to, the 2030 policy framework for climate and energy and a comprehensive, binding global climate change agreement.

Amendment 131
Proposal for a directive
Article 3 — point 2

2. ‘ozone precursors’ mean nitrogen oxides, non-methane volatile organic compounds, methane, and carbon monoxide;

Amendment 23
Proposal for a directive
Article 3 — point 3 a (new)

3a. ‘critical load’ means a quantitative estimate of an exposure to one or more pollutants below which, according to present knowledge, significant adverse effects on specified sensitive elements of the environment do not occur;
Amendment 24
Proposal for a directive
Article 3 — point 3 b (new)

Text proposed by the Commission

Amendment

3b. ‘critical level’ means the concentration of pollutants in the atmosphere or fluxes to receptors above which, according to present knowledge, direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur;

Amendment 25
Proposal for a directive
Article 3 — point 4 a (new)

Text proposed by the Commission

Amendment

4a. ‘ground-level ozone’ means ozone in the lowermost part of the troposphere;

Amendment 26
Proposal for a directive
Article 3 — point 4 b (new)

Text proposed by the Commission

Amendment

4b. ‘volatile organic compounds’ (VOC) mean all organic compounds arising from human activities, other than methane, which are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight;

Amendment 28
Proposal for a directive
Article 3 — point 6 a (new)

Text proposed by the Commission

Amendment

6a. ‘national emission ceiling’ means the maximum amount of a substance expressed in kilotonnes, which may be emitted in a Member State in a calendar year;
Amendment 29
Proposal for a directive
Article 3 — point 9

Text proposed by the Commission

9. ‘international maritime traffic’ means journeys at sea and in coastal waters by water-borne vessels of all flags, save fishing vessels, that depart from the territory of one country and arrive in the territory of another country;

Amendment

deleted

Amendment 30
Proposal for a directive
Article 3 — point 12 a (new)

Text proposed by the Commission

12a. ‘EU source-based air pollution policies’ means Regulations or Directives which, irrespective of the obligations laid down in those Regulations or Directives, have as a goal, whether partially or not, to reduce the emissions of sulphur dioxide (SO₂), nitrogen oxides (NOₓ), non-methane volatile organic compounds (NMVOC), ammonia (NH₃), particulate matter (PM₂.₅) and methane (CH₄), by undertaking mitigation measures at the source, including at least, but not exclusively, the reductions of emissions accomplished by:

— Directive 94/63/EC (¹a),

— Directive 97/68/EC (¹b),

— Directive 98/70/EC (¹c);

— Directive 1999/32/EC (¹d),

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<table>
<thead>
<tr>
<th>Amendment</th>
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<tbody>
<tr>
<td>— Directive 2009/126/EC (1e),</td>
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<td>— Directive 2004/42/EC (1f),</td>
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<tr>
<td>— Directive 2007/46/EC (1g) including Regulation (EC) No 715/2007 (1h),</td>
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<td>— Regulation (EC) No 79/2009 (1i),</td>
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<td>— Regulation (EC) No 595/2009 (1j) and Regulation (EC) No 661/2009 (1k),</td>
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<td>— Directive 2010/75/EU (1l),</td>
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<td>— Regulation (EU) No 167/2013 (1m),</td>
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12b. ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in emissions of air pollution into the atmosphere; for the purposes of this definition, non-governmental organisations promoting environmental protection, consumer organisations, organisations representing the interests of vulnerable populations and other relevant health-care bodies meeting requirements under national law shall be deemed to have an interest.

1. Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (SO_2), nitrogen oxides (NOx), volatile organic compounds other than methane (NMVOC), ammonia (NH_3), particulate matter (PM_{2.5}) and methane (CH_4) in accordance with the national emission reduction commitments applicable from 2020 and 2030, as laid down in Annex II.

1a. Member States shall, as a minimum, limit their annual anthropogenic emissions of methane (CH_4) except emissions of enteric methane produced by ruminant livestock in accordance with the national emission reduction commitments applicable from 2030, as laid down in Annex II.
Amendment 34
Proposal for a directive
Article 4 — paragraph 2 — subparagraph 1

Text proposed by the Commission

2. Without prejudice to paragraph 1, Member States shall take all the necessary measures not entailing disproportionate costs to limit their 2025 anthropogenic emissions of SO₂, NOₓ, NMVOC, NH₃, PM₂.₅ and CH₄. The levels of those emissions shall be determined on the basis of fuels sold, by a linear reduction trajectory established between their emission levels for 2020 and the emission levels defined by the emission reduction commitments for 2030.

Amendment

2. Member States shall provide, in their reports submitted to the Commission in accordance with Article 9, updates on their progress towards achieving their national emission reduction commitments.

Amendment 35
Proposal for a directive
Article 4 — paragraph 3 — introductory part

Text proposed by the Commission

3. The following emissions are not accounted for the purpose of complying with paragraphs 1 and 2.

Amendment

3. The following emissions are not taken into account for the purpose of complying with paragraph 1:

Amendment 36
Proposal for a directive
Article 4 — paragraph 3 — point d

Text proposed by the Commission

(d) emissions from international maritime traffic, without prejudice to Article 5(1).

