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P8_TA(2016)0438

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P8_TC1-COD(2013)0443


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P8_TA(2016)0457

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* 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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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2016)0433

European Central Bank annual report for 2015

(2016/2063(INI))
(2018/C 224/01)

The European Parliament,

— having regard to the European Central Bank Annual Report for 2015,

— having regard to Article 284(3) of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Article 123(1) of the TFEU,

— having regard to the Statute of the European System of Central Banks and of the European Central Bank, in particular Article 15 thereof,

— having regard to Rule 132(1) of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0302/2016),

A. whereas on a possible withdrawal of the UK from the EU, President Draghi correctly stated that ‘the extent to which the economic outlook will be affected depends on the timing, development and final outcome of the upcoming negotiations. So far, the euro area economy has been resilient, but due to this uncertainty our baseline scenario remains subject to downside risks’; and that ‘regardless of the type of relationship that emerges between the European Union and the United Kingdom, it is of utmost importance that the integrity of the single market is respected. Any outcome should ensure that all participants are subject to the same rules’;

B. whereas, according to the Commission’s latest spring forecast, euro area real growth is expected to be modest and geographically uneven — 1.6 % in 2016 and 1.8 % in 2017, following 1.7 % in 2015;

C. whereas, according to the same forecast, unemployment in the euro area is expected to record a decrease, from 10.9 % at the end of 2015 to 9.9 % at the end of 2017; whereas disparities between the unemployment rates of the Member States continued to widen in 2015, with figures ranging from 4.6 % in Germany to 24.9 % in Greece;

D. whereas, again according to the same forecast, the government deficit in the euro area is expected to gradually decline from 2.1 % in 2015 to 1.9 % in 2016 and 1.6 % in 2017, and the debt-to-GDP ratio is also forecast to decline for the first time since the beginning of the crisis, even though there are still four euro area countries involved in the Commission’s excessive deficit procedure: France, Spain, Greece and Portugal; whereas Cyprus, Ireland and Slovenia have implemented macroeconomic programmes which have enabled them to reduce their respective deficits to less than the threshold of 3 % of GDP;
E. whereas, according to the same forecast, the euro area is expected to exhibit an external surplus of around 3% of GDP in both 2016 and 2017; whereas a hard Brexit may have an adverse impact on both the EU and UK trade balance, given that the UK is one of the euro area’s main trading partners;

F. whereas Article 127(5) of the TFEU requires the European System of Central Banks to help maintain financial stability;

G. whereas Article 127(2) of the TFEU requires the European System of Central Banks ‘to promote the smooth operation of payment systems’;

H. whereas, according to the ECB projection of September 2016, the average inflation rate in the euro area, after being nil in 2015, will remain close to this level in 2016 (0.2%) and reach 1.2% in 2017 and 1.6% in 2018; whereas the low inflation rates seen in recent years can inter alia be primarily attributed to low energy prices;

I. whereas the inflation target is getting harder to reach owing to consolidation of demographic trends, continuing low energy prices and the full impact of trade and financial globalisation on a high-unemployment European society; whereas these deflationary pressures are contributing to a lack of investment and the weakness of aggregate demand;

J. whereas in March 2015 the ECB launched an expanded Asset Purchase Programme (APP) amounting to EUR 1.1 trillion and initially scheduled to run until September 2016;

K. whereas this programme has since been upgraded, with the asset purchase scheduled to run until March 2017 for a total amount which should be close to EUR 1.7 trillion, and the list of eligible assets has been enlarged to include non-financial corporate bonds and regional and local government bonds; whereas concerns have arisen that the balance sheet of the ECB contains rising levels of risk;

L. whereas the ECB has bought EUR 19,094 million of asset-backed securities (ABS) since the beginning of its purchase programme;

M. whereas the ECB further eased its monetary stance by lowering its key intervention rates to unprecedented levels, with the main refinancing operations (MRO) and the deposit facility down to 0% and -0.40% respectively in March 2016; whereas the ECB is offering banks incentives to grant loans and, with that aim in view, is carrying out a further series of targeted longer-term refinancing operations (TLTRO-II);

N. whereas, according to the ECB, the establishment of the Single Supervisory Mechanism (SSM) aimed at consistent application of microprudential supervision and enforcement across the euro area in order to ensure a level-playing field for bank operations and impose a common assessment methodology (SREP);

O. whereas the ECB’s president has continued to stress the urgency of much-needed structural reforms in the euro area;

P. whereas the ECB is supportive of the Simple, Transparent and Standardised Securitisation framework and the resultant reduced capital requirements that will revitalise both securitisation markets and the financing of the real-sector economy;

Q. whereas Article 123 TFEU and Article 21 of the Statute of the European System of Central Banks and of the European Central Bank prohibit the monetary financing of governments;
1. Stresses that the euro area continues to suffer from a high level of unemployment, excessive low inflation and large macroeconomic imbalances, including current account imbalances, and that, in addition, the euro area is facing a very low level of productivity growth, which is the result of the lack of investment — 10 percentage points below its level before the crisis —, a failure to carry out structural reforms and the weakness of internal demand; notes that the high level of public debt, and particularly the huge number of non-performing loans and a still undercapitalised banking sector in some Member States, are still fragmenting the euro area financial market, thus reducing room for manoeuvre to support the most fragile economies; emphasises that sound fiscal policies and socially balanced structural reforms oriented towards increasing productivity are the only way of bringing about sustainable economic improvements in these Member States;

2. Underlines the federal nature of the European Central Bank, which rules out national vetoes, enabling it to act decisively in addressing the crisis;

3. Acknowledges that, confronted with this very complex environment and the risks of a prolonged period of low inflation, the extraordinary measures adopted by the ECB to lift inflation back up to the medium-term objective of 2% were consistent with the terms of its mandate, as laid down in Article 127 of the TFEU, and therefore not illegal (1); notes that, since the launching of the APP in March 2015, and owing to targeted long-term refinancing operation (TLTRO) programmes targeted at the real economy, financial conditions have improved slightly, which has promoted a recovery in lending to firms and households in the euro area; notes that these measures have also contributed to a narrowing of the spread of some euro area governments’ bonds; notes that improvements have not affected Member States equally and that credit demand in some Member States remains weak;

4. Emphasises that in June 2016 the ECB started a new series of four targeted longer-term refinancing operations (TLTRO II); points out that the incentive structure of the programme has changed in comparison with the original TLTRO, as certain banks will be able to borrow at negative rates even if they do not increase their net lending to the real economy;

5. Is concerned at the fact that by offering liquidity at negative rates, but eliminating the requirements for banks to return the funds if they do not achieve their lending benchmark, the ECB is weakening the link between the provision of central bank liquidity and lending to the real economy that was at the centre of the TLTRO concept;

6. Welcomes the European Central Bank’s categorical pledge of July 2012 to ‘do whatever it takes’ to defend the euro, which has been instrumental in ensuring the financial stability of the euro area;

7. Believes that the APP would have a higher impact on the European economy if it was accompanied by effective and socially balanced structural reforms designed to increase the competitiveness of the European economy and if it had a higher share of EIB bond buying, particularly related to the TEN-T and TEN-E (projects with proven added European value in social and economic terms), among others, and SME securitised loans; calls on the ECB to draw up a study analysing what would be the impact of the APP if it could buy in the secondary markets Member States’ public debt directly linked to investment and research expenditure; is concerned that the outright purchases of bonds issued by non-financial corporations within the Corporate Sector Purchase Programme (CSPP), which could be justifiable in the current circumstances, may have distortive effects;

8. Agrees with ECB President Mario Draghi that the single monetary policy alone cannot stimulate aggregate demand unless it is complemented by sound fiscal policies and ambitious and socially balanced structural reform programmes at Member State level; recalls that, in accordance with its mandate laid down in primary law in the EU Treaties, the ECB’s main aim is to safeguard price stability in order to guarantee a stable environment conducive to investment; considers that monetary policy alone is not the appropriate tool to solve the structural problems of the European economy; emphasises that the expected economic recovery is no substitute for essential structural reforms; draws attention to recent studies and discussions concerning a possible fall in the neutral interest rates observed all over the world over the last decade; points out that such a situation would result in monetary policy being more constrained and less effective, as it would more often run the risk of hitting the zero lower bound;

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(1) As recently underlined by the European Court of Justice and the judgment of the German Federal Constitutional Court of 21 June 2016.
9. Agrees that a well-functioning, diversified and integrated capital market would support the channels of transmission of the single monetary policy; calls in this context for a step-by-step completion and full implementation of the banking union and full MS compliance with its related legislation, as well as the building of a capital market union, as this would be a decisive step towards improving the effectiveness of the single monetary policy and mitigating the risks arising from a shock in the financial sector; considers it crucially important to solve the issue of non-performing loans for the worst-affected national banking sectors in order to restore a smooth transmission of monetary policy for the whole area;

10. Stresses that structural and socially balanced reforms in the economy and the labour market should also take full account of the demographic deficit in Europe, in order to tackle deflationary pressures and create incentives for a more balanced demographic structure that would make it easier to maintain an inflation target of around 2%; points to the risk of negative investment expectations where demographic trends are unfavourable;

11. Notes, however, that even though the impact risks and spillovers of unconventional measures has been significant, particularly as regards funding conditions for banks in the periphery, inflation is not expected to converge to the 2% medium-term objective at the 2017 horizon; notes that the current recovery in bank and market lending is geographically unevenly distributed among the Member States and has not so far wholly produced the expected effect on the existing investment gap in the euro area; stresses that a lack of investment is caused not only by a lack of access to funding, but also by low demand for credit, and that it is necessary to promote structural reforms that directly facilitate investment and jobs; draws attention to the decrease in availability of high-quality assets that are internationally accepted by institutional investors;

12. Points out that, while the effects on the real economy have been very limited, banks have been able to access funding at virtually no, or very low, cost, which has directly subsidised their balance sheets; deplores the fact that the size of this subsidy, despite representing a clear fiscal spillover effect of monetary policy, is not monitored and published, and that it is free from strict conditionality in terms of whether or how it is invested; insists that any extraordinary measures of this kind should be accompanied by measures to mitigate distortions to markets and the economy;

13. Deplores the existing, albeit gradually decreasing, gaps between the financing rates granted to SMEs and those granted to bigger companies, between lending rates on small and large loans, and between credit conditions for SMEs located in different euro area countries, but recognises the limits of what monetary policy can achieve in this respect; stresses that the persistent need for adjustment of banks’ balance sheet is affecting, inter alia, the availability of credit for SMEs in some Member States; points to the risk, moreover, of further possible distortions of competition as a result of ECB corporate bond buying on the capital market, in which the underlying eligibility criteria should not create further distortions, particularly in view of the risk framework, and from which SMEs should not be excluded;

14. Underlines the fact that a prolonged period of flat yield curve could lessen the profitability of banks, especially if they do not adjust their business models, and could create potential risks, in particular for private savings and pension and insurance funds; warns that a decline in the profitability of banks could dampen their willingness to develop lending activity; points particularly to the negative effect of such an interest rate policy on local and regional banks and savings banks with little funding from financial markets, and to risks in the insurance and pensions sector; calls therefore for specific and continued monitoring of the negative interest rate tool, its implementation and its effects; emphasises the need for proper, prudent, timely management of the winding-down of this ultra-low (negative) interest rate policy;

15. Understands the reason why negative rates have been implemented, but emphasises its concern about the potential consequences of a negative interest rate policy for individual savers and the financial equilibrium of pension schemes and in terms of the development of asset bubbles; is worried about the fact that in some Member States longer-term savings interest rates are below inflation rates; believes that, owing to demographic trends and cultural preferences for saving, these negative effects on income may lead to an increase in the household saving rate, which could be detrimental to domestic demand in the euro area; warns that, given the downward rigidity of deposit rates, the benefits of pushing the rates on deposits at the ECB further into negative territory could be limited;
16. Remains concerned by the still significant levels of non-marketable assets and asset-backed securities put forward as collateral to the eurosystem in the framework of its refinancing operations; reiterates its request to the ECB to provide information on which central banks have accepted such securities and to disclose valuation methods regarding such assets; underlines that such disclosure would be beneficial for the purpose of parliamentary scrutiny of the supervisory tasks conferred on the ECB;

17. Asks the ECB to study how the transmission of monetary policy differs in those Member States with centralised and concentrated banking sectors and those with a more diverse network of local and regional banks, as well as between countries which rely more on banks or capital markets for the financing of the economy;

18. Calls on the ECB to carefully assess the risks of a future resurgence of asset and housing bubbles owing to its ultra-low (negative) interest rate policy, especially in the light of much-increased lending volumes and disproportionately high prices in the property sector, particularly in some big cities, and believes that it, together with the European Systemic Risk Board (ESRB), should put forward proposals for designing specific macroprudential recommendations in this regard;

19. Supports the ECB’s assessment that the current CRR/CRD IV package lacks certain measures which could also effectively address specific types of systemic risk, such as (i) various asset-side measures, including the application of limits to loan-to-value, loan-to-income or debt-service-to-income ratios, and (ii) the introduction of various exposure limits falling outside the current definition of large exposures; urges the Commission to examine the need for legislative proposals in this regard; notes that some of these measures could already be integrated in the context of the ongoing legislative work around the EDIS proposal;

20. Points out that, as indicated by the ECB’s role in relation to liquidity provision to Greece in June 2015 and the leaked discussions of the ECB Council of Governors on the solvency of Cypriot banks, the concept of ‘insolvency’ underpinning the provision of central bank liquidity to institutions in the euro area lacks a sufficient level of clarity and legal certainty, as the ECB has in past years referred alternately to a static concept of solvency (based on whether a bank complies with minimum capital requirements at a certain point in time) or to a dynamic concept (based on forward-looking scenarios of stress tests) for justifying the continuation or limitation of emergency liquidity assistance (ELA) provision; underlines that this lack of clarity needs to be addressed so as to guarantee legal certainty and foster financial stability;

21. Notes the ECB Presidency’s recognition of the existence of distributional consequences of the ECB policies with an impact on inequalities, and takes note of the ECB’s assessment that the lowering of costs of credit for citizens and SMEs, while enhancing employment in the euro area, might partially compensate for these distributional impacts;

22. Notes that the ECB’s APP has lowered bond yields in most Member States to unprecedented levels; warns against the risk of excessively high valuations on the bond markets, which would be difficult to handle if interest rates start to rise again in the absence of a sufficiently robust recovery, particularly for the countries involved in the excessive deficit procedure or with high levels of debt; points out that a sudden reversal of interest rates from currently low levels along the yield curve carry important market risks for financial institutions with a significant proportion of mark-to-market financial instruments;

23. Stresses the prerequisites defined by the Court of Justice that must be met by any purchase of government bonds of euro area Member States on the secondary market by the European System of Central Banks (ESCB):

— purchases are not announced,

— the volume of the purchases is limited from the outset,

— there is a minimum period between the issue of the government bonds and their purchase by the ESCB which is defined from the outset and prevents the issuing conditions from being distorted,

— the ESCB purchases only government bonds of Member States that have bond market access enabling the funding of such bonds,
purchased bonds are only in exceptional cases held until maturity, and purchases are restricted or ceased and purchased bonds are remarketed should it become unnecessary to continue the intervention;

24. Takes account of the fact that some Member States may be using ultra-low (negative) interest rate policy to defer necessary structural reforms and the consolidation of their primary public deficits, particularly at central government level, and points in this connection to the Stability and Growth Pact commitments; recognises that one of the reasons contributing to budgetary surpluses in some Member States has been the negative interest rates of their public debt; emphasises that national economic policies should be coordinated, particularly within the euro area; underlines that the unavoidable process of exiting from unconventional monetary policy will be a very complex one which will have to be carefully planned in order to avoid negative shocks on the capital markets;

25. Welcomes the publication of the minutes of the Council meeting and the decision to disclose the agreements on net financial assets (ANFA) between the ECB and the national central banks; encourages the ECB to pursue its transparency effort; reminds the ECB that labour recruitment policy must comply with best practice;

26. Recalls that the independence of the ECB for the conduct of monetary policy, as enshrined in Article 130 of the TFEU, is crucial to the objective of safeguarding price stability; asks all governments to avoid statements questioning the role played by the institution within its mandate;

27. Calls on the ECB to pay particular attention to the proportionality principle in connection with the banking supervisory tasks conferred on it;

28. Points to the apportionment of responsibilities between the ECB and the European Banking Authority (EBA); stresses that the ECB should not become the de facto standard-setter for non-SSM banks;

29. Notes that on 18 May 2016 the ECB Governing Council adopted the Regulation on the collection of granular credit and credit risk data (AnaCredit); calls on the ECB and the national central banks to leave as much leeway as possible when implementing AnaCredit;

30. Calls on the ECB not to begin work on any further stages in connection with AnaCredit until after a public consultation exercise, with full involvement of the European Parliament and particular account being taken of the proportionality principle;

31. Notes with concern that TARGET 2 imbalances are rising again in the euro area despite a narrowing in trade imbalances pointing to continued capital outflows from the euro area periphery;

32. Recalls that the monetary dialogue is important in order to ensure the transparency of monetary policy vis-à-vis Parliament and the wider public;

33. Instructs its President to forward this resolution to the Council, the Commission and the European Central Bank.
The European Parliament,


— having regard to the 2014 European Insurance and Occupational Pensions Authority ‘Report on Good Practices on Comparison Websites’,

— having regard to the European Insurance and Occupational Pensions Authority Opinion to EU Institutions on a Common Framework for Risk Assessment and Transparency for IORPs of April 2016,


(2) OJ L 266, 9.10.2009, p. 11.
(3) OJ L 60, 28.2.2014, p. 34.