Amendment

(d) emissions from international maritime traffic.

Amendment 37
Proposal for a directive
Article 5 — paragraph 1

Text proposed by the Commission

1. In order to comply with the intermediate emission levels determined for 2025 in accordance with Article 4, paragraph 2, and the national emission reduction commitments set out in Annex II applicable from 2030 onwards for NOₓ, SO₂ and PM₂.₅, Member States may offset NOₓ, SO₂ and PM₂.₅ emissions achieved by international maritime traffic against NOₓ, SO₂ and PM₂.₅ emissions released by other sources in the same year, provided that they meet the following conditions:

(a) the emission reductions occur in the sea areas that fall within the Member States’ territorial seas, exclusive economic zones or in pollution control zones if such zones have been established;

Amendment

deleted
Text proposed by the Commission

(b) they have adopted and implemented effective monitoring and inspection measures to ensure a proper operation of this flexibility;

(c) they have implemented measures to achieve lower NO\textsubscript{x}, SO\textsubscript{2} and PM\textsubscript{2.5} emissions from international maritime traffic than the emissions levels that would be achieved by compliance with the Union standards applicable to emissions of NO\textsubscript{x}, SO\textsubscript{2} and PM\textsubscript{2.5} and have demonstrated an adequate quantification of the additional emission reductions resulting from these measures;

(d) they have not offset more than 20% of the NO\textsubscript{x}, SO\textsubscript{2} and PM\textsubscript{2.5} emission reductions calculated in accordance with point (c), provided that the offset does not result in non-compliance with the national emission reduction commitments for 2020 set out in Annex II.

Amendment 38
Proposal for a directive
Article 5 — paragraph 2 — introductory part

Text proposed by the Commission

2. Member States may jointly implement their methane emission reduction commitments and intermediate emission levels referred to in Annex II, provided that they meet the following conditions:

Amendment

2. Member States may jointly implement their methane emission reduction commitments referred to in Annex II, provided that they meet the following conditions:

Amendment 39
Proposal for a directive
Article 5 — paragraph 3

Text proposed by the Commission

3. Member States may establish adjusted annual national emission inventories for SO\textsubscript{2}, NO\textsubscript{x}, NH\textsubscript{3}, NMVOC and PM\textsubscript{2.5} in accordance with Annex IV where non-compliance with their national emission reduction commitments or their intermediate emission levels would result from applying improved emission inventory methods updated in accordance with scientific knowledge.

Amendment

3. Member States may establish adjusted annual national emission inventories for SO\textsubscript{2}, NO\textsubscript{x}, NH\textsubscript{3}, NMVOC and PM\textsubscript{2.5} in accordance with Annex IV where non-compliance with their national emission reduction commitments would result from applying improved emission inventory methods updated in accordance with scientific knowledge.
Amendment 40
Proposal for a directive
Article 5 — paragraph 4

Text proposed by the Commission

4. Members States that intend to apply paragraphs 1, 2 and 3 shall inform the Commission by 30 September of the year preceding the reporting year concerned. That information shall include the pollutants and sectors concerned and, where available, the magnitude of the impacts upon national emission inventories.

Amendment

4. Members States that intend to apply the flexibilities under this Directive shall inform the Commission by 31 December of the year preceding the reporting year concerned. That information shall include the pollutants and sectors concerned and, where available, the magnitude of the impacts upon national emission inventories.

Amendment 41
Proposal for a directive
Article 5 — paragraph 5 — subparagraph 1

Text proposed by the Commission

5. The Commission, assisted by the European Environment Agency, shall review and assess whether the use of any of the flexibilities for a particular year fulfils the relevant requirements and criteria.

Amendment

5. The Commission, assisted by the European Environment Agency, shall review and assess whether the use of a flexibility or adjustment for a particular year fulfils the relevant requirements and criteria.

Amendment 42
Proposal for a directive
Article 5 — paragraph 5 — subparagraph 2

Text proposed by the Commission

Where the Commission has raised no objections within nine months from the date of receipt of the relevant report referred to in Article 7, paragraphs 4, 5 and 6, the Member State concerned shall consider the use of the flexibility applied to be accepted and valid for that year. Where the Commission considers the use of a flexibility not to be in accordance with the applicable requirements and criteria, it shall adopt a Decision and inform the Member State that it cannot be accepted.

Amendment

Where the Commission has raised no objections within six months from the date of receipt of the relevant report referred to in Article 7, paragraphs 5 and 6, the Member State concerned shall consider the use of the flexibility applied to be accepted and valid for that year. Where the Commission considers the use of a flexibility not to be in accordance with the applicable requirements and criteria, it shall, within nine months from the date of receipt of the relevant report, adopt a Decision and inform the Member State that it cannot be accepted. The decision shall be accompanied by a justification.

Amendment 43
Proposal for a directive
Article 5 — paragraph 6

Text proposed by the Commission

6. The Commission may adopt implementing acts specifying the detailed rules for the use of the flexibilities as referred to in paragraphs 1, 2 and 3, in accordance with the examination procedure referred to in Article 14.