— having regard to Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (2),


— having regard to the Commission report of 8 August 2014 on the operation of the European Supervisory Authorities (ESAs) and the European System of Financial Supervision (ESFS) (COM(2014)0509),


— having regard to its resolution of 26 May 2016 on virtual currencies (7),

— having regard to the Commission Green Paper of 10 December 2015 on ‘Retail Financial Services: Better products, more choice, and greater opportunities for consumers and businesses’ (COM(2015)0630),

— having regard to the EBA response to the Commission Green Paper on Retail Financial Services of 21 March 2016,

— having regard to Rule 52 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 the Internal Market and Consumer Protection (A8-0294/2016),

A. whereas the EU market in retail financial services remains rather underdeveloped and highly fragmented, for example in terms of the low number of cross-border transactions, so that efficient action to unlock the full potential of the single market and to facilitate innovation beneficial to end users is required;

B. whereas the dynamics of retail financial services markets, featuring a combination of relatively high concentration and insufficient competition, may result in limited choice and low value for money, as well as major discrepancies between Member States; whereas multinational companies with branches in several Member States can circumvent these barriers more easily than small companies;

C. whereas a European retail financial services market would only be viable if it represented real added value for consumers by ensuring effective competition, access and consumer protection, notably in relation to products actually necessary for participation in economic life;

D. whereas further development of the retail financial services market at EU level with the appropriate legislative framework imposing the consumer protection that is needed would not only facilitate important and fruitful cross-border activity, but might also open up greater scope for increased competition at national level; whereas a genuine European internal market for retail financial services has significant potential for providing consumers with better financial services and products, more choice and improved access to financial services and products, and lower prices; whereas the impact of competition on prices will vary according to sector and product;

E. whereas the Green Paper mainly focuses on financial services for citizens who are looking for cross-border services; whereas it is important that if new proposals are presented they also benefit all EU consumers in order to ensure that the retail financial services market works for everyone;

F. whereas we should remain ambitious in breaking down barriers and curbing existing protectionist tendencies that block innovation in retail financial services; whereas a true single market will make the EU attractive as the hub for innovative financial services;

G. whereas the rapid transformation brought about by digitisation and fintech innovation not only has the potential, if prudently managed, to create new and often better financial products for consumers and to contribute to financial inclusion, including by means of lowering transaction costs and easing access to finance, but also involves key challenges in terms of security, data protection, consumer protection, taxation, fair competition and financial stability, which should be monitored closely in order to maximise citizens' benefits;

H. whereas while many services are moving online it is important to ensure that no one is left behind and that access is also provided through non-digital channels where necessary in order to avoid financial exclusion;

I. whereas any effort to strengthen the EU's retail financial services market should be coordinated with the DSM (Digital Single Market), CMU (Capital Markets Union) and SMS (Single Market Strategy) agendas and have as its overall aim a strengthening of job creation, sustainable growth, financial stability and the role of the consumer in the European economy;

J. Stresses that a European retail financial services market must benefit SMEs in terms of both supply and demand; in terms of supply, this means ensuring an improvement in access to financing for SMEs; in terms of demand, it means enabling SMEs to access cross-border markets more easily;

K. whereas the completion of the internal market is important for consumers, and is also essential for providing European fintech companies with the possibility of reaping the benefits of the internal market so as to compete with traditional players in order to offer innovative, consumer-friendly solutions and to create jobs throughout the EU;

L. whereas micro-enterprises, SMEs and mid-caps are the backbone of the European economy and the drivers of employment and growth; whereas every European law and initiative must be adapted to the characteristics of such companies;
M. whereas the completion of the European internal market is hugely important for consumers and businesses, and whereas innovative new actors are starting to offer alternatives to existing services;

1. Welcomes the Commission Green Paper on retail financial services (defined as including insurance) and the vivid and productive debate that it has generated so far; also welcomes the public consultation on the Green Paper, which has given those involved the chance to put forward their opinions on the basis of their specific situations and/or sectors; underlines that a single approach on retail financial services would be counter-productive, given the diversity of the actors and products concerned;

2. Takes the view that digitalisation will continue to create new opportunities for consumers, investors, SMEs and other companies in terms of competition, cross-border activities and innovation; stresses that digitalisation alone is not sufficient to create a viable European retail financial services market; notes that the many obstacles, such as the various tax, social, judicial, health, contract and consumer protection regimes, as well as the different languages and cultures, cannot be overcome solely by means of digitalisation;

3. Finds the Green Paper initiative to be timely, given the need to work proactively at all stages of the policymaking process in order to respond efficiently and adequately to developments in such an innovative and fast-changing market;

4. Considers simplification of legislation, which is facilitated by discouraging overly complex products and services, to be crucial in efforts to make products more easily comparable across the Member States' markets, particularly in the insurance sector;

5. Points out that a wide range of EU laws relevant to the single market in retail financial services has already been adopted, such as PSD2, the MiFIs regulation, PAD, AMLD, the Mortgage Credit directive and IDD; calls on the Commission to monitor closely the transposition and implementation of this legislation, avoiding duplication and overlaps;

6. Underlines the importance of promoting positive developments in retail finance markets by creating a competitive environment and maintaining a level playing field for all stakeholders, including incumbent operators and new entrants, with rules as technology- and business-model-neutral as possible; points out, that such an approach is necessary, not least in order to support growth of start-ups and new and innovative SMEs;

7. Asks the Commission to ensure that the same rules apply to any given service in order to avoid creating distortions of competition, particularly with the emergence of new providers of retail financial services; stresses that these rules must not act as a brake on innovation; highlights that the creation of 'contact points' which allow stakeholders to report unlawful application of the EU passporting provisions could foster market integration;

8. Notes that for the first quarter of 2016 the fintech funding in Europe accounted for only USD 348 million, as compared to USD 1.8 billion in North America and USD 2.6 billion in China, which demonstrates the urgent need for a quick mentality shift and an adequate regulatory response to technological developments in order for Europe to become a lead market for innovation; stresses that a genuine single market for retail financial services where a level playing field for new market entrants is ensured will make the EU attractive as a hub for innovative financial services and will provide consumers with more and better choice, at lower rates; emphasises that although disruptive technologies present regulatory challenges, they also offer great opportunities for innovation that benefits end-users and a stimulus for economic growth and jobs;
9. Emphasises, in particular in order to boost consumer trust and satisfaction, that the Green Paper initiative can succeed only if it has a strong focus on creating an EU market in which well-protected consumers have equal opportunities and access to transparent, straightforward and good-value-for-money products; acknowledges the positive value of providing customers with simple, safe and standardised products; calls on the European Supervisory Authorities to regularly assess the impact of tying practices on prices and competition in retail financial services; calls on the Commission to introduce a simple, portable and safe financial products framework; calls on the Commission, furthermore, to look into the possibility of creating a harmonised legal framework for standardised default options for the most commonly used EU financial products along the lines of the Basic Bank Account and PEPP model;

10. Emphasises that the proposals which emerge from the Green Paper must be consistent with the proportionality principle;

11. Recalls that all initiatives based on the Green Paper should be compatible with stepping up the international fight against tax fraud, tax avoidance and evasion and money laundering, including more efforts to elaborate a Common Tax Identification number;

12. Notes the increasing complexity of retail financial products; insists on the need to develop initiatives and instruments that improve competition and allow consumers to identify and compare safe, sustainable and simple products within the range of products available to them; supports initiatives such as the Key Investment Information Document for undertakings for collective investments in transferable securities (UCITS) and the Key Information Document for packaged retail and insurance-based investment products (PRIIPs); stresses the need to adapt these information mechanisms to the digital reality; believes that the summary of prospectus should be aligned with the Key Information Document for packaged retail and insurance-based investment products (PRIIPs) in order to allow retail investors to properly assess the risks associated with securities offered to the public or admitted to trading;

13. Recalls the recent developments in the legislative framework for the banking sector, in particular the Bank Recovery and Resolution Directive and the Deposit Guarantee Schemes Directive; recalls that the newly introduced resolution regime has resulted in some instruments offered to retail investors involving a higher risk of loss; insists on the need to inform consumers fully about the impact of the new rules, particularly if their deposits or investments are at risk from bail-in; asks the Commission to check whether the Member States are applying the directive on deposit-guarantee schemes correctly; points out that the sale of certain bail-in-able instruments to retail investors is highly problematic in terms of both adequate consumer protection and ensuring the practical feasibility of a bail-in, and calls on the Commission to explore the options for restricting such practice;

14. Notes that a European retail financial services market will only be feasible if consumers benefit from the same legal protection throughout the EU; highlights the need to update and promote the ‘FIN-NET’ financial dispute resolution network;

15. Notes that the lack of an Insurance Guarantee Scheme in some Member States has the potential to undermine consumer confidence, and calls on the Commission to consider legislation to mandate Insurance Guarantee Scheme Coverage;

16. Stresses that the financial inclusion perspective should always be kept in mind, and that measures should be taken to ensure that all consumers have equal access to at least the most essential financial services also through non-digital channels to avoid financial exclusion;

17. Considers that structural changes under way in the financial sector — from the emergence of financial technology companies (fintechs) to mergers and takeovers — which could result in staff cuts and branch closures must be effected without any reduction in the quality of services to the most vulnerable, particularly elderly people and people living in rural or sparsely populated areas;
18. Stresses the importance of financial education as a tool to protect and empower consumers; calls for access to independent financial education to be widened and facilitated and stresses the need to raise consumers' awareness of investment options;

19. Observes that digitalisation can bring benefits for retail investors, such as easier comparability of products, better and easier access to cross-border investment and the ensuing fairer competition between providers, as well as faster and easier registration and payment processes and resulting lower transaction costs, but can also pose challenges that cannot be ignored, such as ensuring compliance with know-your-customer (KYC), anti-money laundering (AMLD) and data protection requirements, as well as risks such as vulnerability of centralised systems to cyber-attacks; calls for emerging and current trends on financial markets and the resulting benefits and risks to be identified and monitored, using as a benchmark their likely impact on retail investors;

20. Notes that consumers' financial and non-financial data collected from different sources are being increasingly used by financial service providers for various purposes, in particular in the credit and insurance sectors; stresses that the use of personal data and big data by financial service providers should comply with the EU data protection legislation, be strictly limited to what is necessary to provide the service and bring benefits to consumers; against this background, the demutualisation of risk in insurance triggered by big data should be under close scrutiny;

21. Stresses that access to cash via ATMs is an essential public service that must be provided without any discriminatory or unfair practices and that it must not, therefore, incur excessive costs;

22. Underlines that greater consumer trust in financial services is necessary, since it remains low, especially with regard to financial products with high currency exchange risks, and calls on the Commission to ensure that existing measures aimed at improved financial literacy and awareness are fully implemented and that further measures are introduced where necessary in order to empower consumers to make informed decisions, to increase the transparency of these products, and to remove consumer barriers to switching and any unjustified costs relating thereto, or to the withdrawal from a product; underlines that the European Standardised Information Sheet (ESIS) and Standard European Consumer Credit Information forms should be given systematically to consumers in advance of an agreement as part of a credit, loan or mortgage estimate;

23. Notes that frontline employees at financial institutions and financial service providers have a crucial role to play in opening up retail services to all strands of society and to consumers in the EU; points out that such employees should, in principle, be given the training and time necessary to be able to serve their customers accurately, and should not be made subject to sales targets or inducements that could bias or distort their advice, and should act at all times in the interests of customers in accordance with MiFID II consumer protection provisions;

24. Highlights the fact that access to affordable and independent advice is key to sound investment decisions; emphasises that an improvement in advice requires, in particular, a broader offer of standardised retail investment products and effective investor information documents for complex and simple products;

25. Observes that a supply of affordable, targeted financial advice, which would be narrower in scope than proper MiFID-regulated investment advice, is currently lacking, in spite of the existing demand; takes note of the reflections conducted and initiatives taken in some Member States on the creation of such an intermediate service; calls on the Commission, the Member States and market actors to identify, study and follow good practices and initiatives in this regard;

26. Points out the shortcomings in the national implementation of the MiFID II directive, which has led in many cases to labour-intensive reporting requirements for intermediaries, which do not effectively enhance consumer protection and go beyond MiFID II itself; calls for lessons to be learned from this experience;
27. Underlines that retail banking plays a decisive role in the proper transmission of monetary policy conditions to the market, particularly to consumers; highlights the importance of an appropriate monetary policy environment with a view to promoting consumers’ long-term savings;

28. Emphasises that, in order for the single market in retail financial services to be efficient and dynamic, there should be no unnecessary or unfair differences between euro and non-euro Member States;

29. Believes that the adoption of the single currency by all Member States without exception would make the single market for retail financial services more efficient and coherent;

30. Observes that the EU-level capacity for data collection and analysis in this field will probably need to be strengthened; notes that it will be necessary to give some of the most promising ideas in the Green Paper a broad and adequate empirical underpinning before it is possible to move on to legislative processes; stresses that the methodologies and assumptions of such empirical work should be appropriately disclosed and should make full use of the output of the ESA’s monitoring work mandated in the EBA regulation in order to identify the benefits and risks of different innovations and any legislative action required to strike the right balance between them;

31. Calls on the Commission to address the issue of mis-selling of financial products and services; in particular, calls on the Commission to monitor closely the implementation of new rules under MiFID II, which ban commission for independent financial advisers and restrict its use for non-independent advisers, and on the basis of that monitoring to consider whether those restrictions should be tightened;

Short-term priorities

32. Emphasises that the enforcement of EU and national financial and consumer legislation needs to be strengthened and that a single market in retail financial services needs high levels of consumer protection legislation and consistent and rigorous enforcement thereof across the Member States; notes, at the same time, that the volume of legislation on retail financial services has increased in recent years with the aims of improving prudential stability, strengthening consumer protection and restoring confidence in the sector; stresses that the European Supervisory Authorities should step up their activities on consumer and retail investor issues and that the agencies responsible in a number of Member States should start to work more actively and competently in this field; calls on Member State supervisory authorities to conduct exchanges of good practice in order to ensure that retail financial services legislation is applied in a way that safeguards fair competition while enforcing consumer protection legislation;

33. Calls on the Commission, in the procedure linked to the planned White Paper on the ESAs’ funding and governance, to have a particular focus on ensuring that the authorities get the funding models and mandates needed to take a more active and consumer-oriented role in the retail financial services market while ensuring financial stability;

34. Welcomes the Commission’s engagement in the area of encouraging finance for sustainable and green investments, and urges the Commission, building on past consultations and closely involving the European Parliament, to play a more proactive role in using the Capital Markets Union, as part of the implementation of the Paris agreement, to support the growing Sustainable and Responsible Investment (SRI) market by promoting sustainable investments, through the provision of effective and standardised Environmental, Social and Governance (ESG) information using listed companies and financial intermediaries criteria, and the adequate reflection of such criteria in investment management systems and disclosure standards, building on similar provisions successfully promoted by Parliament in the recent revision of the IORPD; further urges the Commission to promote ESG ‘rating services’ and a consistent framework for the green bonds market, building on a Commission study and the work of the G20 study group on green finance;
35. Calls on the Commission to intensify its work against discrimination on grounds of residence in the European market on retail financial services and, if necessary, to complement the planned general proposals to end unjustified geo-blocking with further legislative initiatives targeted specifically at the financial sector, bearing in mind that the price of some products and some services is linked to a range of factors (regulatory or geographic) that differ from one Member State to another;

36. Urges the Commission, inter alia on the basis of the structure of the Payment Accounts Directive (PAD) and the European Insurance and Occupational Pensions Authority’s analysis of the insurance sector, to set up a well-organised and easy-to-use EU comparison portal covering most or all parts of the retail financial services market; emphasises that comparison tools must be accurate and of relevance to consumers and must focus not only on the prices of products but also on their quality, bearing in mind that only similar products can be compared;

37. Calls on the Commission, inter alia with reference to the PAD, to map the rules, practices and non-practices that apply to domestic and cross-border switching in relevant parts of the European retail financial services market and to present a coherent and comprehensive strategy for making EU-wide cross-border switching easier for the consumer;

38. Urges the Commission and the Member States to strengthen the Alternative Dispute Resolution (ADR) structures linked to the retail financial services market by making sure that ADR bodies are truly independent, by making certain that these bodies cover all actors in the market and by taking measures to ensure that FIN-NET is made more efficient and well-known to consumers; also urges the Commission, following the planned evaluation of the implementation of the recommendation on collective redress, to look into the possibility of introducing a European system of collective redress;

39. Asks the Commission to investigate further the confusing and sometimes misleading practices with which consumers are faced when making card payments and ATM withdrawals involving currency conversion, and to present a coherent solution that would make it possible, including in practice, for the consumer to understand and control the situation fully, including for payments relating to the digital market;

40. Reminds the Commission that financial institutions continue to cancel payment cards if the holder moves to another Member State, and calls for action to be taken in this respect, including alerting national authorities;

41. Calls on the Commission to promote the mutual recognition and interoperability of digital identification techniques, without affecting the level of security of existing systems or their ability to fulfil the requirements of the EU anti-money laundering framework; therefore urges the Commission and the Member States, by working carefully on the implementation of the eIDAS Regulation and the new anti-money laundering legislation, inter alia, to create — as should be entirely feasible — a general environment in which robust security requirements are combined with fair and simple procedures for consumers to identify themselves, in accordance with the principles of personal data protection; also asks the Commission and the Member States to identify and remove regulatory barriers to the use of electronic signature systems for subscribing to financial services, and to facilitate EU-wide cross-border digital onboarding;

42. Points out that the potentially transformative impact of distributed ledger technology necessitates the build-up of regulatory capacity so as to identify at an early stage potential systemic risks and challenges to consumer protection; calls on the Commission, therefore, to create a horizontal task force to monitor risks closely and to help address them in a timely manner;

43. Calls on the Commission, in close cooperation with the Member States, to draw up a plan for establishing a coordinated network of national ‘one-stop shops’ in accordance with the Points of Single Contact, that would assist retail financial firms wishing to make better use of cross-border business opportunities;
44. Stresses the need to encourage retail financial service providers to finance projects associated with innovation and the environment; points out that an approach similar to that of the SME-supporting factor could be considered;

45. Calls on the Commission to follow up on the EIOPA’s proposal for a Common Framework for Risk Assessment and Transparency for IORPs, in order to promote a sound pillar 2 system across the Union and comparability of schemes, and to contribute to a better understanding of the benefits and risks to consumers by regulators, supervisors and consumers themselves;

46. Calls on the Commission to examine new approaches with the potential to give companies greater regulatory flexibility to experiment and be able to innovate, while maintaining high levels of consumer protection and safety;

47. Asks the Commission to put forward a proposal on the creation of an ‘EU savings account’ in order to unlock long-term financing and support ecological transition in Europe;

48. Urges the Commission to clarify the use of the general good provisions, which currently could be vicariously used by Member States to block new products from entering their markets, and to empower the ESAs to become an active mediator between Member States when there are conflicting interpretations as to its use;

**Long-term considerations**

49. Asks the Commission to study further the feasibility, relevance, benefits and costs of removing existing barriers to the cross-border provision of financial services, thus guaranteeing domestic and cross-border portability in various parts of the retail financial services market, for example as regards personal pension and insurance products;

50. Emphasises that the Mortgage Credit Directive is currently being transposed, or is in the process of implementation, in the Member States; encourages the Commission to monitor its transposition and implementation attentively and to analyse the impact of this legislation on the retail financial services market; notes that there are still significant barriers to the creation of a stronger single market for mortgages and consumer credit; therefore encourages the Commission to move forward while ensuring financial stability, balancing privacy and data protection concerns with improved cross-border access to better-coordinated credit databases and making sure that credit-related incidents whereby consumers have been unreasonably exposed to currency exchange risks are not repeated;

51. Asks the Commission to conduct, with the Member States, a joint analysis of the implementation and impact of EU legislation on retail financial services; calls on the Commission and the Member States to examine in detail the legal barriers and other remaining obstacles to cross-border operations and to the completion of an EU retail financial services market; stresses that the specificities of SMEs must be taken into account in such an analysis;

52. Calls on the Commission to analyse what data are necessary to enable lenders to assess the credit-worthiness of their customers and, on the basis of this analysis, to introduce proposals for regulating this assessment process; calls on the Commission to investigate further the current practices of credit bureaux in relation to the collection, processing and marketing of consumer data with a view to ensuring that they are adequate and not detrimental to consumers’ rights; calls on the Commission to consider taking action in this area if necessary;

53. Asks the Member States to ensure that digital communications and sales related to retail financial services are available in forms accessible to people with disabilities, including via websites and downloadable file formats; supports the full inclusion of all retail financial services in the scope of the Directive on the accessibility requirements for products and services (the ‘European Accessibility Act’);
54. Welcomes the work towards greater transparency in the pricing of rental car services, including the sale of ancillary insurances and other fees; stresses that all fees or charges, whether mandatory or optional, connected to the rental of a vehicle should be visible to the consumer on the rental company or comparison website in a clear and highlighted manner; reminds the Commission of the need to enforce the Unfair Commercial Practices Directive, and welcomes the recent adoption of new implementing guidelines in the light of technological change;

55. Recalls the work done in relation to the Credit Rating Agencies Regulation; asks the Commission to review the impact of such legislation in terms of products sold to retail consumers;

56. Instructs its President to forward this resolution to the Council and the Commission.
European Defence Union

European Parliament resolution of 22 November 2016 on the European Defence Union (2016/2052(INI))

(2018/C 224/03)

The European Parliament,

— having regard to the Treaty of Lisbon,

— having regard to Title V of the Treaty on European Union (TEU),

— having regard to Article 42(6) TEU on permanent structured cooperation,

— having regard to Article 42(7) TEU on the defence alliance,

— having regard to Protocol No 1 on the role of national parliaments in the European Union,

— having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,

— having regard to the European Council conclusions of 18 December 2013 and 25-26 June 2015,

— having regard to the Council conclusions of 25 November 2013 and 18 November 2014 on the common security and defence policy,

— having regard to its resolution of 13 April 2016 on the EU in a changing global environment — a more connected, contested and complex world (1),

— having regard to its resolution of 22 November 2012 on the EU’s mutual defence and solidarity clauses: political and operational dimensions (2),

— having regard to its resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004-2008 (3), which stipulates in its paragraph 89 that ‘fundamental rights do not stop at barricade gates’ and that ‘they also fully apply to citizens in uniform’ and recommends that ‘the Member States ensure that fundamental rights are also observed in the armed forces’,

— having regard to the final conclusions of the interparliamentary conferences on the common foreign and security policy (CFSP) and the common security and defence policy (CSDP) of the Hague of 8 April 2016, of Luxembourg of 6 September 2015, of Riga of 6 March 2015, of Rome of 7 November 2014, of Athens of 4 April 2014, of Vilnius of 6 September 2013, of Dublin of 25 March 2013 and of Paphos of 10 September 2012,

— having regard to the recent statement made by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) at the ‘Gymnich meeting’ of EU foreign ministers of 2 September 2016, which again referred to the ‘window of opportunity’ for solid progress to be made among Member States in the field of defence,

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— having regard to the progress report of 7 July 2014 by the VP/HR and the Head of the European Defence Agency on the implementation of the European Council conclusions of December 2013,

— having regard to the Commission communication of 24 July 2013 entitled ‘Towards a more competitive and efficient defence and security sector’ (COM(2013)0542),

— having regard to the Commission report of 24 June 2014 entitled ‘A new Deal for European Defence’,

— having regard to the Commission’s report of 8 May 2015 on the implementation of its communication on defence,

— having regard to the evaluations of Directive 2009/81/EC of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security and of Directive 2009/43/EC on intra-EU transfers of defence-related products,

— having regard to the joint declaration of 8 July 2016 by the presidents of the European Council and the Commission and the Secretary-General of NATO,

— having regard to the joint communication of 11 December 2013 by the VP/HR and the Commission entitled ‘The EU’s comprehensive approach to external conflicts and crises’ (JOIN(2013)0030), and to the related Council conclusions of 12 May 2014,

— having regard to the statement by the Italian Defence and Foreign Ministers of 10 August 2016 calling for a ‘Defence Schengen’,

— having regard to the joint statement by the German and French Foreign Ministers of 28 June 2016 on ‘A strong Europe in an uncertain world’,

— having regard to the potential secession of the UK from the EU,

— having regard to the results of Eurobarometer 85.1 of June 2016,

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

— having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Budgets, the Committee on the Internal Market and Consumer Protection and the Committee on Constitutional Affairs (A8-0316/2016),

A. whereas in recent years the security situation in and around Europe has significantly worsened and has created arduous and unprecedented challenges that no single country or organisation is able to face alone; whereas Europe is experiencing the threat of terrorism in its territory more than ever, while terrorism and the scourge of constant violence in North Africa and the Middle East continue to expand; whereas solidarity and resilience require the EU to stand and to act together and systematically, and to do so in concert with our allies and partners and third countries; whereas prevention, the sharing of sensitive security information, ending armed conflict, overcoming widespread human rights abuses, the spread of democracy and the rule of law and the fight against terrorism are priorities for the EU and its citizens and should be the subject of engagement within as well as outside the EU’s borders, including through an corps of military engineers created to address some very practical challenges related to climate change effects and natural disasters in third countries; whereas Europe should be stronger and quicker in real threat situations;
B. whereas terrorism, hybrid threats, economic volatility, cyber and energy insecurity, organised crime and climate change constitute the main security threats of an everyday more complex and interconnected world in which the EU should do its best and search for the means to guarantee security and deliver prosperity and democracy; whereas the current financial and security context requires European armed forces to collaborate closer and military personnel to train and work more and better together; whereas according to Eurobarometer 85.1 in June 2016, approximately two thirds of EU citizens would like to see greater EU engagement in matters of security and defence policy; whereas internal and external security are becoming increasingly blurred; whereas special attention should be paid to preventing conflict, addressing the root causes of instability and ensuring human security; whereas climate change is a major threat to global security, peace and stability that amplifies threats to traditional security, inter alia by diminishing access to fresh water and foodstuffs for populations in fragile and developing countries and thus leading to economic and social tensions, forcing people to migrate, or creating political tensions and security risks;

C. whereas the VP/HR has included the security of the Union as one of the top five priorities in her ‘Global Strategy for the European Union’s Foreign and Security Policy’;

D. whereas the Treaty of Lisbon requires the Member States to make available appropriate capacities for civilian and military CSDP missions and operations; whereas the security and defence-building capacity enshrined in the Treaties is far from optimal; whereas the European institutions may also have a very significant role to play in launching political initiatives; whereas Member States have so far shown a lack of will to build a European Security and Defence Union, fearing that it would become a threat to their national sovereignty;

E. whereas the cost of non-Europe in defence and security is estimated at EUR 26,4 billion annually (1), as the result of duplication, overcapacity and barriers to defence procurement;

F. whereas Article 42 TEU requires the progressive framing of a common Union defence policy as part of the CSDP, which will lead to an EU common defence when the European Council so decides voting unanimously; whereas Article 42(2) TEU also recommends to the Member States the adoption of such a decision in accordance with their respective constitutional requirements;

G. whereas Article 42 TEU also provides for the creation of defence institutions, as well as for the definition of a European capabilities and armaments policy; whereas that article also requires that the EU’s efforts should be NATO-compatible, complementary and mutually reinforcing; whereas a common Union defence policy should reinforce Europe’s capacity to promote security within and beyond its borders, as well as strengthening the partnership with NATO and transatlantic relations, and will therefore enable a stronger NATO, consequently further promoting a more effective territorial, regional and global security and defence; whereas the recent joint declaration by the NATO Warsaw summit of 2016 on the NATO-EU strategic partnership recognised the role of NATO and the support the EU can give in achieving common goals; whereas a European Defence Union (EDU) should ensure the maintenance of peace, conflict prevention and a strengthening of international security, in accordance with the principles of the UN Charter;

H. whereas the EU battlegroups, which reached full operational capability in 2007 and are designed to be used for military tasks of a humanitarian, peacekeeping and peacemaking nature, have not yet been used, despite the opportunity and need arising, owing to procedural, financial and political obstacles; highlights that this represents a missed opportunity in terms of strengthening the EU’s role as an important global player for stability and peace;

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I. whereas except for the creation of the European Defence Agency (EDA), none of the other missing elements of the EU common security and defence policy have so far been conceived, decided or implemented; whereas the EDA still needs an overhaul of its organisation to allow it to develop its full potential and prove that it generates added value, makes the CSDP more effective and can lead to harmonised national defence planning processes in those fields which are relevant for CSDP military operations in line with the Petersberg tasks as described in Article 43 TEU; encourages all Member States to participate in and commit to the EDA in order to realise this goal;

J. whereas the EU Global Strategy on Foreign and Security Policy requires that the EU systematically encourage defence cooperation over the full spectrum of capabilities, in order to respond to external crises, help build our partners' capacities, guarantee Europe's safety, and create a solid European defence industry as being critical for the Union's strategic autonomy of decision and action; whereas any measures must be agreed upon by all members of the Council before implementation;

K. whereas the European Council of June 2015, which partially focused on defence, called for fostering greater and more systematic European defence cooperation with a view to delivering key capabilities, including through the use of EU funds where appropriate, noting that military capabilities remain owned and operated by the Member States;

L. whereas France invoked Article 42(7) TEU on 17 November 2015 and subsequently requested and managed the other Member States' aid and assistance contributions on a purely bilateral basis;

M. whereas the EU-level White Book on security and defence should further strengthen the CSDP and enhance the EU's ability to act as a security provider in accordance with the Lisbon Treaty, and could represent a useful reflection on a future and more effective CSDP; whereas CSDP missions and operations are mostly located in regions such as the Horn of Africa and the Sahel which are heavily affected by negative consequences of climate change, such as drought and land degradation;

N. whereas the Dutch Council Presidency promoted the idea of an EU White Book; whereas the Visegrád countries have welcomed the idea of a stronger European defence integration; and whereas Germany called for a European Security and Defence Union in White Paper of 2016 on ‘German Security Policy and the Future of the Bundeswehr’;

O. whereas gradual defence integration is our best option for doing more with less money, and the White Book could offer a unique opportunity to propose additional steps;

Europeoan Defence Union

1. Recalls that to ensure its long-term security, Europe needs political will and determination underpinned by a broad set of relevant policy instruments, including strong and modern military capabilities; encourages the European Council to lead the progressive framing of a common Union defence policy and to provide additional financial resources to ensure its implementation, with a view to its establishment under the next multiannual political and financial framework of the EU (MFF); recalls that the creation of the common Union defence policy is a development and implementation of the Common Security and Defence Policy under the Lisbon Treaty, which is bound by international law and is actually indispensable to enable the EU to promote the rule of law, peace and security globally; welcomes in this regard all ongoing activities of Member states aimed at further integrating our common defence efforts, also taking into account the very important contributions which the White Book on Security and Defence would make;
2. Urges the EU Member States to unleash the full potential of the Lisbon Treaty with regard to the CSDP in particular, with special reference to the permanent structured cooperation of Article 42(6) TEU or the start-up fund of Article 41(3) TEU; recalls that the Petersberg tasks of Article 43 TEU consist of a long list of ambitious military tasks such as joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking and post-conflict stabilisation; recalls that the same article also states that all these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories; stresses that the current state of the CSDP does not allow the EU to fulfil all the tasks listed; believes that the order of the day should be to systematically work on ways to allow the EU to fulfil the objectives of the Lisbon Treaty;

3. Is of the opinion that a truly strong EDU has to offer guarantees and capabilities to Member States beyond their individual ones;

4. Believes that the way to a EDU needs to start from a thoroughly revised CSDP, based on a strong defence principle, efficient financing and coordination with NATO; considers that, as a necessary step, with the increasing integration of internal and external security, the CSDP needs to move beyond external crisis management so as to truly ensure the common security and defence and allow the Union’s engagement at all stages of crises and conflicts, by using the full spectrum of instruments at its disposal;

5. Highlights the need for the establishment of a Council format of Defence Ministers to provide sustained political leadership and coordinate the framing of a European Defence Union; calls on the Council of the European Union to establish, as a first step, a permanent meeting format bringing together defence ministers of Member States which are committed to deeper defence cooperation as a forum for consultation and decision-making;

6. Calls on the President of the Commission to establish a standing 'defence matters' working group of members of the Commission, to be chaired by the VP/HR; calls for Parliament to be associated with permanent representatives in this group; supports further involvement of the Commission in defence, through well-focused research, planning and implementation; calls on the VP/HR to mainstream climate change into all EU external action and in particular into the CSDP;

7. Considers that the worsening perception of risks and threats in Europe make the establishment of the European Defence Union a matter of urgency, particularly given the increasing deterioration in the security environment at the EU’s borders, especially in its eastern and southern neighbourhoods; notes that this is also reflected in the security strategies of the Member States; stresses that the situation deteriorated notably and progressively in 2014, with the birth and expansion of the self-declared Islamic State and subsequently the use of force by Russia;

8. Is of the opinion that the EDU needs to be based on a periodic joint security threat assessment of the Member States, but must also be flexible enough to satisfy Member States’ individual security challenges and needs;

9. Takes the view that the Union should dedicate own means to fostering greater and more systematic European defence cooperation among its Member States, including permanent structured cooperation (PESCO); is convinced that the use of EU funds would be a clear expression of cohesion and solidarity, and that this would allow all Member States to improve their military capabilities in a more common effort;

10. Believes that a strengthened European defence cooperation would lead to greater effectiveness, unity, and efficiency, as well as boosting EU assets and capabilities and having positive potential effects on defence research and industrial matters; highlights that only through such deeper cooperation, which should gradually develop into a real EDU, will the EU and its Member States be able to acquire the technological and industrial capabilities needed to enable them to act more rapidly as well as autonomously and effectively, addressing today’s threats in a responsive and efficient manner;
11. Encourages all Member States to make more binding commitments to one another by establishing permanent structured cooperation within the Union framework; encourages Member States to establish multinational forces within the PESCO framework, and make those forces available for peacekeeping, conflict prevention and strengthening international security to those multinational forces; suggests that both the policymaking processes at EU level and the national processes should be designed to allow a rapid crisis response; is convinced that the EU battlegroup system should be renamed and used and further developed to that end, politically, in modularity and with effective funding; encourages the set-up of an EU Operational Headquarters as a precondition for effective planning, command and control of common operations; underlines that PESCO is open to all Member States;

12. Calls on the Member States to particularly recognise the right of military personnel to form and join professional associations or trade unions and involve them in a regular social dialogue with the authorities; invites the European Council to take concrete steps towards the harmonisation and standardisation of the European armed forces, in order to facilitate the cooperation of armed forces personnel under the umbrella of a new European Defence Union;

13. Notes that all Member States have difficulties in maintaining a very broad range of defensive capabilities, mostly because of financial constraints; calls, therefore, for more coordination and clearer choices about which capabilities to maintain, so that Member States can specialise in certain capabilities;

14. Encourages Member States to look for further avenues for joint purchase, maintenance and upkeep of forces and material; suggests that it may be useful to look first at the pooling and sharing of non-lethal material, such as transport vehicles and aircraft, refuelling vehicles and aircraft, and other support material;

15. Believes that interoperability is key if Member States’ forces are to be more compatible and integrated; stresses, therefore, that Member States must explore the possibility of joint procurement of defence resources; notes that the protectionist and closed nature of EU defence markets makes this more difficult;

16. Stresses that a revision and broadening of the Athena mechanism is needed to make sure that EU missions can be funded from collective funds instead of most of the costs falling to the individual participating Member States, thereby removing a potential hurdle for Member States to commit forces;

17. Calls on the European Parliament to establish a full-fledged Committee on Security and Defence to monitor the implementation of permanent structured cooperation;

18. Believes that a strong and increasing role for the EDA is indispensable for an efficient EDU in terms of coordinating capability-driven programmes and projects and establishing a common European capabilities and armaments policy, in pursuit of greater efficiency, elimination of duplication and reduction of costs and on the basis of a catalogue of very precise capability requirements for CSDP operations and harmonised national defence planning and procurement processes with regard to those specific capabilities; believes this should follow a defence review of Member States’ sets of forces and a review of past EDA activities and procedures; calls on the EDA to demonstrate which capability gaps that were identified in the headline goals and capability development plan were filled within the framework of the Agency; is convinced that pooling and sharing initiatives and projects are excellent first steps towards enhanced European cooperation;

19. Encourages the Commission to work in liaison with the EDA to strengthen the industrial and technological base of the defence sector, which is vital for European strategic autonomy; believes that the key to sustaining the industry is an increase in defence spending by Member States, as well as ensuring that the industry remains globally competitive; notes that the current fragmentation of the market represents a weakness for the competitiveness of the European defence industry; believes that collaborative research can help reduce such fragmentation and improve competitiveness;
20. Strongly believes that only a joined-up approach to capability development, including through the consolidation of functional clusters such as European Air Transport Command, can generate the economies of scale that are needed to underpin a European Defence Union; further believes that strengthening the EU’s capabilities through joint procurement and other forms of pooling and sharing could provide a much-needed boost to Europe’s defence industry. SMEs included: supports targeted measures to incentivise such projects, in order to reach the EDA benchmark of 35% of total spending in collaborative procurement, as called for by the EU Global Strategy; believes that the introduction of a European Defence Semester, whereby Member States would consult each other’s planning cycles and procurement plans, could help overcome the current state of defence market fragmentation;

21. Stresses that cybersecurity is by its very nature a policy area in which cooperation and integration are crucial, not only between EU Member States, key partners and NATO, but also between different actors within society, since it is not only a military responsibility; calls for clearer guidelines on how EU defensive and offensive capabilities are to be used and in what context; recalls that Parliament has repeatedly called for a thorough revision of the EU dual-use export regulation in order to avoid software and other systems which can be used against EU digital infrastructure or to violate human rights falling into the wrong hands;

22. Points to the recent publication by the High Representative of the Global Strategy, which constitutes a cohesive framework for priorities for action in the field of foreign policy and for defining future developments in European defence policy;

23. Recalls the four collective investment benchmarks approved by the EDA Ministerial Steering Board in November 2007, and is concerned at the low level of collaboration, as demonstrated in the Defence Data Report published in 2013;

24. Calls on the VP/HR to take an initiative to bring together major companies and stakeholders of the European defence industry with the aim of developing a European drone industry;

25. Calls on the VP/HR to take an initiative to bring together major companies and stakeholders of the European defence industry to develop strategies and a platform for the joint development of defence equipment;

26. Calls on the VP/HR to enhance cooperation between national cybersecurity strategies, capabilities and command centres and the EDA, as part of permanent structured cooperation to help protect against and counter cyberattacks;

27. Calls for the further development of the EU Cyber Defence Policy Framework in order to boost Member States’ cyberdefence capabilities, operational cooperation and information sharing;

28. Notes the ongoing work on setting up a preparatory action for a future EU defence research programme, and urges its effective launch as soon as possible, as requested by the European Council in 2013 and 2015 and following a pilot project initiated by the EP; stresses that the Preparatory Action should be provided with a sufficient budget, of at least EUR 90 million for the next three years (2017-2020); takes the view that the preparatory action should be followed by a major dedicated EU-funded research programme as part of the next MFF starting in 2021; notes that the European Defence Research Programme will need a total budget of at least EUR 500 million per year over that period in order to be credible and make a substantial difference; calls on the Member States to outline future cooperative programmes in which EU-funded defence research can build a starting point, and calls for the establishment of the start-up fund for preparatory activities in the lead-up to military operations, as provided for in the Lisbon Treaty; notes the Commission’s defence-related initiatives such as the Defence Action Plan, the Defence Industrial Policy and the European Defence Technological and Industrial Base;
29. Stresses that the launching of CSDP missions, such as EUNAVFOR MED, contributes to the achievement of a European Defence Union; calls on the EU to continue and step up missions of this kind;

30. Considers it important to use the European Semester procedure to introduce forms of closer cooperation in the field of security and defence;