Amendment

6. The Commission may adopt implementing acts specifying the detailed rules for the use of a flexibility as referred to in paragraphs 2 and 3, in accordance with the examination procedure referred to in Article 14.
Amendment 44
Proposal for a directive
Article 6 — paragraph 1

Text proposed by the Commission

1. Member States shall draw up and adopt a national air pollution control programme in accordance with Part 2 of Annex III in order to limit their annual anthropogenic emissions in accordance with Article 4.

Amendment

1. Member States shall draw up and adopt a national air pollution control programme in accordance with Part 2 of Annex III in order to limit their annual emissions in accordance with Article 4, and to achieve the objectives of this Directive pursuant to Article 1.

Amendment 45
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point a (new)

Text proposed by the Commission

(aa) consider the cost-effectiveness of emission reduction measures and take into account emission reductions that have been achieved or, if the Member State prioritises its emission reduction measures, can be achieved by applying existing Union legislation;

Amendment

Amendment 46
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point a b (new)

Text proposed by the Commission

(ab) prioritise specific policy measures which aim at reducing risks to the health of vulnerable groups of people and to ensure compliance with the exposure reduction target established in accordance with Section B of Annex XIV to Directive 2008/50/EC;

Amendment

Amendment 47
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point b

Text proposed by the Commission

(b) take account of the need to reduce air pollutant emissions for the purpose of reaching compliance with air quality objectives in their territories and, where appropriate in neighbouring Member States;

Amendment

(b) reduce air pollutant emissions for the purpose of reaching compliance with air quality objectives in their territories, in particular the limit values under Directive 2008/50/EC, and, where appropriate in neighbouring Member States;
Amendment 48
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point b a (new)

Text proposed by the Commission

(ba) quantify the additional emission reductions needed in order to meet by 2030 ambient air quality levels equal to or below the levels as recommended by the World Health Organisation;

Amendment 49
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point b b (new)

Text proposed by the Commission

(bb) quantify the additional emission reductions needed in order to reach the critical loads and levels for the protection of the environment by 2030;

Amendment 50
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point b c (new)

Text proposed by the Commission

(bc) identify relevant measures to meet the objectives referred to in (ba) and (bb);

Amendment 51
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point c a (new)

Text proposed by the Commission

(ca) support the shift of investments towards clean and efficient technologies and sustainable production with the help of fiscal incentives;
Amendment 52
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point c b (new)

Text proposed by the Commission

Amendment

(cb) assess the extent to which different national geographic regions have distinct needs and difficulties in tackling air pollution;

Amendment 53
Proposal for a directive
Article 6 — paragraph 2 — subparagraph 1 — point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that the relevant competent authorities monitor the effectiveness of measures brought into force by Member States in order to comply with this Directive and, if necessary, are empowered to take action.

Amendment 124
Proposal for a directive
Article 6 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall ensure that all EU source-based air pollution policies are fit for purpose and contribute towards reaching the EU’s air quality objectives.

To that end, the Commission and the Member States shall immediately agree on the new Real Driving Emissions (RDE) regulation proposal currently under consideration.

The new type approval test method shall apply no later than 2017 and ensure that pollutants such as NOx, and particulate matter (PM2.5 and PM10) are effectively limited under conformity factors necessary to represent real driving conditions. The new tests shall be independent and transparent.

These conformity factors shall be strict and quantified to only represent the uncertainty of the RDE test procedure.
Amendment 55
Proposal for a directive
Article 6 — paragraph 2b (new)

Text proposed by the Commission

2b. Member States shall establish a system of routine and non-routine environmental inspections and market surveillance and public reporting of mobile and stationary sources to ensure that policies and measures are effective in delivering emission reductions under real operating conditions.

By … (*) the Commission shall present a legislative proposal for a Union-wide system of in-use surveillance testing and public reporting of emission standards for light duty vehicles, administered by the relevant competent authority, in order to verify that vehicles and engines are Euro 6 compliant throughout their full useful life.

(*) Two years from the date of transposition of this Directive.

Amendment 56
Proposal for a directive
Article 6 — paragraph 3a (new)

Text proposed by the Commission

3a. Member States may support the gradual elimination of the sources of low-level emissions by encouraging the replacement, in the transport and fuel supply sector, of porous hoses by emission-free hose technologies.

Amendment 57
Proposal for a directive
Article 6 — paragraph 4 — point b

Text proposed by the Commission

(b) Member States decide to make use of any of the flexibilities set out in Article 5.