31. Stresses the importance of putting in place the necessary measures that encourage a functioning, fair, accessible and transparent European defence market that is open to others, promote future technological innovation, support SMEs and stimulate growth and jobs, in order to enable Member States to achieve a much more efficient and effective use and maximisation of their respective defence and security budgets; notes that a solid European defence, technological and industrial base needs a fair, functioning and transparent internal market, security of supply and a structured dialogue with defence-relevant industries; is concerned that progress towards improved competitiveness, anti-corruption measures and greater transparency in the defence sector has been slow so far, and that a sound European defence industrial policy and respect for internal market rules are still lacking; stresses the need to ensure that the Defence Procurement Directive and the Intra-Community Transfers Directive are correctly applied across the EU; urges the Commission and the Member States to guarantee the full implementation of the two defence-related directives of the so-called 'Defence Package';

32. Calls on the Commission to play its role through the Defence Action Plan, to support a strong industrial base that is able to deliver on the strategic capability needs of Europe, and to identify where the EU could provide added value;

33. Is convinced that in progressively framing the common Union defence policy, the EU should make provision, in agreement with the Member States concerned, for participation in capability programmes they undertake, including participation in the structures created for the execution of those programmes within the Union framework;

34. Encourages the Commission, working in liaison with the EDA, to act as a facilitator and enabler for defence cooperation via the mobilisation of EU funds and instruments aimed at the development of defence capabilities programmes by Member States; recalls that the European Defence Action Plan should be a strategic tool to foster cooperation in defence at European level, in particular through an EU-funded Defence Research Programme and through measures strengthening industrial cooperation across the entire value chain;

35. Warmly welcomes the strategic autonomy concept developed by the VP/HR as part of the EU global strategy; believes that this concept should be applied both in our strategic priorities and in strengthening our capacities and our industry;

36. Welcomes the joint declaration by the presidents of the European Council and the Commission and the NATO Secretary-General of 8 July 2016, which emphasises the need for cooperation between the EU and NATO in the area of security and defence; is convinced that EU-NATO cooperation should involve cooperating in the east and the south, countering hybrid and cyber threats and improving maritime security, as well as harmonising and coordinating the development of defence capabilities; considers that cooperation on technological, industrial and military capabilities offers the prospect of improving compatibility and synergy between both frameworks, thus ensuring greater efficiency of resources; recalls that speedy implementation of the above declaration is essential, and calls in this respect on the EEAS, together with relevant counterparts, to develop concrete options for implementation by December 2016; considers that the Member States should develop capabilities that can be deployable under the CSDP in order to make possible autonomous action in cases where NATO is not willing to act or where an EU action is more appropriate; is convinced that this would also strengthen NATO’s role in security and defence policy, and in collective defence; underlines that cooperation between
EU and NATO for facilitating a stronger and efficient defence industry and defence research represents a strategic priority and its speedy implementation is crucial; is convinced that working together on prevention, analysis and early detection by means of efficient information and intelligence sharing will increase the EU’s capacity to counter threats, including hybrid threats; remains convinced that NATO is the primary provider of security and defence in Europe; emphasises the need to avoid overlaps between NATO and EU instruments; believes that the EU has potential also in civil aspects to make a key difference in unstable regions; insists, however, that while NATO’s role is to protect its mainly European members from any external attack, the EU should aspire to be truly able to defend itself and act autonomously if necessary, taking greater responsibility in this by improving equipment, training and organisation;

37. Notes that while NATO must remain the foundation of collective defence in Europe, the political priorities of NATO and the EU may not always be identical, not least in the context of the US pivot to Asia; further notes that the EU possess a unique set of security-related instruments which are not available to NATO, and vice versa; is of the opinion that the EU should assume greater responsibility for security crises in its immediate neighbourhood, and thus contribute to NATO’s tasks, especially in the context of hybrid warfare and maritime security; believes that, in the long run, reform of the Berlin Plus arrangements may prove necessary, also to enable NATO to make use of the EU’s capabilities and instruments; underlines that the EU’s ambition of strategic autonomy and framing a European Defence Union must be realised in full synergy with NATO, and must lead to more effective cooperation, equitable burden-sharing and a productive division of labour between NATO and the EU;

38. Is convinced that EU-NATO cooperation should involve building resilience together in the east and the south as well as defence investment; considers that cooperation on capabilities offers the prospect of improving compatibility and synergy between both frameworks; is convinced that this would also strengthen NATO’s role in security and defence policy, and in collective defence;

39. Is deeply concerned over reports that administrative procedures are unnecessarily slowing down the generation of forces for CSDP missions and the cross-border movement of rapid response forces inside the EU; calls on the Member States to establish an EU-wide system for the coordination of rapid movement of defence forces personnel, equipment and supplies for the purposes of the CSDP, where the solidarity clause is invoked and where there is an obligation to provide aid and assistance by all the means in their power, in accordance with Article 51 of the UN Charter;

40. Calls for the establishment of practical arrangements and guidelines for future activation of Article 42(7) TEU; calls on the Member States to make the necessary arrangements for the implementation of that article, in order to allow individual Member States to effectively manage other Member States’ aid and assistance contributions, or to have them effectively managed within the Union framework; calls on the Member States to aim for the target of 2 % of GDP for defence spending, and to spend 20 % of their defence budgets on equipment identified as necessary through the EDA, including related research and development, thus closing the gap with EDA’s four collective investment benchmarks;

41. Is of the opinion that the challenges which financial constraints represent to national budgets are at the same time accompanied by opportunities for progress arising from the evident need for closer cooperation between Member States in defence matters; welcomes the decision by some Member States to stop or reverse the trend to cut defence spending;

42. Believes that Parliament should play a prominent role in the future European Defence Union, and considers, therefore, that the Subcommittee on Security and Defence should become a fully-fledged parliamentary committee;

43. Calls on the VP/HR to launch an EU security and defence White Book which will be based on the EU’s global strategy as endorsed by the European Council; asks the Council to assign the task of drafting this document without delay; regrets the suggestion of the VP/HR to the EU defence ministers that there should be only an implementation plan on security and defence instead of a comprehensive White Book process; takes the view that such an implementation plan should be a precursor to a regular security and defence White Book process, which should provide a useful basis for quantifying possible Union contributions in security and defence policy for each legislative term in a specific and realistic manner;
44. Is convinced that the EU security and defence White Book should be the result of coherent intergovernmental and interparliamentary processes and contributions from the various EU institutions, which should be underpinned by international coordination with our partners and allies, including NATO, and by comprehensive interinstitutional support; calls on the VP/HR to revise its initial timetable in order to start a targeted consultation with Member States and parliaments;

45. Considers that, on the basis of the EU global strategy, the White Book should encompass the EU’s security and defence strategy, the capabilities deemed necessary for the deployment of that strategy, and the measures and programmes at both Member State and EU level for delivering those capabilities, which should be based on a collaborative European capabilities and armaments policy while taking into account that defence and security remain a national competency;

46. Takes the view that the White Book should take the form of an interinstitutional agreement of a binding nature which would set out all Union initiatives, investments, measures and programmes across the respective multiannual political and financial framework in the EU; is convinced that Member States, partners and allies should take that interinstitutional agreement into account in their own security and defence planning, with a view to ensuring mutual consistency and complementarity;

Launch initiatives

47. Considers that the following initiatives should be launched immediately:

— the preparatory action on CSDP research starting in 2017, which will be continued until 2019;

— a subsequent more ambitious and strategic defence research programme, bridging the gap to the next MFF, if the necessary additional financial resources are provided by the Member States or through cofinancing from Member States under Article 185 TFEU;

— a European defence semester to assess the progress made in the Member States' defence-related budgetary efforts;

— a strategy outlining the steps to take to realise the establishment and implementation of the European Defence Union;

— consideration of the creation of a permanent Council of defence ministers;

— support for the initiative by NATO which will place multinational battalions in Member States when and where necessary, in particular for the necessary infrastructure development (including housing);

— development of the regular White Book process, for a first application in the framework of the planning of the next MFF;

— a stakeholder conference on the subjects of development of a European armaments and capability policy and harmonisation of the respective national policies on the basis of an EU defence review;

— resolution of the legal issues preventing the implementation of the joint communication on capacity-building to promote security and development in third countries;

— reform of the EU battlegroups concept, aiming at the establishment of permanent units which would be independent of any lead nation and subject to systematic joint training;

— creation of the military start-up fund as foreseen in Article 41(3) TEU, which would help launch military CSDP operations much faster;

— an action plan to strengthen and broaden the Athena mechanism so as to provide more Community funds for EU missions;

— reform of the Athena mechanism aiming at enlarging its potential for cost-sharing and common funding, especially with regard to the deployment of EU battlegroups or of other rapid response assets and to building the capacity of military actors in partner countries (training, mentoring, advice, provision of equipment, infrastructure improvement and other services);
— a reflection process on foreign direct investment in critical industries in the defence and security field and on service providers, with a view to developing EU-level legislation;

— a reflection process on dual-use standardisation with a view to developing EU-level legislation;

— a reflection on establishing a permanent headquarters for command and control for CSDP military operations;

— an EU-wide system for the coordination of the rapid movement of defence forces’ personnel, equipment and supplies;

— initial elements of the European Defence Action Plan, to be based on an EU White Book on Security and Defence;

— initial EU-NATO projects on countering and preventing hybrid threats and on building resilience, on cooperation on strategic communications and response, on operational cooperation including at sea and on migration, on coordination on cybersecurity and defence, on defence capabilities, on strengthening the defence technological, research and industrial base, on exercises, and on building the defence and security capacity of our eastern and southern partners;

— measures to increase cooperation and trust between cybersecurity and defence actors;

48. Proposes that the European Defence Union be launched as a matter of urgency, in two stages and on the basis of a system of differentiated integration:

(a) activation of permanent structured cooperation, which has already been approved by Parliament and included in the Commission President’s ‘New Start’ programme;

(b) implementation of the action plan for the VP/HR’s global foreign policy and security strategy;

49. Instructs its President to forward this resolution to the European Council, the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Secretary-General of the North Atlantic Treaty Organisation, the EU agencies in the space, security and defence fields, and the national parliaments.
Unleashing the potential of waterborne passenger transport

European Parliament resolution of 22 November 2016 on unleashing the potential of waterborne passenger transport (2015/2350(INI))

(2018/C 224/04)

The European Parliament,

— having regard to the International Convention for the Safety of Life at Sea (SOLAS) of 1974, as amended,


— having regard to the United Nations Convention on the Rights of Persons with Disabilities of 2006,

— having regard to the 21st Conference of the Parties (COP 21) to the UNFCCC and the 11th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 11) held in Paris from 30 November to 11 December 2015,

— having regard to the Commission White Paper of 28 March 2011 entitled ‘Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system’ (COM(2011)0144),

— having regard to the Commission communication of 21 January 2009 entitled ‘Strategic goals and recommendations for the EU’s maritime transport policy until 2018’ (COM(2009)0008),


— having regard to its resolution of 5 May 2010 on strategic goals and recommendations for the EU’s maritime transport policy until 2018 (3),

— having regard to its resolution of 9 September 2015 on the implementation of the 2011 White Paper on Transport: taking stock and the way forward towards sustainable mobility (4),


(3) OJ C 81 E, 15.3.2011, p. 10.
— having regard to the Commission Communication of 10 September 2013 entitled ‘Towards quality inland waterway transport — NAIADES II’ (COM(2013)0623),


— having regard to Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries) (5),


— having regard to the Commission report of 16 October 2015 entitled ‘REFIT Adjusting Course: EU Passenger Ship Safety Legislation Fitness Check’ (COM(2015)0508),


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

— having regard to the report of the Committee on Transport and Tourism (A8-0306/2016),

A. whereas Europe’s geography, with its long coastlines and many islands and rivers, offers extraordinary opportunities for sustainable waterborne passenger transport;

B. whereas waterborne passenger transport in the fields of coastal (short sea) shipping, inland and maritime ferries, urban and peripheral mobility, cruise and tourism offers great potential for using available excess capacity in terms of both infrastructure and vessels, and plays a crucial role in connecting the different regions of the European Union, making it an important factor in enhancing cohesion; whereas cruise and ferry activity, moreover, stimulates coastal tourism, being one of the main maritime activities in Europe;

C. whereas in recent years there has been a trend towards intensive development of vessels for different areas of navigation, for example river-sea vessels, which meet the requirements for sea-going vessels and are also able to navigate shallow waters;

D. whereas technological developments have once again made waterborne transport an alternative to congested access roads to city centres;

E. whereas waterborne passenger transport and waterborne freight transport face different challenges and have different needs in terms of infrastructure, environmental challenges, operational issues, security and port-city relations, while both market segments are handled by one port authority;

F. whereas the integration of waterborne passenger hubs into European policy on interconnecting infrastructure, as already implemented through Regulations (EU) No 1315/2013 and (EU) No 1316/2013 on the trans-European transport network (TEN-T) and the Connecting Europe Facility (CEF), respectively, will provide further European added value;

G. whereas possibilities for loans and guarantees for waterborne projects are also available under the European Fund for Strategic Investments (EFSI) as a complementary instrument to the traditional grants;

H. whereas inland waterway transport has been recognised as an environmentally friendly mode of transport, requiring special attention and support, and whereas the White Paper recommends promoting maritime and inland waterway transport, increasing the share of coastal and inland shipping and improving transport safety;

I. whereas the UN Convention on the Rights of Persons with Disabilities and the proposal for the European Accessibility Act provide sound guidance not only for the implementation and, if appropriate, future review of Regulation (EU) No 1177/2010, but also for the adoption of passenger rights legislation within an intermodal context, given that such legislation should include barrier-free accessibility for passengers with disabilities or reduced mobility;

J. whereas, while waterborne passenger transport is considered a safe transport mode, several tragic accidents have occurred in the past in the waterborne passenger transport sector, including those involving the Estonia, the Herald of Free Enterprise, the Costa Concordia, the Norman Atlantic and the UND Adrjak;

K. whereas in its maritime transport policy strategy to 2018 the EU sets out its goal of becoming the world leader in maritime research and innovation, as well as shipbuilding, with a view to improving energy efficiency and intelligence in ships, reducing their environmental impact, minimising the risk of accidents and providing better quality of life at sea;

L. whereas river cruise ship tourism and waterborne transport of passengers on rivers, canals and other inland waterways is growing in many sections of European rivers and the urban nodes along them;

M. whereas the EU has adopted a number of macro strategies predicated on the utilisation of waterways, including the Danube, Adriatic-Ionian, and Baltic strategies;

1. Takes the view that waterborne passenger transport (WPT) must be put higher on the transport policy agenda of the EU and of its Member States; considers, therefore, that they should work towards a 'single area for waterborne passenger transport', for instance through simplifying the administrative burden arising from cross-border passenger shipping;

2. Encourages the Member States, regional and local authorities and the Commission to give consideration to WPT, and especially to improve the associated infrastructure, in both its core and comprehensive networks, within the TEN-T and the CEF by strengthening its interconnection with, inter alia, rail hinterland infrastructure, including the provision of infrastructure and information so as to meet the mobility needs of all travellers;

3. Encourages the development of the motorways of the sea — including by third countries —, which promote efficient multimodal transport, facilitate this mode's integration with other transport networks and modes, remove bottlenecks in key network infrastructures and ensure territorial continuity and integration;
4. Stresses the need to eliminate bottlenecks in the connections between the extended Western European inland waterway system and the existing Eastern European system, which has suffered considerable and, in places, total degradation;

5. Calls on the Commission to publish an annual overview of WPT projects co-funded by the EU within the framework of cohesion, structural, regional, Interreg, Horizon 2020, CEF and TEN-T funds and the European Fund for Strategic Investments;

6. Calls on the Commission to publish a summary report on the implementation of EU strategies in the WPT segment;

7. Stresses the key relevance of European statistical data for formulating plans and policies for the waterborne transport sector, particularly as regards the number of cross-border maritime and inland waterway services provided by both ferries and cruise ships, given that there are areas where transport between different localities can only be undertaken on the water; asks Eurostat to include in their statistical data on maritime cruise passengers 'port-of-call passenger visits', namely the number of passengers embarking and disembarking at each transit port, and not only the cruise passengers embarking on holiday each year (turnover); including these numbers would give a more realistic picture of the added value of the cruise sector and of WPT in general;

8. Calls on the Commission to develop a system for harmonised collection of statistics on accidents and incidents for inland waterway vessels, including cross-border traffic;

9. Believes that the integration of WPT into urban and regional public transport networks could considerably enhance mobility efficiency, environmental performance, quality of life, affordability, relief of congestion of land-based transport networks, and comfort in cities; calls on the Commission to fully support investment in quality hinterland infrastructure, which can contribute to decreasing local traffic congestion and ensuring that local people are not negatively affected; calls on the Commission to set up lists of best practice examples in this field;

10. Calls on the Member States to promote and support local initiatives aimed at activating inland waterway transport as a means of supplying agglomerations, including by developing distribution centres in river ports and developing passenger transport, primarily to make the areas concerned more attractive to tourists;

11. Emphasises that WPT should be better integrated into information, booking and ticketing systems in order to improve the quality of public services and further develop the tourism sector, particularly in remote and isolated areas; stresses the need to take WPT operators into account in the work on the European integrated ticketing system;

12. Encourages the Commission to finance better organised and more efficient projects for integrated transport services, leading to: a progressive reduction in energy consumption; a reorganisation of the timetables of the various public and private air, sea and land carriers with a view to the intermodal and efficient management of passenger transport; consolidation of tickets issued by public and private operators in a single pass available via a digital application;

13. Points out that, where possible, practices whereby freight vessels also deliver passenger services and vice versa, for instance in the case of ferries, should be promoted, as they offer potential for ships to achieve better occupancy rates and greater financial efficiency as well as alleviating road congestion;

14. Welcomes the efforts of the WPT sector to switch to cleaner, energy-efficient ships with lower emissions, developed as part of a European framework aimed at making waterborne transport greener; believes that this will lead to cheaper solutions that are sustainable, more attractive and thus economically more competitive, making the sector ‘cheaper, cleaner, greener’ overall;
15. Notes that the different challenges of the major coastal zones in the EU call for different actions (more ferry services in the North Sea, upgrading and technical uptake of ferries in the Mediterranean, etc.);

16. Is convinced that the EU passenger-ship-building industry must remain a key competitive player, to be encouraged more actively, while reducing its environmental footprint by boosting research activity and innovation within the industry;

Environmental sustainability

17. Calls on the Commission to integrate WPT into its strategy and to take steps to reduce CO₂ emissions in line with the COP 21 agreements and thus to minimise external costs;

18. Encourages the Commission and the Member States to improve environmental standards with a view to reducing air pollution, along the lines of the Baltic Sea standards for sulphur emissions limits, fuel quality and more fuel-efficient engines;

19. Emphasises that decarbonisation of transport is requiring significant efforts and progress in terms of research and innovation; supports the Commission in its promotion of LNG, non-fossil alternative fuels, electric and hybrid systems based on renewable sources, and solar and wind energy for maritime vessels, and encourages it to tailor research and innovation with a particular focus on practicability for the WPT sector;

20. Recalls that further to Directive 2014/94/EU on the deployment of alternative fuels infrastructure, maritime ports of the TEN-T Core Network need to provide LNG bunkering facilities for vessels and seagoing ships by 2025 and inland ports need to do so by 2030;

21. Calls on the Commission to encourage energy self-sufficiency through the use of solar panels to be placed on the buildings of port terminals and storage of the energy produced during the day for subsequent use at night;