(b) Member States decide to make use of a flexibility set out in Article 5.
Amendment 58
Proposal for a directive
Article 6 — paragraph 4 — subparagraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>National air pollution control programmes shall indicate whether Member States intend to make use of a flexibility set out in Article 5.</td>
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Amendment 59
Proposal for a directive
Article 6 — paragraph 5

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>5. Member States shall consult, in accordance with relevant Union legislation and competent authorities, which, by reason of their specific environmental responsibilities in the field of air pollution, quality and management at all levels, are likely to be concerned by the implementation of the national air pollution control programmes, on their draft national air pollution control programme and any significant updates prior to their finalisation. Where appropriate, transboundary consultations shall be ensured in accordance with relevant Union legislation.</td>
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<tr>
<td>5. Member States shall consult, in accordance with relevant Union legislation, the public and competent authorities, which, by reason of their specific environmental responsibilities in the field of air pollution, quality and management at all levels, are likely to be concerned by the implementation of the national air pollution control programmes, on their draft national air pollution control programme and all updates prior to their finalisation. These consultations shall include the relevant local or regional authorities responsible for implementing emission abatement policies in specified zones and/or agglomerations, and shall not exclude zones and/or agglomerations which are located in at least two Member States.</td>
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Amendment 60
Proposal for a directive
Article 6 — paragraph 5 — subparagraph 1 a (new)

<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>Member States shall ensure, in accordance with relevant Union law, that members of the public concerned are consulted at an early stage in the drawing up and review of draft national air pollution control programmes and in any updates of those programmes prior to their finalisation. Where appropriate, transboundary consultations shall be ensured in accordance with relevant Union law, including Article 25 of Directive 2008/50/EC.</td>
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### Amendment 61
Proposal for a directive
Article 6 — paragraph 5a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5a. Member States shall appoint their own independent expert body to conduct a review of draft national air pollution programmes to assess the accuracy of the information and the adequacy of the policies and measures set out in those programmes. The results of that review shall be made publicly available prior to the publication of the draft national air pollution control programme in order to facilitate meaningful public participation.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 62
Proposal for a directive
Article 6 — paragraph 6 — subparagraph 1a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Commission shall provide guidance for emission reduction measures not included in Part 1 of Annex III, including domestic heating and road transport, which Member States may include in the national air pollution control programme.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 63
Proposal for a directive
Article 6 — paragraph 8

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. The Commission may establish guidance on the elaboration and implementation of national air pollution control programmes.</td>
<td></td>
</tr>
<tr>
<td>8. The Commission shall establish guidance on the elaboration and implementation of national air pollution control programmes.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 64
Proposal for a directive
Article 6 — paragraph 9

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. The Commission may also specify the format and the necessary information concerning Member States' national air pollution control programmes in the form of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14.</td>
<td></td>
</tr>
<tr>
<td>9. The Commission shall also specify the format and the necessary information concerning Member States' national air pollution control programmes in the form of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14.</td>
<td></td>
</tr>
</tbody>
</table>
Amendment 65
Proposal for a directive
Article 6a (new)

The Commission shall facilitate access to financial support to help ensure that appropriate measures can be taken to comply with the objectives of this Directive.

This shall include available funding under, inter alia:

(a) agricultural funding, including that available under the Common Agricultural Policy 2014-2020, as amended in the 2017 mid-term review to include Air Quality as a public good with particular reference to ammonia or methane, or both, so as to offer Member States and relevant regional and local authorities the opportunity to contribute to emission reductions with specific measures, and for assistance to do so;

(b) future work programmes of the Horizon 2020 — the Framework Programme for Research and Innovation;

(c) European Structural and Investment Funds;

(d) Funding instruments for the environment and climate action such as LIFE;

(e) any combination of the above.

The Commission shall ensure that funding procedures are simple, transparent and accessible to different levels of government.

The Commission shall evaluate the possibility of creating a one-stop shop, where entities can easily find the availability of funds and the procedures related to access projects which address air pollution concerns.
Amendment 67
Proposal for a directive
Article 7 — paragraph 4

Text proposed by the Commission

4. Member States that apply the flexibility under Article 5 (1) shall include the following information in the informative inventory report of the year concerned:

(a) the quantity of emissions of NO\textsubscript{x}, SO\textsubscript{2} and PM\textsubscript{2.5} that would have occurred in the absence of an emission control area;

(b) the level of emission reductions attained in the Member State’s part of the emission control area in accordance with Article 5(1)(c);

(c) the extent to which they apply this flexibility;

(d) any additional data Member States may deem appropriate to allow the Commission, assisted by the European Environment Agency, to carry out a complete assessment of the conditions under which the flexibility has been implemented.

Amendment 68
Proposal for a directive
Article 7 — paragraph 7

Text proposed by the Commission

7. Member States shall establish the emission inventories, including adjusted emission inventories, emission projections and the informative inventory report in accordance with Annex IV.

Amendment

7. Member States shall establish the emission inventories, including if appropriate adjusted emission inventories, emission projections and the informative inventory report in accordance with Annex IV.

Amendment 69
Proposal for a directive
Article 8 — paragraph 1

Text proposed by the Commission

1. Member States shall **ensure, if practicable, the monitoring of** adverse impacts of air pollution upon ecosystems in accordance with the requirements laid down in Annex V.

Amendment

1. Member States shall **monitor the** adverse impacts of air pollution upon ecosystems in accordance with the requirements laid down in Annex V.
Amendment 70
Proposal for a directive
Article 8 — paragraph 2

Text proposed by the Commission


Amendment


Amendment 71
Proposal for a directive
Article 9 — paragraph 1 — subparagraph 1

Text proposed by the Commission

1. Member States shall provide their national air pollution control programme to the Commission [within three months of the date referred to in Article 17, date to be inserted by OPOCE] and updates every two years thereafter.