22. Underlines that the ferry sector is an important component of the short sea shipping (SSS) market and is therefore crucial to maintaining its dynamism and competitiveness, while at the same time improving its environmental performance and energy efficiency;

23. Welcomes the Commission’s REFIT initiative for port reception facilities as an opportunity for aligning the current directive with international developments, and supports and encourages its plans for new legislation under the ordinary legislative procedure; points out that this should not keep Member States from launching more sustainable initiatives, including good information and monitoring systems on waste management, both on ships and in ports;

Safety and security

24. Stresses that prevention of pollution and accidents is vital to the role of the European Maritime Safety Agency in improving the safety of cross-border maritime ferries and cruises, as well as in ensuring consumer protection;

25. Recalls that staff on ferries and cruise ships must be trained to assist passengers effectively in the event of an emergency;

26. Welcomes the Commission’s proposal for a directive on the recognition of professional qualifications in inland navigation, which sets harmonised standards for the qualification of crew members and boatmasters with a view to improving labour mobility in inland navigation;
27. Stresses that, when it comes to the further development of information systems such as conventional radar, SafeSeaNet, Galileo and the River Information Services (RIS), the focus should be on improving safety, security and interoperability, and encourages Member States to make the use of RIS mandatory;

28. Invites the competent authorities to propose a clear framework allocating responsibilities and costs, with a view to improving security, and to address additional staff training, instruction and guidance, especially the issue of accepting training using approved simulators as part of the training programme within the framework of the International Maritime Organisation (IMO) and International Labour Organisation (ILO) rules; considers that the quality and safety of services can be best improved with qualified staff;

29. Welcomes the Commission's new legislative proposals to simplify and improve the common rules on safety of ships carrying passengers in EU waters, with a view to enhancing safety and competition, by making the rules clearer and simpler and bringing them into line with legal and technological developments;

30. Acknowledges that, as security is a growing concern, additional measures might be needed which take account of the specific features of ferry traffic and operations in ports so as to ensure the smooth operation of daily ferry connections;

31. Points out that a significant number of rivers constitute borders and encourages the authorities responsible to ensure cooperation and well-integrated and efficient safety, security and emergency systems that operate from both sides of the border;

32. Points out that a number of enclosed seas, for example the Baltic and the Adriatic, are bordered by several Member States and also by countries that do not belong to the EU, and therefore calls on the authorities responsible to provide for an effective safety, security and, in particular, emergency system;

33. Emphasises that, when international maritime ferries operate in EU territorial waters, EU and Member State legislation must apply:

Service quality and accessibility

34. Encourages the Commission to integrate the principles of Regulation (EU) No 1177/2010 into its proposal on intermodal passenger rights, including aspects of barrier-free accessibility for people with disabilities or reduced mobility, and also to take account in it of the special needs of the elderly and families travelling with children; encourages the Commission to present annual statistical data on the evolution of numbers of passengers with disabilities or reduced mobility;

35. Stresses the importance of the WPT sector in developing sustainable tourism and overcoming seasonality, in particular in remote and peripheral regions of the Union such as coastal, island, lake and rural regions; considers, furthermore, that SMEs should be a focal point for the promotion of tourism services; calls on the Commission, the Member States and local and regional authorities to make fullest possible use of EU funding opportunities for SMEs, including subsidies for local communities in the aforementioned outlying regions;

36. Notes the great potential of creating convenient connections between inland waterway routes and the European network of cycle routes for increasing the attractiveness to tourists of many EU regions; stresses the need to take into account the needs of people travelling with bicycles using waterborne passenger transport;

37. Considers that tourism in coastal regions and islands is insufficiently developed owing to the lack of interconnectivity; considers that the Commission should take into account the fact that there is a greater demand for quality transportation services in these areas;

38. Takes the view that the WPT sector is important even in areas where it is not at present economically viable, such as more thinly populated remote islands;
39. Recalls that some ferry connections are lifelines — vital for territorial, social and economic cohesion in the true sense — connecting outermost regions to the mainland and the economic and industrial growth areas, thus contributing to European cohesion and integration;

40. Underlines that the framework for providing connections with islands, island regions and remote areas should be promoted, with measures to facilitate better-quality ferries and appropriate terminals;

41. Highlights the potential for, and desirability of, integrating WPT into a multimodal mobility framework, taking account of public transport in large agglomerations, for both commuters and tourists; considers in this connection that further improvements are needed in order to develop mobility as a service by enabling integrated ticketing schemes in order to enhance reliability, comfort, punctuality and frequency, to ease pressure on logistics chains and to achieve faster boarding times with a view to attracting passengers;

42. Emphasises that, in order to maintain a high level of quality services, as well as in the interests of maritime safety, it is essential to develop knowledge and skills in the maritime sector in the EU;

43. Instructs its President to forward this resolution to the Council and the Commission.
Increasing the effectiveness of development cooperation

European Parliament resolution of 22 November 2016 on increasing the effectiveness of development cooperation (2016/2139(INI))

(2018/C 224/05)

The European Parliament,

— having regard to the United Nations Summit on Sustainable Development and the outcome document adopted by the UN General Assembly on 25 September 2015, entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', and in particular to Goal 17 of the Sustainable Development Goals (SDGs) set out therein, committing UN member states to strengthen the means of implementation of the agenda and to revitalise the global partnership for sustainable development (1),

— having regard to the 'Addis Ababa Action Agenda', the outcome document adopted at the Third International Conference on Financing for Development (Addis Ababa, Ethiopia, 13-16 July 2015) and endorsed by the UN General Assembly in its resolution 69/313 of 27 July 2015 (2),

— having regard to the report of the UN Secretary-General on 'Trends and progress in international development cooperation'; submitted to the 2016 Session of the Development Cooperation Forum (E/2016/65) (3),

— having regard to the Paris Declaration on Aid Effectiveness, adopted at the Second High Level Forum on Aid Effectiveness in 2005, the Accra Agenda for Action adopted at the Third High Level Forum on Aid Effectiveness held in 2008 in Accra (Ghana) (4), and the outcome of the Fourth High Level Forum on Aid Effectiveness held in Busan (Republic of Korea) in December 2011, which launched the Global Partnership for Effective Development Cooperation (GPEDC) (5),

— having regard to the Dili Declaration of 10 April 2010, which concerns peace-building and state-building, and to the 'New Deal for Engagement in Fragile States' launched on 30 November 2011 at the Fourth High Level Forum on Aid Effectiveness,

— having regard to the Communiqué of the First High-Level Meeting of the GPEDC, held in Mexico City in April 2014 (6),

— having regard to the forthcoming Second High-Level Meeting of the Global Partnership for Effective Development Cooperation, which will take place in Nairobi from 28 November to 1 December 2016 (7),

— having regard to the OECD/UNDP 2014 progress report, ‘Making Development Cooperation More Effective’ (8),

— having regard to the Siem Reap CSO Consensus on the international framework for CSO development effectiveness of 2011,

(6) http://effectivecooperation.org/2014/03/draft-communique-for-the-first-high-level-meeting-of-the-global-partnership/
(7) http://effectivecooperation.org/events/2016-high-level-meeting/
(8) http://effectivecooperation.org/wp-content/uploads/2016/05/4314021e.pdf
— having regard to regard to Article 208 TFEU, which defines the reduction and eradication of poverty as the primary objective of EU development policy and requires that the Union and its Member States comply with the commitments which they have agreed to in the context of the UN and other competent organisations and take account of the objectives of development cooperation in the policies that they implement which are likely to affect developing countries,

— having regard to the 2005 European Consensus on Development (1) and the plans to agree a new Consensus in 2017,

— having regard to the European Union Code of Conduct on Complementarity and the Division of Labour in Development Policy (2),

— having regard to the consolidated text of the Operational Framework on Aid Effectiveness (3), which is based on the Council conclusions of 17 November 2009 on 'An Operational Framework on Aid Effectiveness', the Council conclusions of 14 June 2010 on 'Cross-country Division of Labour' and the Council conclusions of 9 December 2010 on 'Transparency and Mutual Accountability',

— having regard to the Commission Staff Working Document of 26 March 2015, 'Launching the EU International Cooperation and Development Results Framework' (SWD(2015)0080), and the Council conclusions of 26 May 2015 on the Results Framework (4),

— having regard to the Council conclusions of 17 March 2014 on the EU common position for the First High Level Meeting of the Global Partnership for Effective Development Cooperation (5),

— having regard to the Council conclusions of 26 May 2015 on a New Global Partnership for Poverty Eradication and Sustainable Development after 2015 (6),

— having regard to the Council conclusions of 12 May 2016 on stepping up joint programming (7),

— having regard to the Council conclusions of 12 May 2016 on the Annual Report 2016 to the European Council on EU development aid targets (8),


— having regard to the 'Global Strategy for the European Union’s Foreign And Security Policy — Shared Vision, Common Action: A Stronger Europe', presented in June 2016 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (9),

(2) Council Conclusions 9558/07, 15.5.2007.
(3) Council document 18239/10.
(9) Council document 10715/16.
— having regard to its resolution of 22 May 2008 on the follow-up to the Paris Declaration of 2005 on Aid Effectiveness (1),

— having regard to its resolution of 5 July 2011 on the future of EU budget support to developing countries (2),

— having regard to its resolution of 25 October 2011 on the 4th High Level Forum on Aid Effectiveness (3),

— having regard to its resolution of 11 December 2013 with recommendations to the Commission on EU donor coordination on development aid (4),

— having regard to its resolution of 19 May 2015 on Financing for Development (5),

— having regard to its resolution of 14 April 2016 on the private sector and development (6),

— having regard to its resolution of 12 May 2016 on the follow-up to and review of the 2030 Agenda (7),

— having regard to its resolution of 7 June 2016 on the EU 2015 Report on Policy Coherence for Development (8),

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

— having regard to the report of the Committee on Development (A8-0322/2016),

A. whereas the principles established by the Paris Declaration and the Accra Agenda for Action remain fully valid and have proven their value in enhancing the quality of development aid, as well as public support for it in donor countries;

B. whereas the high-level political commitments of the Monterrey Consensus (2002), the Rome Declaration (2003), the Paris Declaration (2005), the Accra Agenda for Action (2008) and the 4th Forum on Aid Effectiveness in Busan (2011) all pursue the same goal of improving quality of implementation, management and use of official development assistance in order to maximise its impact;

C. whereas aid effectiveness principles have clearly contributed to progress towards the Millennium Development Goals in many countries, but progress remains uneven and not all principles have been fully implemented in all countries and by all development actors at all times;

D. whereas the Global Partnership can play a crucial role in the implementation of the 2030 Agenda for Sustainable Development and the achievement of the SDGs, by shifting the focus from the concept of ‘aid effectiveness’, referring to traditional public development aid, to that of ‘development cooperation effectiveness’;

E. whereas Official Development Assistance (ODA) can play a crucial role in delivering on the 2030 Agenda, in particular in low-income countries and in fighting extreme poverty and inequality, if it is better targeted and if it respects the principles of effective development cooperation, namely democratic country ownership, alignment, strengthening local capacity, transparency and democratic accountability, focus on results, and inclusiveness; stresses that aid conditionalities shall respect the principles of democratic ownership;

(2) OJ C 33 E, 5.2.2013, p. 38.
(3) OJ C 131 E, 8.5.2013, p. 80.
F. whereas besides development aid and cooperation, other development policy tools are necessary to effectively eradicate poverty and promote the SDGs;

G. whereas budget support has many advantages, such as the responsibility of the state, more precise analysis of outcomes, greater policy coherence, more effective aid forecasting, and optimum use of the funds available directly for the benefit of the population;

H. whereas the private sector is becoming, alongside other traditional governmental and non-governmental development organisations, a true partner in our development strategies, in terms of achieving inclusive and sustainable development;

I. whereas it is essential for aid effectiveness that recipient countries apply in parallel pro-growth economic policies introducing market economy mechanisms, mobilisation of private capital and land reforms, as well as progressively opening their markets to global competition;

J. whereas according to a Commission study, the fragmentation of the aid effort means an additional cost of between EUR 2 and 3 billion a year for the EU;

K. whereas the Global Partnership for Effective Development Cooperation (GPEDC) provides an inclusive forum bringing together governments, bilateral and multilateral organisations, civil society, parliaments, trade unions and the private sector from all countries alike;

L. whereas the GPEDC focuses on the conduct of and relationship between development actors, the effective implementation of development policies and programmes, and monitoring progress in respecting the crucial principles defined over the past decade, in order to improve the effectiveness of all actors’ efforts for development; whereas its articulation with the global development architecture overseeing the implementation of the 2030 Agenda should be clarified;

M. whereas countries such as China, Brazil, Turkey, Russia and India play an increasingly important role as emerging donors and for the transfer of development expertise and technology, not least thanks to their own recent and current development experience; whereas their engagement with more traditional donors in the promotion of global public goods and their participation in inclusive development cooperation in the GPEDC can be enhanced;

N. whereas the Commission plays an active role within the Steering Committee of the GPEDC, and one of its co-chairs has been from an EU Member State, the Netherlands; whereas Germany is taking over this co-chairing role;

O. whereas country ownership in development cooperation requires alignment of donors to national development plans and the internationally agreed SDGs and targets, as well as domestic participation as regards design and accountability in the implementation of development plans and programmes;

P. whereas aid yields a double dividend when it not only funds development projects but is also spent locally, on locally produced goods and services; whereas, therefore, the strengthening of country systems and national procurement systems is an essential element for aid effectiveness in accordance with the Paris Declaration on Aid Effectiveness and for enhancing good governance and democratic accountability in partner countries;

Q. whereas provider-driven development cooperation agendas and tied aid, including in the area of procurement, can be an expression of diverse political interests which sometimes conflict with development policies and may risk undermining the ownership and sustainability of development assistance and past progress on alignment, resulting in ineffectiveness and increasing dependency; whereas local ownership has an important role to play in ensuring effective development for citizens;
R. whereas there is now greater use of results frameworks for measuring the achievements of development cooperation programmes, but the full ownership and use of those frameworks by developing countries remain a persistent challenge;

S. whereas the 2016 GPEDC Monitoring round shows that progress in the use of country systems remains low and that untying aid has not further progressed and is still at the 80% peak reached in 2010;

T. whereas parliamentarians of partner countries, local authorities and civil society continue to express dissatisfaction with the degree to which they are involved in and informed on development cooperation programming and implementation;

U. whereas development effectiveness, understood as the effective use of all means and resources geared towards development, including poverty reduction, depends both on aid-providing and on recipient countries, as well as on the existence of effective and responsive institutions, sound policies, the involvement of local stakeholders and civil society, the rule of law, inclusive democratic governance, the presence of effective and transparent follow-up mechanisms, and safeguards against corruption within developing countries and illicit financial flows at international level; whereas the GPEDC should play an increased role in facilitating and promoting progress on the above determinants for development;

V. whereas the fragmentation of aid remains a persistent challenge arising from the proliferation of donors and aid agencies and lack of coordination of their activities and projects;

W. whereas South-South cooperation has continued to grow, despite the slowing-down of emerging economies and falling commodity prices;

X. whereas the development landscape is becoming increasingly heterogeneous, with more poor people living in middle-income countries than in low-income countries; whereas at the same time, development challenges have changed in nature, with the emergence of new global challenges such as migration, food security, peace and stability, and climate change;

1. Calls on all development actors to build on the commitments made from Paris to Busan, and to renew and reinforce their efforts to make development cooperation as effective as possible with a view to achieving the ambitious goals and targets set out in the 2030 Agenda and making the best use of public and private resources for development;

2. Calls for the utilisation of all development policy tools for poverty eradication and the promotion of the SDGs; is of the opinion that the effectiveness of development funding should be assessed on the basis of concrete results and its contribution to development policy as a whole;

3. Stresses the key role of Official Development Assistance (ODA) in fulfilling the development effectiveness agenda, for poverty eradication, reduction of inequality, delivering essential public services and supporting good governance; underlines that ODA is more flexible, predictable and accountable than other flows potentially contributing to development;

4. Recalls that sufficient funding is a prerequisite for effective development cooperation; notes that most ODA providers have not met their commitment to allocate 0.7 % of GNI to development assistance by 2015, resulting in more than USD 2 trillion not being made available to developing countries for attaining the Millennium Development Goals;

5. Urges the EU and its Member States to meet their long-standing commitment to devote 0.7 % of GNI to aid, to step up their development assistance, including through the EU budget and the European Development Fund (EDF), and to adopt an effective roadmap in order to achieve the commitment target in a transparent, predictable and accountable way; warns against the dilution of ODA criteria with the aim of covering expenses other than those directly linked to promoting sustainable development in developing countries;
6. Notes with concern that as of mid-2015, only five EU Member States had published Busan implementation plans; urges Member States to publish implementation plans and report on their efforts prior to the Second High Level Meeting of the GPEDC (HLM2), which will take place in Nairobi from 28 November to 1 December 2016;

7. Calls for the outcome document of the HLM2 to clearly address and assign differentiated roles and responsibilities of development actors and institutions for implementing the agenda and applying the principles, in order to enhance progress and facilitate future cooperation;

8. Notes the Mexican proposal for inclusion of a fifth development effectiveness principle, i.e. ‘Leave No-one Behind’; acknowledges the importance of placing a strong focus on poor, vulnerable and marginalised groups, duly taking into account gender equality and situations of fragility and conflict, in the context of the development effectiveness agenda; takes the view that, while this principle would correspond to the general philosophy and the overarching commitment of the 2030 Agenda, its possible inclusion should be accompanied by serious discussion and reflection on its operationalisation, notably regarding issues of mainstreaming and indicators;

9. Highlights the need to position the GPEDC strongly in the context of the implementation of the 2030 Agenda and the Addis Ababa Action Agenda; considers that the GPEDC can provide added value if its work is strategically phased and tailored in view of the work and calendar of the UN ECOSOC Development Cooperation Forum, the Financing for Development Forum, and the High Level Political Forum;

10. Stresses that the GPEDC should play a strong role in the evidence-based aspects of monitoring and accountability as regards effectiveness principles for achieving the SDGs and in supporting their fuller implementation by all actors at national level; underlines the need for the GPEDC to provide clearly defined channels for cooperation for specific development actors beyond OECD donors, including emerging donors, local and regional governments, civil society organisations, private philanthropists, financial institutions, private-sector companies and trade unions; believes that the chairing arrangements of the GPEDC should reflect the diversity of stakeholders;

11. Recalls that growth of 1% in Africa represents more than double the amount of official development aid;

12. Believes that the GPEDC ought to play a leading role in ensuring progress on SDG 17, namely on monitoring and accountability, increased effectiveness of aid, quality and capacity aspects of finance for development, tax and debt sustainability, mobilising the private sector and its responsibility for sustainable development, transparency, policy coherence, multi-stakeholder partnerships, and South-South and triangular cooperation;

13. Underlines the important role the GPEDC has to play regarding SDG indicator 17.16.1, notably in achieving more effective and inclusive multi-stakeholder partnerships to support and sustain the implementation of the 2030 Agenda, by measuring the quality of their development efforts; welcomes the 2016 Monitoring Round, noting that the number of development partners engaged in this exercise has increased, and looks forward to the publication of the Progress Report;

14. Encourages the parties to the GPEDC to consider the creation of a more independent and properly resourced permanent secretariat for it, building on the work of the Joint Support Team, and urges EU Member States and partner countries to designate national focal points;