Amendment

1. Member States shall provide their national air pollution control programme to the Commission by … (*) and updates every two years thereafter.

(*) Six months after entry into force of this Directive.

Amendment 72
Proposal for a directive
Article 9 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Where a national air pollution control programme is updated under Article 6(4), the Member State concerned shall inform the Commission thereof within two months.

Amendment

Where a national air pollution control programme is updated under Article 6(4), the Member State concerned shall communicate the updated programme to the Commission within two months.
**Amendment 73**

Proposal for a directive

**Article 9 — paragraph 2 — subparagraph 1**

Text proposed by the Commission

2. Member States shall from 2017 communicate their national emission inventories, emission projections, spatially disaggregated emission inventories, large point source inventories and reports referred to in Article 7(1), (2) and (3) and, where relevant, Article 7(4), (5) and (6), to the Commission and to the European Environmental Agency in accordance with the reporting dates set out in Annex I.

**Amendment**

2. Member States shall from 2017 communicate their national emission inventories, emission projections, spatially disaggregated emission inventories, large point source inventories and reports referred to in Article 7(1), (2) and (3) and, where relevant, Article 7(5) and (6), to the Commission and to the European Environmental Agency in accordance with the reporting dates set out in Annex I.

**Amendment 134**

Proposal for a directive

**Article 9 — paragraph 3**

Text proposed by the Commission


**Amendment**

deleted


**Amendment 74**

Proposal for a directive

**Article 9 — paragraph 4 — introductory part**

Text proposed by the Commission

4. The Commission, assisted by the European Environment Agency and the Member States shall regularly review the national emission inventory data. This review shall involve the following:

**Amendment**

4. The Commission, assisted by the European Environment Agency and the Member States shall regularly review the national emission inventory data and national air pollution control programmes. This review shall involve the following:
### Amendment 75
Proposal for a directive

**Article 9 — paragraph 4 — point c a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(ca) checks to verify that national air pollution control programmes satisfy the requirements under Article 6.</em></td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 76
Proposal for a directive

**Article 9 — paragraph 4 — subparagraph 1 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The results of the Commission review shall be made publicly available, in accordance with Article 11.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 77
Proposal for a directive

**Article 10 — paragraph 1 — subparagraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Commission shall, every <strong>five years at least</strong>, report to the European Parliament and the Council on the progress on implementing this Directive, including an assessment of its contribution to the achievement of the objectives of this Directive.</td>
<td></td>
</tr>
<tr>
<td>1. The Commission shall, every <strong>30 months starting from</strong>* ... (*) present a report to the European Parliament and the Council on the implementation of this Directive. In doing so, the Commission shall assess:</td>
<td></td>
</tr>
</tbody>
</table>

| (a) its contribution and Members States’ efforts, to achieving the objectives of this Directive; |
| (b) the progress in the reduction of air pollutants’ emissions up to 2025 and 2030; |
| (c) the progress towards achieving the long term objectives of air quality aims established in the seventh Environment Action Programme; |
| (d) whether the critical loads and levels and World Health Organisation air pollution guide values are exceeded; and |
| (e) Member States’ uptake of available EU funding, where such funding has been used to target air pollution reduction. |

| (*) Date of entry into force of this Directive. |
Amendment 78
Proposal for a directive
Article 10 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission

When reporting on Member States’ emission reductions for the year 2020, 2025 and 2030, the Commission shall include the reasons for non-achievement, where applicable.

Amendment 79
Proposal for a directive
Article 10 — paragraph 1 — subparagraph 1 b (new)

Text proposed by the Commission

Where the report indicates that Member States are unable to comply with Union law and the air quality limit values laid down in Directive 2008/50/EC, the Commission shall:

(a) assess whether the non-achievement is the result of ineffective EU source-based air pollution policy, including its implementation at Member State level,

(b) consult with the Committee referred to in Article 14 and identify where there is a need for new source legislation and, where appropriate, present legislative proposals so to ensure compliance with the targets of this Directive. Any such proposal shall be supported by a robust impact assessment and reflect the latest scientific data.

Amendment 80
Proposal for a directive
Article 10 — paragraph 1 — subparagraph 2

Text proposed by the Commission

The Commission shall in any case report as above for the year 2025, and shall also include information on the achievement of the intermediate emission levels referred to in Article 4 paragraph 2 and the reasons for any non-achievement. It shall identify the need for further action also considering the sectorial impacts of implementation.

Amendment

On the basis of these reports, the Commission shall, together with Member States, identify the need for further action to be taken, including at national level, also considering the sectorial impacts of implementation.
Amendment 81
Proposal for a directive
Article 10 — paragraph 2

Text proposed by the Commission

2. The reports referred to in paragraph 1 may include an evaluation of the environmental and socioeconomic impacts of this Directive.

Amendment

2. The reports referred to in paragraph 1 shall include an evaluation of the health, environmental, and socioeconomic impacts of this Directive, including the impact on Member State health systems and the cost of non-implementation. The Commission shall make those reports publicly available.

Amendment 152
Proposal for a directive
Article 10 — paragraph 2a (new)

Text proposed by the Commission

2a. The Commission shall also carry out an impact assessment on Mercury (Hg) before a national emission reduction commitment is determined and, if necessary, submit a new legislative proposal.

Amendment

Amendment 82
Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Article 10a
European Clean Air Forum

The Commission shall set up a European Clean Air Forum to facilitate the coordinated implementation of the Clean Air Programme and bring together all relevant actors including the Member States’ competent authorities at all relevant levels, the Commission, industry, civil society, and the scientific community every two years. The Clean Air Forum shall oversee the establishment of guidance on the elaboration and implementation of national air pollution control programmes, the evolution of the emissions reduction paths, including the assessment of the reporting requirements.
Amendment 83
Proposal for a directive
Article 11 — paragraph 1 — point b a (new)

Text proposed by the Commission

(ba) progress by Member States in achieving the country’s specific 2025 and 2030 binding air pollution targets for each pollutant.

Amendment 84
Proposal for a directive
Article 11 — paragraph 1 — point b b (new)

Text proposed by the Commission

(bb) the results of the review referred to in Article 9(4).

Amendment 85
Proposal for a directive
Article 11 — paragraph 2 a (new)

Text proposed by the Commission

2a. Member States shall ensure that the public concerned have access to administrative or judicial procedures to challenge acts and omissions by competent authorities or private persons which do not comply with this Directive.

Such procedures shall provide adequate and effective remedies, including interim relief as appropriate, and be fair, equitable, timely and not prohibitively expensive.

Member States shall ensure that information on how to access such procedures is made publicly available and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.
Amendment 127
Proposal for a directive
Article 11 — paragraph 2b (new)

Text proposed by the Commission

Amendment

2b. Based on the reports referred to in Article 10(1), the Commission shall, as regards NH3, assess existing legally binding national emission reduction commitments on the basis of the latest scientific evidence, taking into account Member States’ achievements under Directive 2001/81/EC and the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone.

By 2022, the Commission shall assess progress towards the commitments under this Directive, taking into account, inter alia:


(b) agri-environment measures under the Common Agricultural Policy;

(c) revisions of all relevant air quality legislation including, inter alia, those referred to under Article 3 (12a) of this Directive.

If appropriate, the Commission shall present legislative proposals for targets for the period after 2030 for improving air quality standards.
Amendment 86
Proposal for a directive
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Based on the reports referred to in Article 10(1), the Commission shall review this Directive no later than 2025 with a view to safeguarding progress towards achieving the World Health Organisation's recommended air quality levels and the long term vision as set out in the seventh Environment Action Programme. In particular, the Commission shall, if appropriate, and taking into account scientific and technological progress, propose changes to the national emissions reduction commitments in Annex II;

On the basis of the regular reports referred to in to in Article 10(1) the Commission shall consider measures for reducing emissions from international shipping particularly in Member States’ territorial waters and exclusive economic zones, and, if appropriate, submit a legislative proposal.

Amendment 87
Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

The Union and the Member States, as appropriate, shall pursue bilateral and multilateral cooperation with third countries and coordination within relevant international organisations such as the United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE), the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), including through the exchange of information, concerning technical and scientific research and development, with the aim of improving the basis for emission reductions.

The Union and the Member States, as appropriate, shall pursue bilateral and multilateral cooperation with third countries and coordination within relevant international organisations such as the United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE), the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), including through the exchange of information, concerning technical and scientific research and development, with the aim of improving the basis for emission reductions. Member States shall conduct cross-border consultations on mutual threats posed by emissions from adjacent industrial regions in those countries and the Member States concerned shall develop joint plans to eliminate or reduce those emissions.
Amendment 88
Proposal for a directive
Article 13 — paragraph 2

2. The delegation of power referred to in Articles 6(7), 7(9) and 8(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.

Amendment

2. The power to adopt delegated acts referred to in Articles 6(7), 7(9) and 8(3) shall be conferred on the Commission for a period of 5 years from … (*) The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of five-year period. The delegation of power shall be tacitly extended for periods of identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

(*) Date of entry into force of this Directive.

Amendment 89
Proposal for a directive
Article 15

Member States shall lay down the rules on the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Amendment

Member States shall lay down the rules on the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those measures no later than … (*) and shall notify it without delay of any subsequent amendment thereto.

(*) Date of entry into force of this Directive.