15. Points out that the European Parliament should be enabled fully to play its vital role of democratic scrutiny for all EU policies, including development policies, and demands to be informed regularly and in a timely manner on the positions taken by the Commission in the GPEDC Steering Committee;
16. Welcomes the progress made, and recommends that the Commission make further efforts to ensure that all actors concerned have access to information on transparency of development cooperation programming, funding mechanisms, projects and aid flows, in particular in the context of the International Aid Transparency Initiative (IATI) and the setting-up of the ‘EU Aid Explorer’ website; points out, however, that major steps still need to be taken in this regard, and demands that further significant efforts be urgently made by all donors to make information and data more accessible, timely and comparable; calls on those Member States which are not yet contributing to IATI to start doing so; calls on the Commission and the Member States to make use of the data available, and also to support partner countries by promoting exchange of information and good practices in this regard;

17. Considers that monitoring, review, and knowledge-sharing about progress in development are of paramount importance in order to enhance the accountability and impact of cooperation, particularly at country level; urges the Commission, therefore, to submit reports, at least every 24 months, on the efforts and action plans of both the EU and the Member States with a view to comprehensively implementing the Busan principles; calls on the EU to further support partner countries in the improvement of their administrative and logistical capacity, and in particular their statistical systems;

18. Welcomes the OECD’s initiatives potentially contributing to reducing illicit financial flows, and calls on the international community to enhance cooperation in order to increase the transparency of tax regimes and financial flows more generally; insists on the crucial role and responsibilities of multinational companies and financial institutions in this regard;

19. Invites the Commission and EU delegations and Member States’ agencies to inform national parliaments and, to the extent possible, local and regional authorities, as well as private stakeholders and civil society, about programming and financial commitments in relation to development assistance, by publishing country-specific development cooperation reviews, which should provide an overview of strategic documents, donor coordination, Annual Action Plans and ongoing and planned programmes, as well as calls for projects and procurements or other funding mechanisms used;

20. Encourages recipient countries’ parliaments to adopt national policies on development aid in order to improve the accountability of donors and of recipient governments, including that of local authorities, enhance public financial management and absorption capacity, eradicate corruption and all forms of aid wastage, make tax systems effective, and improve conditions for receiving budget support, as well as, in the long run, reducing dependence on aid;

21. Considers it important to promote participation by all Member States in the Addis Tax Initiative, in order to double technical assistance by 2020 and strengthen the taxation capacity of partner countries;

22. Calls on the Commission and the Member States to engage with national parliaments of partner countries with a view to constructively supporting the development of such policies, complementing them with mutual accountability arrangements; welcomes the Commission’s efforts to improve domestic accountability in the context of budget support by reinforcing the institutional capacities of national parliaments and Supreme Audit Institutions;

23. Underlines the role in development of citizens, local communities, elected representatives, faith-based organisations, civil society organisations (CSOs), academia, trade unions and the private sector, and stresses that all these actors need to be involved in furthering and implementing the effectiveness agenda at various levels; believes that their effective contribution requires their participatory involvement in planning and implementing, mutual accountability and transparency, monitoring and evaluation, and that donors should improve predictability and speediness when working with these actors as implementing partners and basic service supply partners, in order genuinely to reach the most vulnerable sections of the population;

24. Stresses that assistance can only be sustained when recipients are strongly committed and in charge; insists on the importance of shared responsibility for development results, including for the implementation of the Istanbul Principles, and recalls that democratic ownership requires strong institutions that can ensure the full participation of local actors in the implementation, monitoring and evaluation of development programmes;
25. Underlines the importance of enabling CSOs to exercise their role as independent development actors, with a particular focus on an enabling environment that is consistent with agreed international rights and maximises the contributions of CSOs to development; expresses its concern regarding the shrinking space for CSOs in many partner countries; calls on the Commission to improve accessibility of funding for CSOs.

26. Welcomes the EU’s progress on and commitment to Joint Programming; notes that Joint Programming should reduce aid fragmentation and transaction costs, increase complementarity through better division of labour, and enhance domestic and mutual accountability as well as predictability of development cooperation, thus offering clear advantages for the EU and partner countries alike; observes that Joint Programming has been explored in 59 out of 110 partner countries in receipt of EU development assistance; calls on the Member States and partner countries to advance their engagement with Joint Programming in order to exploit its advantages fully and in all possible countries.

27. Recalls its request (1) for the codification and strengthening of the mechanisms and practices for ensuring better complementarity and effective coordination of development aid among EU Member States and institutions, providing clear and enforceable rules for ensuring democratic domestic ownership, harmonisation, alignment with country strategies and systems, predictability of funds, transparency and mutual accountability; asks the Commission to provide information on the absence of follow-up on this request and to state what alternative measures it has taken or intends to take in this regard.

28. Recalls that the EU and its Member States are committed to untying their aid, and acknowledges the progress made in this area; calls for further efforts to accelerate untying of aid at global level by all providers of development aid, including emerging economies; calls on aid providers to use partner countries’ procurement systems as a first option.

29. Calls on the Commission and the Member States to develop new initiatives to enhance South-South and triangular cooperation flagship projects, involving new emerging donors and other middle-income countries and based on tackling global challenges of mutual interest, without losing the perspective of eradicating poverty; highlights the need to harness the full potential of decentralised cooperation in order to further the development effectiveness agenda, whilst respecting all safeguards in relation to transparency, effectiveness and coherence and avoiding further fragmentation of the international aid architecture.

30. Stresses that development assistance can play an important role in fighting poverty, tackling inequalities and promoting development, in particular of least developed countries, as well as in boosting access to quality public services for the most deprived and vulnerable groups and catalysing other critical systemic factors that are conducive to development, such as promoting gender equality (as articulated in the Busan Partnership), education, and the strengthening of health systems, including the fight against poverty-related diseases, if employed in a context of legitimate, inclusive governance based on the rule of law and respect for human rights.

31. Underlines the significance of SDG 16 for development effectiveness overall, and warns that development aid cannot effectively fulfil its purpose in the absence of peace, respect for human rights and the rule of law, an impartial, efficient and independent judicial system, internationally recognised social, environmental and labour standards and safeguards for the integrity of public institutions and office-holders, inclusive, participatory and representative decision-making at all levels, and transparency and accountability.

32. Recalls that corruption in recipient countries, whether directly linked to development assistance or not, constitutes a serious violation of democratic legitimacy and harms public support for development assistance in donor countries; welcomes, therefore, all measures taken to promote sound financial management and eradicate corruption once and for all, while noting that the situation in many partner countries by definition implies a certain degree of risk.

33. Urges Member States and other donors to scale up efforts and human resources in better conceptualising effectiveness and deep analysis in contexts of fragility, post-conflict and conflict prevention, where desired outcomes may not always be captured in the form of data and within results frameworks;

34. Firmly believes that the private sector is an important partner in achieving the SDGs and mobilising further resources for development: stresses that, given their increasing role in development cooperation, private-sector actors must align with development effectiveness principles and abide by the principles of corporate accountability throughout the whole lifecycle of projects; acknowledges the efforts of some private-sector actors to take on board human rights commitments, social inclusion and sustainability as core to their business models, and calls for the generalisation of this approach; points out the need for the private sector to respect the principles of international law and social and environmental standards, as well as the UN Global Compact on Human Rights, UN Guiding Principles on Business and Human Rights, ILO core labour standards and the UN Convention Against Corruption; calls on the Commission to ensure that companies operating from tax havens do not participate in ODA-financed projects; underlines in parallel the need for partner countries to foster an enabling environment for businesses, including transparent legal and regulatory systems;

35. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the Parliament and Government of Kenya as hosts of the Second High-Level Meeting of the GPEDC, the Co-Chairs of the GPEDC, the United Nations Development Programme, the OECD and the Interparliamentary Union.
Finalisation of Basel III

European Parliament resolution of 23 November 2016 on the finalisation of Basel III (2016/2959(RSP))

(2018/C 224/06)

The European Parliament,

— having regard to the post-crisis conclusions of the G20 Summits,

— having regard to the communiqué of the G20 Finance Ministers and Central Bank Governors of 27 February 2016,

— having regard to the communiqué of the G20 Finance Ministers and Central Bank Governors of 14-15 April 2016,

— having regard to the communiqué of the G20 Finance Ministers and Central Bank Governors of 23-24 July 2016,

— having regard to the G20 leaders’ communiqué of 4-5 September 2016,

— having regard to the Basel Committee on Banking Supervision (BCBS) reports to G20 leaders providing updates on the implementation of the agreed reform agenda, and in particular to the BCBS report of November 2015 to G20 leaders on ‘Finalising post-crisis reforms: an update’ (1),

— having regard to the BCBS consultative documents on ‘revisions to the Basel III leverage ratio framework’ of 6 April 2016, on ‘reducing variation in credit risk-weighted assets — constraints on the use of internal model approaches’ of 24 March 2016, and on ‘revisions to the Standardised Approach for credit risk’ of 10 December 2015,

— having regard to the BCBS discussion paper and consultative document on ‘Regulatory treatment of accounting provisions’ of October 2016,

— having regard to the BCBS standard for ‘TLAC holdings — Amendments to the Basel III standard on the definition of capital’ of October 2016 (2),

— having regard to the EU Shadow Banking Monitor from the European Systemic Risk Board (ESRB) of July 2016,

— having regard to the results of the stress tests conducted by the European Banking Authority (EBA) and published on 29 July 2016,

— having regard to the Council Conclusions of 12 July 2016 on finalising the post-crisis Basel reforms (3),

— having regard to the 2016 IMF Global Financial Stability Report,

(1) http://www.bis.org/bcbs/publ/d344.pdf
(2) https://www.bis.org/bcbs/publ/d387.htm
— having regard to its resolution of 10 March 2016 on the Banking Union — Annual Report 2015 (1),

— having regard to its resolution of 19 January 2016 on stocktaking and challenges of the EU Financial Services Regulation: impact and the way forward towards a more efficient and effective EU framework for Financial Regulation and a Capital Markets Union (2),

— having regard to its resolution of 12 April 2016 on the EU role in the framework of international financial, monetary and regulatory institutions and bodies (3),

— having regard to the research paper for its Committee on Economic and Monetary Affairs on ‘The European Union’s role in International Economic Fora, Paper 5: The BCBS’,

— having regard to the exchange of views with the Secretary General of the Basel Committee on Banking Supervision (BCBS), Mr Bill Coen, with the Chair of the SSM Supervisory Board, Mrs Danièle Nouy, with the Chairperson of the EBA, Mr Andrea Enria and with the Vice-President of the European Commission, Mr Valdis Dombrovskis, on the finalisation of Basel III/ Basel IV,

— having regard to the Commission Statement on the Basel Committee’s revision of the standardised approach for credit risk and the exchange of views that followed with Vice-President Katainen on 6 July 2016,

— having regard to the question to the Commission on the finalisation of Basel III (O-000136/2016 — B8-1810/2016),

— having regard to the motion for a resolution of the Committee on Economic and Monetary Affairs,

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

A. whereas a resilient and well capitalised banking system is a prerequisite for preserving financial stability, providing appropriate lending to the real economy throughout the cycle and supporting economic growth;

B. whereas the G20 leaders agreed in the aftermath of the financial crisis to a comprehensive reform agenda strengthening the regulatory standards of international banks, including the strengthening of prudential requirements;

C. whereas the BCBS is developing internationally agreed minimum standards for prudential requirements for large, internationally active banks; whereas the BCBS monitors and reviews the implementation of these global standards and reports to the G20; whereas its guidance is an important tool to prevent regulatory fragmentation across the globe;

D. whereas the European Union implemented the internationally agreed standards in the framework of the Capital Requirements Regulation (CRR) and Capital Requirements Directive (CRD IV), albeit adapting them to the reality of EU funding needs, for example concerning the SME supporting factor and allowing a certain degree of flexibility; whereas in the EU it has been decided that these standards are applicable to all banks and not only to the largest, internationally active banks, while some non-European jurisdictions make some of them applicable only to the largest banks; whereas progress on achieving an internationally levelled playing field is important; whereas the Commission is expected to come forward with a legislative proposal for the review of the CRR/CRD IV to implement further agreed revisions to the Basel framework;

E. whereas the prudential requirements for banks are interlinked and complementary to other regulatory requirements, such as the total loss-absorbing capacity (TLAC) and the mandatory use of central clearing for derivatives instruments; whereas the regulatory framework governing the EU banking sector has been improved markedly over the past years, particularly through setting up the Banking Union;

F. whereas a sound framework for financial stability and growth should be comprehensive and balanced in order to cover dynamic supervisory practices and not focus merely on static regulation concerning mainly quantitative aspects;

G. whereas data show excessive variability in the past of risk weights and ‘strategic risk modelling’ to reduce banks’ capital requirements and the difficulty national supervisors faced in assessing internal models, which contributed to the financial crisis;

H. whereas the implementation of prudential requirements for different banking business models may differ considerably in scope and complexity, making a ‘one-size-fits-all’ approach ineffective and disproportionately burdensome, in particular for many smaller, domestically focused, less complex and interconnected banks, as well as their regulators and supervisors; therefore, an appropriate degree of proportionality and flexibility is required;

I. whereas additional changes to the prudential framework for banks are currently being discussed by the BCBS addressing credit risk and operational risk; whereas these reforms focus on enhancing the risk sensitivity and robustness of the standardised approach for credit risk, additional constraints on the internally modelled approach and finalisation of the design of the leverage ratio, and a potential capital floor based on the standardised approach;

J. whereas the majority of US financial institutions use the standardised approach for credit risk evaluations, while in the EU many large and medium banks rely on internal models;

K. whereas an appropriate revision of the standardised approach and the respect of the principle of proportionality are key factors for making the BCBS standard work for the small banks that mainly make use of it;

L. whereas the G20 has indicated that the current revision should not bring about a significant increase in overall capital requirements, and this view was reiterated by Member States during the ECOFIN Council meeting in July 2016;

M. whereas European banks are now subject to systemic regular stress tests by regulators and the results of these tests are put into the public domain;

N. whereas representatives of non-EU jurisdictions, such as Japan, have expressed concerns in relation to the growing pressure on raising capital and dealing with higher compliance costs in order to comply with the new standards set;

O. whereas the BSBC decisions do not have legal force and need to be transposed through the ordinary legislative procedure in order to have effect in the EU; whereas not all national competent authorities have seats in the BCBS, but the ECB and the SSM are represented as full members and the Commission and the EBA are observers;

1. Underlines the importance of sound global standards and principles for the prudential regulation of banks, and welcomes the post-crisis work of the BCBS in this field;

2. Reaffirms that banks need to be well capitalised in order to support the real economy, reduce systemic risk and avoid any repeat of the enormous bailouts witnessed during the crisis; underlines the need for appropriate regulation of the shadow banking sector in order to ensure fair competition and financial stability;
3. Highlights that, contrary to other jurisdictions, banks play a key role in financing the European economy and are likely to remain the main source of finance for households and enterprises, especially for SMEs; stresses that EU legislation has always attempted to reflect this (e.g. by use of the SMEs supporting factor) and should continue to do so (e.g. by prolonging and extending the supporting factor); recognises, nonetheless, the importance of diversifying the funding sources of the European economy, and welcomes in this regard the ongoing work under the CMU;

4. Notes the ongoing work of the BCBS to finalise the Basel III framework intended to increase simplicity, comparability and convergence of the risk-weighted capital framework in order to address excessive variability in risk-weighted assets and to apply the same rules to the same risks; underlines the need for greater transparency and accountability to enhance the legitimacy and ownership of BCBS deliberations; welcomes the appearance of the Secretary General of the BCBS before the ECON Committee and encourages further dialogue;

5. Stresses that the current revision should respect the principle stated by the Group of Governors and Heads of Supervision (GHOS) of not significantly increasing overall capital requirements, while at the same time strengthening the overall financial position of European banks;

6. Underlines that a second and equally important principle to be respected by the revision is to promote the level playing field at the global level by mitigating — rather than exacerbating — the differences between jurisdictions and banking models, and by not unduly penalising the EU banking model;

7. Is concerned that early analysis of recent BCBS drafts indicates that the reform package at its current stage might not be in compliance with the two abovementioned principles; calls on the BCBS to revise its proposals accordingly and on the ECB and the SSM to ensure their respect in the finalisation and monitoring of the new standard;

8. Underlines that this approach would be instrumental in ensuring consistent implementation of the new standard by the European Parliament as co-legislator;

9. Recalls the importance of the principle of proportionality, to be assessed not only in relation to the size of the institutions which are regulated, but also understood as a fair balance between the costs and benefits of regulation for each group of stakeholders;

10. Calls for a dialogue and an exchange of best practices among regulators concerning the application of the principle of proportionality to be established at the EU level and at the international level;

11. Calls on the BCBS to assess carefully and comprehensively the qualitative and quantitative impact of the new reforms, taking into consideration their impact on different jurisdictions and different banking models before the adoption of the standard by the Committee; considers that this assessment should also take into account the previous reforms suggested by the Committee; calls on the BCBS to perform the necessary adjustments in case imbalances occur during this analysis;

12. Recalls the importance of a risk-based approach to regulation, with the same rules being applied to the same risk, while underlining the need to reduce the scope for regulatory arbitrage and excessive variability in risk-weighted assets; calls on the BCBS to preserve the risk sensitivity of the prudential regulation, including by ensuring that the revision of the standardised approach and the scope for applying the IRBA overcome the risks of regulatory arbitrage and well reflect the specificities of different forms of financing, such as real estate lending, infrastructure financing and specialised lending, and by avoiding disproportionate effects for the real economy; expresses concerns in this respect about the potential effects on the real economy of the suggested introduction of output floors;
13. Calls on the Commission to assess carefully and comprehensively the qualitative and quantitative impact of recent
and new reforms inter alia on the financing of the real economy in Europe and on envisaged European legislative projects
such as the Capital Markets Union; calls on the Commission to make use of the findings resulting from the call for evidence
and of the work stream on the first stocktaking assessment on financial services regulation which is due by the end of 2016;
calls on the Commission to make sure that the new BCBS proposals or the implementation thereof do not counteract those
initiatives; stresses that this assessment should not undermine the legislative achievements obtained so far and should not
be seen as a call for deregulation;

14. Requests that the requirements to mandate central clearing of derivative products be fully taken into account when
setting the leverage ratio so as to encourage the practice of central clearing;

15. Recalls that adequate account must be taken of the specificities of the European banking models, the markets they
operate, the different sizes of institutions and the different risk profiles in both the impact assessments and the calibration
of the standards in order to maintain the necessary diversity of the European banking sector and to respect proportionality;
calls on the Commission to take all these principles into account when determining the scope of implementation and when
translating the BCBS proposals into EU law;

16. Underlines the key role of the European and national banking supervisors in ensuring supervisory convergence in
the EU, taking into account the principle of proportionality and the appropriateness of the rules for different banking
models; highlights the importance of reliable and comparable information on the situation of the institutions supervised in
order to allow for this work to be carried out effectively and reliably; emphasises that the right to use internal models
should be preserved; calls on the SSM and the EBA to continue their supervisory work in order to ensure consistent
implementation of internal models and their capacity to adequately reflect the risks of banks’ business models, to improve
convergence in the way their flaws are addressed and to propose changes, where necessary;