Amendment 90
Proposal for a directive
Article 15 — paragraph 1 a (new)

Without prejudice to paragraph 1, Member States shall not pass on the burden of compliance to authorities which do not have the strategic powers to comply with the requirements of the Directive.
Amendment 125
Proposal for a directive
Article 16 — introductory part

Text proposed by the Commission

In Annex I of Directive 2003/35/EC, the following letter (g) shall be added:

Amendment

In Annex I of Directive 2003/35/EC, the following letters (g) and (h) shall be added:

Amendment 126
Proposal for a directive
Article 16 — point 1 a (new)

Text proposed by the Commission


Amendment 135
Proposal for a directive
Annex I — table A — row 4

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Total national emissions by source category</th>
<th>— CH₄</th>
<th>Annual, from 2005 to reporting year minus 2 (X-2)</th>
<th>15/02****</th>
</tr>
</thead>
</table>

Amendment
deleted

Amendment 91
Proposal for a directive
Annex I — table A — row 5

Text proposed by the Commission

| Preliminary national emissions by aggregated NFR(2) | — SO₂, NOₓ, NH₃, NMVOC, PM₂.₅ | Annual, for reporting year minus 1 (X-1) | 30/09 |
Amendment

Preliminary national emissions by aggregated NFR\(^{(2)}\) — \(\text{SO}_2\), \(\text{NO}_x\), \(\text{NH}_3\), NMVOC, \(\text{PM}_{2.5}\) \(\text{every two years, for reporting year minus 1 (X-1)}\) 31/12

Amendment 136
Proposal for a directive
Annex I — table C — row 5

Text proposed by the Commission

Projected emissions by aggregated source category — \(\text{CH}_4\) Biennial reporting, covering every year from year \(X\) up to 2030 and, where available, 2040 and 2050 15/03

Amendment
deleted

Amendment 95
Proposal for a directive
Annex III — part 1 — section A — point 1 — point a

Text proposed by the Commission

(a) nitrogen management, taking into account the full nitrogen cycle;

Amendment

(a) nitrogen management, taking into account the full nitrogen cycle, and consideration of the establishment of soil and nutrient management plans;

Amendment 96
Proposal for a directive
Annex III — part 1 — section A — point 1 — point c

Text proposed by the Commission

(c) low-emission manure spreading approaches;

Amendment

(c) low-emission manure spreading approaches and techniques including separation into liquids and solids;
Amendment 97
Proposal for a directive
Annex III — part 1 — section A — point 1 — point e

Text proposed by the Commission

(e) low-emission manure processing and composting systems;

Amendment

(e) low-emission manure processing and composting systems including separation into liquids and solids;

Amendment 98
Proposal for a directive
Annex III — part 1 — section A — point 1 — point g a (new)

Text proposed by the Commission

(ga) promotion of grazing and extensive farming and enhancing the pasture biodiversity in plant with high level of amino acids such as clover, alfalfa and cereals;

Amendment 99
Proposal for a directive
Annex III — part 1 — section A — point 1 — point g b (new)

Text proposed by the Commission

(gb) promotion of crop rotation that includes nitrogen fixing crops;

Amendment 100
Proposal for a directive
Annex III — part 1 — section A — point 1 — point g c (new)

Text proposed by the Commission

(gc) promotion of agroecological farming that leads to agricultural systems with high biodiversity, resource efficiency and reduced or ideally no dependency on chemical inputs.
Amendment 101

Proposal for a directive

Annex III — part 1 — section A — point 3 — point d


(d) inorganic fertilisers shall be spread in line with the foreseeable requirements of the receiving crop or grassland with respect to nitrogen and phosphorus, also taking into account the existing nutrient content in the soil and the nutrients from other fertilizers.

Amendment

(d) inorganic fertilisers shall as far as possible be replaced by organic fertilisers. Where inorganic fertilisers continue to be applied, they shall be spread in line with the foreseeable requirements of the receiving crop or grassland with respect to nitrogen and phosphorus, also taking into account the existing nutrient content in the soil and the nutrients from other fertilizers.

Amendment 108

Proposal for a directive

Annex III — part 1 — section A a (new)


Aa. Measures to control emissions of nitrogen oxides and particulate matter in urban areas

In consultation with local and regional authorities, Member States shall consider the following measures:

— sustainable urban mobility plans including measures such as low emission zones, congestion pricing, parking controls, speed limits, car sharing schemes and roll-out of alternative charging infrastructure;

— promotion of modal shift to increase the use of cycling, walking and public transport;

— sustainable urban freight plans such as the introduction of consolidation centres plus measures to encourage a shift of regional freight from road to electric rail and water;

— using the planning system to address emissions from new development and boiler systems; retrofit energy efficiency measures to existing buildings;
— retrofitting schemes to promote the replacement of old domestic combustion installations with better home insulation, heat pumps, light fuel oil, new wood pellet installations, district heating or gas;

— economic and fiscal incentives to encourage the uptake of low emitting heating appliances;

— banning of solid-fuel burning in residential areas and other sensitive areas to protect the health of vulnerable groups including children;

— ensure emissions from construction are minimised by introducing and enforcing policies to reduce and monitor construction dust, and set emissions limits for Non Road Mobile Machinery (NRMM);

— revision of vehicle taxation rates in recognition of the higher real-world emissions from diesel cars and gasoline direct injection vehicles to encourage sales of less polluting vehicles;

— public procurement and fiscal incentives to encourage early uptake of ultra-low emission vehicles;

— support for retrofit of UNECE REC Class IV particulate filters on diesel machines, trucks, buses and taxis;

— regulate emissions from construction machines and other non-road mobile machinery operating in densely populated areas (including through the retrofit);

— awareness raising campaigns and alerts.

Amendment 109
Proposal for a directive
Annex III — part 1 — section C a (new)

Ca. Emission reduction measures to restrict hydrocarbon emissions

Member States shall reduce emissions of non-methane volatile organic compounds (NMVOC) by promoting the use of modern emission-free tube technologies that are used in various sectors.
Amendment 110
Proposal for a directive
Annex III — part 2 — point 1 — point a — point i

Text proposed by the Commission

(i) the policy priorities and their relationship to priorities set in other relevant policy areas, including climate change;

Amendment

(i) the policy priorities and their relationship to priorities set in other relevant policy areas, including agriculture, rural economic, industrial, mobility and transport, conservation of nature and climate change;

Amendment 111
Proposal for a directive
Annex III — part 2 — point 1 — point b

Text proposed by the Commission

(b) the policy options considered to meet the emission reduction commitments for 2020 and 2030 onwards and the intermediate emission levels determined for 2025 and to contribute to further improve the air quality, and their analysis, including the method of analysis; the individual or combined impacts of the policies and measures on emission reductions, air quality and the environment; and the associated uncertainties;

Amendment

(b) the policy options considered to meet the emission reduction commitments for 2020, 2025 and 2030 to contribute to further improve the air quality, and their analysis, including the method of analysis; the individual or combined impacts of the policies and measures on emission reductions, air quality and the environment; and the associated uncertainties;

Amendment 112
Proposal for a directive
Annex III — part 2 — point 1 — point d

Text proposed by the Commission

(d) where relevant, an explanation of the reasons why the intermediate emission levels for 2025 cannot be met without measures entailing disproportionate costs;

Amendment

(d) an explanation of the measures taken to achieve national emission reduction commitments;
Amendment 113
Proposal for a directive
Annex III — part 2 — point 1 — point da (new)

Text proposed by the Commission

(da) an explanation of the methodology used to ensure that measures to achieve national reduction commitments for PM2.5 prioritise reduction of black carbon emissions;

Amendment 114
Proposal for a directive
Annex III — part 2 — point 1 — point e

Text proposed by the Commission

(e) an assessment of how selected policies and measures ensure coherence with plans and programmes set up in other relevant policy areas.

Amendment

(e) an assessment of how selected policies and measures ensure coherence with plans and programmes set up in other relevant policy areas in particular, but not limited to, air quality plans under Directive 2008/50/EC, transitional national plans and inspection plans under Directive 2010/75/EU, national energy efficiency action plans under Directive 2012/27/EU, national renewable energy action plans under Directive 2009/28/EC, and relevant plans or programmes subject to the requirements of Directive 2001/42/EC or equivalent provisions in successor legislation.

Amendment 115
Proposal for a directive
Annex III — part 2 — point 2 — point a

Text proposed by the Commission

(a) an assessment of the progress made with implementation of the programme, the reduction of emissions and the reduction of concentrations;

Amendment

(a) an assessment of the progress made with implementation of the programme, the reduction of emissions, the reduction of concentrations and associated environmental, public health and socio-economic benefits:
Amendment 116
Proposal for a directive
Annex III — part 2 — point 2 — point b

Text proposed by the Commission
(b) any significant changes in the policy context, assessments, the programme or the implementation time table.

Amendment
(b) any significant changes in the policy context, assessments (including the results of the inspections and market surveillance carried out in accordance with Article 6(2b)), the programme or the implementation time table.

Amendment 117
Proposal for a directive
Annex III — part 2 — point 2 — point b a (new)

Text proposed by the Commission

Amendment
(ba) an assessment of the progress made towards the achievement of the Union’s long-term health and environmental objectives, in light of any necessary update of those objectives, including any new air quality guidelines set by the World Health Organisation;

Amendment 118
Proposal for a directive
Annex III — part 2 — point 2 — point b b (new)

Text proposed by the Commission

Amendment
(bb) Where a national air pollution control programme is updated in accordance with Article 6(4), it must include information on all additional air pollution abatement measures that have been considered at appropriate local, regional or national level for implementation in connection with the attainment of emission reduction commitments and air quality objectives, including those outlined in Annex III of this Directive and paragraph 3 of Annex XV (B) to Directive 2008/50/EC.
EU Agency for Law Enforcement Training (CEPOL) ***I


(Ordinary legislative procedure: first reading)

(2017/C 355/28)

The European Parliament,
— having regard to the Commission proposal to Parliament and the Council (COM(2014)0465),
— having regard to Article 294(2) and Article 87(2)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0110/2014),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the undertaking given by the Council representative by letter of 29 June 2015 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0048/2015),
1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Calls on the Commission to provide an overall analysis of the administrative cooperation between European Union agencies and of where such cooperation could create synergies in the future;
4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0217


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2015/2219.)
The European Parliament,
— having regard to the Commission proposal to Parliament and the Council (COM(2014)0040),
— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0023/2014),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the opinion of the European Central Bank of 7 July 2014 (1),
— having regard to the opinion of the European Economic and Social Committee of 10 July 2014 (2),
— having regard to the undertaking given by the Council representative by letter of 29 June 2015 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0120/2015),
1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0017


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2015/2365.)