17. Recalls the interaction of the prudential requirements for banks with other major banking standards, such as the
introduction of the TLAC standard within the EU and its harmonisation with the MREL requirement under the BRRD, as
well as with the application of the IFRS 9 accounting standard in the near future and the Banking Union framework; stresses
therefore that the reflection on the reforms of prudential regulation should take into account all these different elements
and both their respective and combined effects;

18. Recalls that several major EU banks have in recent years paid out dividends to shareholders while remaining
significantly undercapitalised and without having cleaned up their balance sheets in a consistent manner;

19. Calls on the Commission to prioritise work on a ‘small banking box’ for the least risky banking models, and to
extend this work to an assessment of the feasibility of a future regulatory framework consisting of less complex and more
appropriate and proportional prudential rules specifically adapted to different types of banking model;

20. Stresses the importance of the role of the Commission, the European Central Bank and the European Banking
Authority in engaging in the work of the BCBS and providing transparent and comprehensive updates on developments in
the BCBS discussions; calls for this role to be given stronger visibility during ECOFIN meetings and for enhanced
accountability to Parliament’s ECON Committee, with a regular de-brief by the EU representatives party to the discussions;

21. Instructs its President to forward this resolution to the Commission.
Implementation of the Common Security and Defence Policy


(2018/C 224/07)

The European Parliament,

— having regard to the implementation of the Common Security and Defence Policy (based on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy),

— having regard to Articles 42(6) and 46 of the Treaty on European Union (TEU) on establishing permanent structured cooperation,

— having regard to the Annual Report from the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to the European Parliament on the Common Foreign and Security Policy (CFSP) (13026/2016), in particular the parts concerning the Common Security and Defence Policy (CSDP),

— having regard to Articles 2 and 3 and to Title V of the Treaty on European Union, and in particular to Articles 21, 36, 42(2), 42(3) and 42(7) thereof,


— having regard to the European Council conclusions of 20 December 2013 and 26 June 2015,

— having regard to its resolutions of 21 May 2015 on the implementation of the Common Security and Defence Policy (1), of 21 May 2015 on the impact of developments in European defence markets on the security and defence capabilities in Europe (2), of 11 June 2015 on the strategic military situation in the Black Sea Basin following the illegal annexation of Crimea by Russia (3), of 13 April 2016 on the EU in a changing global environment — a more connected, contested and complex world (4), and of 7 June 2016 on Peace Support Operations — EU engagement with the UN and the African Union (5),


— having regard to the Implementation Plan on Security and Defence presented by VP/HR Federica Mogherini on 14 November 2016 and to the Council conclusions of 14 November 2016 on implementing the EU global strategy in the area of security and defence,

— having regard to the Joint Communication by the High Representative and the Commission of 6 April 2016 on countering hybrid threats (JOIN(2016)0018) and the relevant Council conclusions of 19 April 2016,


— having regard to the Joint Communication by the High Representative and the Commission of 5 July 2016 on elements for an EU-wide strategic framework to support security sector reform (JOIN(2016)0031),

— having regard to the Council conclusions on the Mission Support Platform of 18 April 2016,

— having regard to the Commission communication of 28 April 2015 entitled ‘The European Agenda on Security’ (COM(2015)0185),


— having regard to the Commission communication of 20 April 2016 entitled ‘Delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union’ (COM(2016)0230),

— having regard to the Joint Communication by the High Representative and the Commission of 11 December 2013 on the EU’s comprehensive approach to external conflict and crises (JOIN(2013)0030) and the related Council conclusions of 12 May 2014,

— having regard to its resolution of 22 November 2012 on cyber security and defence (1); having regard to the Joint Communication by the High Representative and the Commission of 7 February 2013 on ‘Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace’ (JOIN(2013)0001); having regard to the Council’s EU Cyber Defence Policy Framework of 18 November 2014,

— having regard to the Commission communication of 5 July 2016 entitled ‘Strengthening Europe’s Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry’ (COM(2016)0410),

— having regard to the Technical Arrangement between the NATO Computer Incident Response Capability (NCIRC) and the Computer Emergency Response Team — European Union (CERT-EU), signed on 10 February 2016, that facilitates increased information sharing on cyber incidents,

— having regard to the EU-NATO Joint Declaration signed on 8 July 2016 in the context of the NATO Warsaw Summit 2016 (Joint declaration by the President of the European Council, the President of the European Commission, and the Secretary-General of the North Atlantic Treaty Organisation),

— having regard to the Warsaw Summit Communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw on 8-9 July 2016,

— having regard to the results shown in Eurobarometer 85.1 of June 2016,

— having regard to Rule 132(1) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0317/2016),

The strategic context

1. Notes that the European security environment has deteriorated considerably, becoming more fluid, more complex, more dangerous and less predictable; notes that threats are both conventional and hybrid, generated by both state and non-state actors, and coming from the south and the east, and that they affect the Member States differently;

2. Recalls that the security of the EU Member States is deeply interconnected, and notes that they react to common threats and risks in an uncoordinated and fragmented way, thus complicating and often hampering a more common approach; emphasises that this lack of coordination constitutes one of the vulnerabilities of the Union's action; notes that Europe lacks the resilience to effectively tackle hybrid threats, which often have a cross-border dimension;

3. Considers that Europe is now compelled to react to an arc of increasingly complex crises: from West Africa, through the Sahel, the Horn of Africa and the Middle East, East Ukraine and to the Caucasus; considers that the EU should increase dialogue and cooperation with third countries from the region, as well as regional and sub-regional organisations; stresses that the EU should be prepared to deal with structural changes in the international security landscape and with challenges that include interstate conflicts, state collapse and cyber-attacks, as well as with the security implications of climate change;

4. Notes with concern that terrorism carried out by radical Islamist organisations and individuals is targeting Europe on an unprecedented scale, bringing the European way of life under pressure; underlines that, as a consequence, the security of the individual has become paramount, eroding the traditional distinction between its external and internal dimensions;

5. Calls on the EU to adapt to these security challenges, in particular by using the existing CSDP tools more efficiently, in coherence with other external and internal instruments; calls for better cooperation and coordination between Member States, especially in the field of counter-terrorism;

6. Calls for a strong preventive policy based on comprehensive deradicalisation programmes; notes that it is also essential to be more active in combating radicalisation and terrorist propaganda, both within the EU and in the EU's external relations; calls on the Commission to take action to tackle the distribution of extremist content online and to promote more active judicial cooperation between criminal justice systems, including Eurojust, in the fight against radicalisation and terrorism in all Member States;

7. Notes that for the first time since the World War II borders in Europe have been changed by force; underlines the detrimental impact of military occupation on the security of Europe as a whole; reiterates that any border change in Ukraine brought about by force is inconsistent with the principles of the Helsinki Final Act and the United Nations Charter;

8. Highlights that according to Eurobarometer 85.1, published in June 2016, approximately two thirds of EU citizens would like to see greater EU engagement in matters of security and defence policy;

9. Takes the view that a more unified and therefore more effective European Foreign and Security Policy can make a decisive contribution to reducing the intensity of the armed clashes in Iraq and Syria, and to eliminating the self-styled Islamic State;

A revised and more robust CSDP

10. Is firmly convinced that, as a result, a thorough and substantial revision of the CSDP is needed in order to enable the EU and its Member States to contribute in a decisive way to the security of the Union, to the management of international crises and to asserting the EU's strategic autonomy; recalls that no country can face the current security challenges on its own;
11. Believes that a successful revision of the CSDP will have to fully integrate the EU Member States in the process from the very beginning in order to avoid the risk of deadlocks in the future; emphasises the practical and financial benefits of further cooperation for the development of European defence capabilities, and notes the ongoing initiatives, which should be followed through with concrete measures at the December 2016 European Council on Defence; calls also on the Member States and the EU for appropriate investment in security and defence;

12. Emphasises that the establishment of permanent structured cooperation (Article 42(6) TEU) will make it possible to develop self-defence or a permanent structure for self-defence which can strengthen crisis management operations;

13. Underlines that, as Europe is no longer in full control of its security environment, choosing the time and place of action, the EU, through CSDP missions and operations as well as other relevant instruments, should be able to intervene across the whole spectrum of crisis management, including crisis prevention and crisis resolution, thus encompassing all stages of the conflict cycle, as well as fully participating in keeping Europe secure and ensuring the common security and defence of the entire area of freedom, security and justice; encourages the European Council to start developing the common security and defence policy into a common defence as provided for in Article 42(2) TEU; is of the opinion that one of the CSDP's important objectives should be that of strengthening the EU's resilience;

14. Welcomes the roadmap on CSDP presented by the VP/HR with a concrete timetable and steps; welcomes the fact that this roadmap complements the forthcoming European Defence Action Plan; underlines the need to reinforce the military component of the CSDP; strongly supports that Member States coordinate investment in security and defence, as well as increasing financial support for defence research at EU level;

15. Underlines equally that the CSDP should be based on a strong collective defence principle and efficient financing and that it should be implemented in coordination with international institutions in the field of security and defence, and in full complementarity with NATO; considers that the EU should encourage the Member States to meet NATO capacity goals, which require a minimum level of defence spending of 2% of GDP, as reaffirmed at the Wales and Warsaw Summits;

16. Recalls that conflicts and crises in Europe and around are happening in both physical and cyber space, and underlines that cyber security and cyber defence must therefore be integrated as the core elements of the CSDP and fully mainstreamed throughout all the EU's internal and external policies;

17. Welcomes the presentation by the VP/HR of the Global Strategy for the European Union's Foreign and Security Policy (EUGS) as a necessary and positive development for the institutional framework in which the CFSP and the CSDP will operate and develop; regrets the low involvement of Member States in preparing the EUGS;

18. Stresses that strong commitment, ownership and support on the part of the Member States and national parliaments, in close cooperation with all relevant EU bodies, are needed in order to ensure the rapid and effective implementation of the EUGS's political level of ambition, priorities and comprehensive approach in the form of an EU White Book on Security and Defence preceded by the Implementation Plan on Security and Defence; highlights the close link of the Implementation Plan with the wider implementation of the EUGS, with the forthcoming Commission European Defence Action Plan and with the implementation of the Joint EU-NATO Declaration signed in Warsaw; welcomes the ongoing work of the VP/HR and of the Member States in the implementation process; underlines the fact that the appropriate resources need to be allocated for the implementation of the EUGS and for an effective and more robust CSDP;

19. Considers the development of a sectoral strategy a necessary follow-up to the EUGS — to be agreed and presented by the European Council — which should further specify the civil and military levels of ambition, tasks, requirements and capability priorities; reiterates its previous calls for the development of a European Defence White Book and urges the Council to prepare this document without delay; expresses its concern that the suggested implementation plan on security and defence remains far behind parliamentary and public expectations; reiterates the indivisibility of the security of all European Union Member States;
20. Notes the European Security Compact proposed by the foreign affairs ministers of Germany and France, and supports inter alia the idea of a common analysis of Europe's strategic environment, making threat assessment a periodical common activity, and thus obtaining respect for each other's concerns and support for common capabilities and common action; also welcomes other Member States' recent initiatives on the development of the CSDP; notes with regret, however, the lack of self-assessment of Member States' inactivity in implementing previous European commitments in the defence area;

21. Observes that, to this effect, cooperation with similar NATO activities is needed; emphasises that a serious commitment and an increased and more efficient exchange of intelligence and information between the Member States are indispensable;

22. Notes that, as internal and external security are becoming more and more integrated and the distinction between physical and cyber space harder to define, integration of their respective inventories is also becoming necessary, empowering the EU to act along the entire spectrum of instruments up to the level of Article 42(7) of the Treaty on European Union;

The CSDP and the integrated approach to crises

23. Stresses the importance of creating a permanent EU headquarters for civilian and military CSDP missions and operations, from where an integrated operational staff would support the entire planning cycle, from the initial political concept to detailed plans; stresses that this would not be a replication of NATO structures, but instead would constitute the necessary institutional arrangement to strengthen CSDP missions and operations planning and conduction capabilities;

24. Highlights the contribution of CSDP missions and operations, including border assistance, capacity-building, military training missions and naval operations, to international peace and stability;

25. Finds it regrettable that the CSDP missions and operations have continued to be dogged by structural weaknesses, jeopardising their efficiency; considers that they should be genuine tools and could be better integrated into the EUGS;

26. Notes in this regard the level of political ambition set by the EUGS for an integrated approach to conflicts and crises as regards the engagement of the Union at all stages of the conflict cycle through prevention, resolution and stabilisation, as well as the commitment to avoid premature disengagement; considers that the EU should coherently support the Member States involved in the coalition against the self-styled Islamic State by setting up a CSDP operation, focused on training, in Iraq;

27. Welcomes the idea of 'regionalised' CSDP missions present in the Sahel, notably because it corresponds to the will of countries in the sub-region to increase cooperation in the field of security through the G5 Sahel platform; is convinced that this could represent an opportunity to strengthen the efficiency and the relevance of the CSDP missions (EUCAP Sahel Mali and EUCAP Sahel Niger) present in the field; strongly believes that this concept of 'regionalisation' must rely on field expertise, definite objectives and the means to achieve them, and should not be defined only under the impetus of political considerations;

28. Underlines that all Council decisions on future missions and operations should prioritise engagement in conflicts directly affecting EU security or the security of partners and regions where the EU has the role of security provider; considers that the decision to engage should be based on a common analysis and understanding of the strategic environment and on shared strategic interests of the Member States, bearing in mind the actions of other allies and organisations such as the UN and NATO; considers that CSDP capacity-building missions must be coordinated with security sector reform and rule of law work by the Commission;

29. Notes the Commission's proposal to amend Regulation (EU) No 230/2014 (establishing an Instrument contributing to Stability and Peace) in order to extend the Union's assistance to equipping military actors in partner countries, considering this an indispensable contribution to their resilience, which will diminish their chances of once again becoming the object of conflict and sanctuaries for hostile activities against the EU; stresses that this should be done in exceptional circumstances, as outlined in Article 3a of the aforementioned proposal to amend Regulation (EU) No 230/2014, in order
to contribute to sustainable development, good governance and the rule of law; in this context, encourages the EEAS and the Commission to speed up the implementation of the CBSD initiative to improve the effectiveness and sustainability of CSDP missions.

30. Underlines the need also to identify other financial instruments to enhance partners’ capacity-building in the security and defence field; calls on the EEAS and the Commission to ensure full coherence and coordination in order to achieve the best results and to avoid duplication on the ground;

31. Notes, to that end, that the Petersberg tasks should be revised and the Battlegroups should become an employable military instrument as soon as possible through increased modularity and more functional financing; notes that the lack of a constructive attitude among Member States continues to constitute a political and operational impediment to the deployment of Battlegroups; urges the Council to initiate the setting-up of the start-up fund (provided for in Article 41(3) TEU) with a view to urgent financing of the initial phases of military operations;

32. Calls for more flexibility in the EU’s financial rules, in order to support its ability to respond to crises, and for the implementation of existing Lisbon Treaty provisions; calls for a revision of the Athena mechanism in order to extend its scope to all costs related, first, to rapid reaction operations and deployment of the EU Battlegroups, and then to all military operations;

Collaboration with NATO and other partners

33. Recalls that NATO and the EU share the same strategic interests and face the same challenges to the east and the south; notes the relevance of the mutual defence clause, Article 42(7), for the EU Member States, whether members of NATO or not; notes that the EU should be able, using its own means, to protect EU non-NATO-members to the same extent; notes the EUSG’s objective of an appropriate level of EU strategic autonomy, and underlines that the two organisations need to have complementarity of their means; considers that the EU’s ‘strategic autonomy’ should reinforce Europe’s capacity to promote security within and beyond its borders, as well as strengthening the partnership with NATO and transatlantic relations;

34. Considers that the bedrock of close and effective EU-NATO cooperation is provided by the complementarity and compatibility of their missions and, consequently, of their inventories of instruments; stresses that relations between the two organisations should continue to be cooperative and not competitive; considers that the EU should encourage Member States to meet NATO capacity goals, which requires a minimum level of defence spending of 2% of GDP;

35. Underlines that NATO is best equipped for deterrence and defence, and is ready to implement collective defence (Article V of the Washington Treaty) in the case of aggression against one of its members, while the CSDP has its current focus on peace-keeping, conflict prevention and strengthening international security (Article 42 TEU) and the EU has additional means to deal with challenges to the internal security of the Member States, including subversion, which are not covered by Article V; reiterates that the ‘solidarity clause’ in Article 222 TFEU is intended to ensure protection of democratic institutions and the civilian population in the event of a terrorist attack;

36. Welcomes the recent Joint Declaration signed by the EU with NATO in Warsaw and fully supports the fields of collaboration mentioned therein; notes that the declaration describes well-established informal practices rather than bringing EU-NATO cooperation to a new level; underlines the need especially to deepen cooperation and further complement capacity-building with regard to hybrid and cyber threats and research; welcomes the declared goal of the Bratislava Roadmap to start implementing the Joint Declaration immediately;

37. Fully supports further enhancing cooperation on security and defence with other institutional partners, including the UN, the African Union and the OSCE, as well as strategic bilateral partners, particularly the US, in areas such as hybrid threats, maritime security, rapid reaction, counterterrorism and cyber security;
38. Considers that the development of a stronger defence industry would strengthen the strategic autonomy and technological independence of the EU; is convinced that enhancing the EU’s status as a security provider in Europe’s neighbourhood needs adequate, sufficient capabilities and a competitive, efficient and transparent defence industry ensuring a sustainable supply chain; notes that the European defence sector is characterised by fragmentation and duplication, which need to be gradually eliminated via a process providing incentives and rewards to all national components and taking account of the longer-term perspective of an integrated defence market;

39. Regrets the fact that the Policy Framework for Systematic and Long-Term Defence Cooperation has not yet been implemented by the Member States with the necessary commitment and that the pooling and sharing initiative has not led to tangible results; calls on the Council to introduce regular biannual defence debates to provide strategic guidance and political impetus for the CSDP and European defence cooperation;

40. Underlines the need to further deepen cyber defence cooperation and to ensure full cyber-resilience of CSDP missions; urges the Council to incorporate cyber defence as an integral part of its defence debates; sees a strong need for national cyber defence strategies; calls on the Member States to take full use of cyber capacity building measures under the responsibility of the European Defence Agency (EDA) and to make use of the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE);

41. Notes that all Member States have difficulty in maintaining a very broad range of fully operational defensive capabilities, mostly because of financial constraints; calls, therefore, for more coordination and clearer choices about which capabilities to maintain, so that Member States can specialise in certain capabilities;

42. Believes that interoperability is key if Member States’ forces are to be more compatible and integrated; stresses, therefore, that Member States must explore the possibility of joint procurement of defence resources; notes that the protectionist and closed nature of EU defence markets makes this more difficult;

43. Recalls that a robust European defence technological and industrial base, which includes facilities for SMEs, is a fundamental underpinning of the CSDP and a prerequisite for a common market, which will allow the EU to build its strategic autonomy;

44. Notes with regret that Member States apply Directive 2009/81/EC on defence and security procurement and Directive 2009/43/EC on intra-European Union transfers of defence-related products to totally different extents; calls on the Commission in consequence to apply the guidance note on Article 346, and to assume its role as guardian of the Treaties by starting to implement infringement proceedings in the event of violations of the directives; calls on the Member States to improve multinational efforts on the demand side of military procurement, and on European industries on the supplier side to strengthen their global market positions through better coordination and industrial consolidation;

45. Is concerned at the steady decline in defence research funding across the Member States, which is putting at risk the industrial and technological base and, consequently, Europe’s strategic autonomy; calls on the Member States to supply their armies with equipment manufactured by the European defence industry, rather than by industrial competitors;

46. Is convinced that enhancing the role of the EDA in coordinating capability-driven programmes, projects and activities, would benefit an efficient CSDP; considers that the EDA should be supported in fulfilling its objectives to the full, including in particular its upcoming priorities and roles in the context of the European Defence Action Plan (EDAP) and the European Defence Research Programme (EDRP); calls, therefore, on the Member States to review the organisation, procedures and activities of the Agency, opening more options for further cooperation and integration; calls on the Member States to give guidelines to the EDA on coordinating a review of the Capability Development Plan, in line with the EUGS and the sectorial strategy;
47. Stresses that cyber security is by its very nature a policy area in which cooperation and integration are crucial, not only between EU Member States, key partners and NATO, but also between different actors within society, since it is not only a military responsibility; calls for clearer guidelines on how EU defensive and offensive capabilities are to be used and in what context; recalls that the European Parliament has repeatedly called for a thorough revision of the EU dual-use export regulation to prevent software and other systems which can be used against EU digital infrastructure and to violate human rights from falling into the wrong hands; calls for the EU to defend in international forums — including, but not limited to, internet governance forums — the principle that the internet’s core infrastructure should be a neutral zone in which governments, pursuing their national interests, are prohibited from interfering;

48. Supports the Commission’s defence-related initiatives such as the Defence Action Plan and the Defence Industrial Policy, which should start after the presentation of an EU White Book on Security and Defence; supports further involvement of the Commission in defence, through extensive and well-focused research, planning and implementation; welcomes the Preparatory Action for CSDP-related research and asks for adequate funding for the remainder of the current multiannual financial framework (MFF); supports the development of an EU Defence Research Programme under the next MFF (2021-2027);

49. Considers that a future EU Defence Research Programme should finance research projects from priority areas to be agreed by Member States and that a European Defence Fund could support the financing of capabilities commonly agreed by Member States and with recognised EU added value;

50. Calls for European law to be reformed to allow European defence industries to benefit from the same state aids as those enjoyed by US industries;

51. Instructs its President to forward this resolution to the President of the European Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of NATO, the President of the NATO Parliamentary Assembly, the Secretary-General of the United Nations, the Chairman-in-Office of the Organisation for Security and Cooperation in Europe (OSCE), and the President of the OSCE Parliamentary Assembly.
EU strategic communication to counteract anti-EU propaganda by third parties

European Parliament resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties (2016/2030(INI))

(2018/C 224/08)

The European Parliament,

— having regard to its resolution of 2 April 2009 on European conscience and totalitarianism (1),

— having regard to the Strasbourg/Kehl Summit Declaration of 4 April 2009 adopted on the occasion of the 60th anniversary of NATO,

— having regard to its resolution of 11 December 2012 on a Digital Freedom Strategy in EU Foreign Policy (2),

— having regard to the Foreign Affairs Council conclusions on counter-terrorism of 9 February 2015,

— having regard to the European Council conclusions of 19 and 20 March 2015,

— having regard to the Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Daesh threat of 16 March 2015, which were reconfirmed by the Foreign Affairs Council on 23 May 2016,

— having regard to the report of 18 May 2015 of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) entitled ‘The European Union in a changing global environment — A more connected, contested and complex world’, and to the ongoing work on a new EU Global Security Strategy,

— having regard to its resolution of 10 June 2015 on the state of EU-Russia relations (3),

— having regard to the EU Action Plan on Strategic Communication (Ref. Ares(2015)2608242 — 22.6.2015),

— having regard to its resolution of 9 July 2015 on the review of the European Neighbourhood Policy (4),

— having regard to the NATO Wales Summit Declaration of 5 September 2014,

— having regard to its resolution of 25 November 2015 on the prevention of radicalisation and recruitment of European citizens by terrorist organisations (5),

— having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 28 April 2015 on the European Agenda on Security (COM(2015)0183).

(1) OJ C 137 E, 27.5.2010, p. 25.
(3) OJ C 407, 4.11.2016, p. 35.

— having regard to the Communication from the Commission to the European Parliament, the European Council and the Council of 20 April 2016 on delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union (COM(2016)0230),

— having regard to the European Endowment for Democracy feasibility study on Russian Language Media Initiatives in the Eastern Partnership and Beyond, entitled ‘Bringing Plurality and Balance to the Russian Language Media Space’,

— having regard to the Report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/31/65),

— having regard to General Comment No 34 of the UN Human Rights Committee (CCPR/C/GC/34),

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

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Culture and Education (A8-0290/2016),

A. whereas the EU has committed to guiding its actions on the international scene in compliance with principles such as democracy, the rule of law and respect for human rights and fundamental freedoms, as well as media freedom, access to information, freedom of expression and media pluralism, the last of which can, nevertheless, be limited to a certain extent as stipulated in international law, including in the European Convention on Human Rights; whereas third-party actors aiming to discredit the Union do not share the same values;

B. whereas the EU, its Member States and citizens are under growing, systematic pressure to tackle information, disinformation and misinformation campaigns and propaganda from countries and non-state actors, such as transnational terrorist and criminal organisations in its neighbourhood, which are intended to undermine the very notion of objective information or ethical journalism, casting all information as biased or as an instrument of political power, and which also target democratic values and interests;

C. whereas media freedom, access to information and freedom of expression are the basic pillars of a democratic system, in which the transparency of media ownership and the sources of financing of media are of the utmost importance; whereas strategies to ensure quality journalism, media pluralism and fact-checking can only be effective as long as information providers enjoy trust and credibility; whereas, at the same time, there should be a critical assessment of how to deal with media sources that have a proven record of having repeatedly engaged in a strategy of deliberate deception and disinformation, especially in the ‘new media’, social networks and the digital sphere;

D. whereas information warfare is a historical phenomenon as old as warfare itself; whereas targeted information warfare was extensively used during the Cold War, and has since been an integral part of modern hybrid warfare, which is a combination of military and non-military measures of a covert and overt nature, deployed to destabilise the political, economic and social situation of a country under attack, without a formal declaration of war, targeting not only partners of the EU, but also the EU itself, its institutions and all Member States and citizens irrespective of their nationality and religion;
E. whereas with Russia’s annexation of Crimea and the Russian-led hybrid war in the Donbass, the Kremlin has escalated the confrontation with the EU; whereas the Kremlin has stepped up its propaganda, with Russia playing an enhanced role in the European media environment aimed at creating political support in European public opinion for Russian action and undermining the coherence of the EU foreign policy;

F. whereas propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law in accordance with Article 20 of the International Covenant on Civil and Political Rights;

G. whereas the financial crisis and the advance of new forms of digital media have posed serious challenges for quality journalism, leading to a decrease in critical thinking among audiences, thus making them more susceptible to disinformation and manipulation;

H. whereas the propaganda and the intrusion of Russian media is particularly strong and often unmatched in the countries of the Eastern neighbourhood; whereas national media in these countries are often weak and not able to cope with the strength and the power of Russian media;

I. whereas information and communications warfare technologies are being employed in order to legitimise actions threatening EU Member States’ sovereignty, political independence, the security of their citizens and their territorial integrity;

J. whereas the EU does not recognise ISIL/Daesh as a state or an organisation similar to a state;

K. whereas ISIL/Daesh, Al-Qaeda and many other violent jihadi terrorist groups systematically use communication strategies and direct propaganda both offline and online as part of the justification of their actions against the EU and the Member States and against European values, and also with the aim of boosting recruitment of young Europeans;

L. whereas following the NATO Strasbourg/Kehl Summit Declaration stressing the increasing importance for NATO to communicate in an appropriate, timely, accurate and responsive manner on its evolving roles, objectives and missions, the NATO Strategic Communications Centre of Excellence (NATO StratCom COE) was established in Latvia in 2014, which was welcomed in the NATO Wales Summit Declaration;

**EU strategic communication to counteract propaganda against it by third parties**

1. Underlines that hostile propaganda against the EU comes in many different forms and uses various tools, often tailored to match EU Member States’ profiles, with the goal of distorting truths, provoking doubt, dividing Member States, engineering a strategic split between the European Union and its North American partners and paralysing the decision-making process, discrediting the EU institutions and transatlantic partnerships, which play a recognised role in the European security and economic architecture, in the eyes and minds of EU citizens and of citizens of neighbouring countries, and undermining and eroding the European narrative based on democratic values, human rights and the rule of law; recalls that one of the most important tools used is incitement of fear and uncertainty in EU citizens, as well as presenting hostile state and non-state actors as much stronger than they are in reality;

2. Calls on the EU institutions to recognise that strategic communication and information warfare is not only an external EU issue but also an internal one, and voices its concern at the number of hostile propaganda multipliers existing within the Union; is concerned about the limited awareness amongst some of its Member States that they are audiences and arenas of propaganda and disinformation; in this regard, calls on the EU actors to address the current lack of clarity and agreement on what is to be considered propaganda and disinformation, to develop in cooperation with media representatives and experts from the EU Member States a shared set of definitions and to compile data and facts about the consumption of propaganda;

3. Notes that disinformation and propaganda are part of hybrid warfare; highlights, therefore, the need to raise awareness and demonstrate assertiveness through institutional/political communication, think tank/academia research, social media campaigns, civil society initiatives, media literacy and other useful actions;
4. Stresses that the strategy of anti-EU propaganda and disinformation by third countries may take various forms and involve, in particular, traditional media, social networks, school programmes and political parties, both within and beyond the European Union;

5. Notes the multi-layered character of current EU strategic communications at various levels, including the EU institutions, the Member States, various NATO and UN bodies, NGOs and civic organisations, and calls for the best possible coordination and information exchange between these parties; calls for more cooperation and exchange of information between various parties that have voiced concern at these propaganda efforts and wish to draw up strategies for countering disinformation; believes that, in the EU context, Union institutions should be tasked with such coordination;

6. Recognises that the EU must consider its strategic communication efforts as a priority, which should involve relevant resources; reiterates that the EU is a successful model of integration which continues, amid crisis, to attract countries wanting to replicate this model and become part of it; underlines, therefore, that the EU needs to put out its positive message about its successes, values and principles with determination and courage, and that it needs to be offensive in its narrative, not defensive;

Recognising and exposing Russian disinformation and propaganda warfare

7. Notes with regret that Russia uses contacts and meetings with EU counterparts for propaganda purposes and to publicly weaken the EU’s joint position, rather than for establishing a real dialogue;

8. Recognises that the Russian Government is employing a wide range of tools and instruments, such as think tanks and special foundations (e.g. Russkiy Mir), special authorities (Rossotrudnichestvo), multilingual TV stations (e.g. RT), pseudo news agencies and multimedia services (e.g. Sputnik), cross-border social and religious groups, as the regime wants to present itself as the only defender of traditional Christian values, social media and internet trolls to challenge democratic values, divide Europe, gather domestic support and create the perception of failed states in the EU’s eastern neighbourhood; stresses that Russia invests relevant financial resources in its disinformation and propaganda instruments engaged either directly by the state or through Kremlin-controlled companies and organisations; underlines that, on the one hand, the Kremlin is funding political parties and other organisations within the EU with the intent of undermining political cohesion, and that, on the other hand, Kremlin propaganda directly targets specific journalists, politicians and individuals in the EU;

9. Recalls that security and intelligence services conclude that Russia has the capacity and intention to conduct operations aimed at destabilising other countries; points out that this often takes the form of support to political extremists and large-scale disinformation and mass media campaigns; notes, furthermore, that such media companies are present and active in the EU;

10. Points out that the Kremlin’s information strategy is complementary to its policy of stepping up bilateral relations, economic cooperation and joint projects with individual EU Member States in order to weaken EU coherence and undermine EU policies;

11. Argues that Russian strategic communication is part of a larger subversive campaign to weaken EU cooperation and the sovereignty, political independence and territorial integrity of the Union and its Member States; urges Member State governments to be vigilant towards Russian information operations on European soil and to increase capacity sharing and counterintelligence efforts aimed at countering such operations;

12. Expresses its strong criticism of Russian efforts to disrupt the EU integration process and deplores, in this respect, Russian backing of anti-EU forces in the EU with regard, in particular, to extreme-right parties, populist forces and movements that deny the basic values of liberal democracies;

13. Is seriously concerned by the rapid expansion of Kremlin-inspired activities in Europe, including disinformation and propaganda seeking to maintain or increase Russia’s influence to weaken and split the EU; stresses that a large part of the Kremlin’s propaganda is aimed at describing some European countries as belonging to ‘Russia’s traditional sphere of influence’; notes that one of its main strategies is to circulate and impose an alternative narrative, often based on
a manipulated interpretation of historical events and aimed at justifying its external actions and geopolitical interests; notes that falsifying history is one of its main strategies; in this respect, notes the need to raise awareness of the crimes of communist regimes through public campaigns and educational systems and to support research and documentation activities, especially in the former members of the Soviet bloc, to counter the Kremlin narrative;

14. Stresses that Russia is exploiting the absence of a legal international framework in areas such as cybersecurity and the lack of accountability in media regulation, and is turning any ambiguity in these matters in its favour; underlines that aggressive Russian activities in the cyber domain facilitate information warfare; calls on the Commission and the European External Action Service (EEAS) to pay attention to the role of Internet Exchange Points as critical infrastructure in the EU’s security strategy; underlines the crucial need to ensure resilience of the information systems at EU and Member State level, especially against denials and disruptions that can play a central role in hybrid conflict and countering propaganda, and to closely cooperate in this regard with NATO, especially with the NATO Cooperative Cyber Defence Centre of Excellence;

15. Invites the Member States to develop coordinated strategic communication mechanisms to support attribution and counter disinformation and propaganda in order to expose hybrid threats;

Understanding and tackling ISIL/Daesh’s information warfare, disinformation and radicalisation methods

16. Is aware of the range of strategies employed by ISIL/Daesh both regionally and globally to promote its political, religious, social, hateful and violent narratives; calls on the EU and its Member States to develop a counter-narrative to ISIL/Daesh involving the education system and including through the empowerment and increased visibility of mainstream Muslim scholars who have the credibility to delegitimise ISIL/Daesh propaganda; welcomes the efforts by the Global Coalition to counter ISIL/Daesh and in this regard supports the EU Regional Strategy for Syria and Iraq; urges the EU and the Member States to develop and disseminate a counter-narrative to jihadist propaganda, with particular emphasis on an educational dimension demonstrating how the promotion of radical Islam is theologically corrupt;

17. Notes that Islamist terrorist organisations, especially ISIL/Daesh and Al-Qaeda, are engaged in active information campaigns with the aim of undermining and increasing the level of hatred against European values and interests; is concerned about the widespread use by ISIL/Daesh of social media tools and especially Twitter and Facebook to advance its propaganda and recruitment objectives, especially among young people; in this regard, underlines the importance of including the counter-propaganda strategy against ISIL/Daesh in a broader, comprehensive regional strategy that combines diplomatic, socio-economic, development and conflict-prevention tools; welcomes the creation of a StratCom Task Force dedicated to the South, which has the potential to contribute effectively to the deconstruction and to the fight against ISIL/Daesh extremist propaganda and influence;

18. Emphasises that the EU and European citizens are a major target for ISIL/Daesh and calls for the EU and its Member States to work more closely to protect society, in particular young people, from recruitment, thus enhancing their resilience against radicalisation; emphasises the need for more enhanced focus on improving EU tools and methods, mostly in the cyber area; encourages each Member State, working closely with the Radicalisation Awareness Network Centre of Excellence established in October 2015, to investigate and effectively address the underlying socio-demographic reasons that are at the root cause of vulnerability to radicalisation as well as institutional multi-dimensional arrangements (linking university research, prison administrations, the police, the courts, social services and education systems) to combat it; underlines that the Council has called for the promotion of criminal justice response measures to counter radicalisation leading to terrorism and violent extremism;

19. Calls on the Member States to work on cutting ISIL/Daesh’s access to financing and funding and to promote this principle in the EU’s external action and stresses the need to expose ISIL/Daesh’s true nature and to repudiate its ideological legitimisation;
20. Calls on the EU and its Member States to take consistent, EU-wide action against the hate speech being systematically promoted by intolerant, radical preachers through sermons, books, TV shows, the Internet and all other means of communication that create a fertile ground for terrorist organisations like ISIL/Daesh and Al-Qaeda to thrive;

21. Underlines the importance for the EU and Member States of cooperating with social media service providers to counter ISIL/Daesh propaganda being spread through social media channels;

22. Underlines that Islamist terrorist organisations, especially ISIL/Daesh and Al-Qaeda, are engaged in active disinformation campaigns with the aim of undermining European values and interests; highlights in this regard the importance of a specific strategy to counter Islamist anti-EU propaganda and disinformation;

23. Stresses that unbiased, reliable and objective communication and flows of information based on facts concerning developments in EU countries would prevent the dissemination of propaganda fuelled by third parties;

**EU strategy to counteract propaganda**

24. Welcomes the Action Plan on Strategic Communication; welcomes the joint communication on the ‘Joint Framework on countering hybrid threats’ and calls for the endorsement and implementation of its recommendations without delay; stresses that the actions proposed require the cooperation and coordination of all relevant actors at EU and national level; is of the opinion that only a comprehensive approach can lead to the success of EU efforts; calls on the Member States holding the rotating presidency of the EU to always include strategic communications as part of their programme in order to ensure continuity of work on this topic; welcomes the initiatives and achievements of the Latvian Presidency in this regard; calls on the VP/HR to ensure frequent communication at political level with the Member States in order to better coordinate EU actions; stresses that cooperation between the EU and NATO in the field of strategic communication should be substantially strengthened; welcomes the intention of the Slovak Presidency to organise a conference on totalitarianism on the occasion of the European Day of Remembrance for Victims of the Totalitarian Regimes;

25. Requests that the competent EU institutions and authorities closely monitor the sources of financing of anti-European propaganda;

26. Emphasises that more funding is necessary to support freedom of the media in the European Neighbourhood Policy (ENP) countries within the scope of EU democracy instruments; calls on the Commission in this respect to ensure the full exploitation of existing instruments such as the European Instrument for Democracy and Human Rights (EIDHR), the ENP, the Eastern Partnership Media Freedom Watch and the EED with regard to the protection of media freedom and pluralism;

27. Notes the huge resources dedicated to propaganda activities by Russia and the possible impact of hostile propaganda on decision-making processes in the EU and the undermining of public trust, openness and democracy; commends the significant work accomplished by the EU Strategic Communication Task Force; calls therefore for the EU Strategic Communication Task Force to be reinforced by turning it into a fully fledged unit within the EEAS, responsible for the Eastern and Southern neighbourhoods, with proper staffing and adequate budgetary resources, possibly by means of an additional dedicated budget line; calls for enhanced cooperation among the Member States’ intelligence services with a view to assessing the influence exerted by third countries seeking to undermine the democratic foundation and values of the EU; calls for closer cooperation between Parliament and the EEAS on strategic communication, including through the use of the Parliament’s analytical capacities and Information Offices in the Member States;

28. Stresses that it is essential for the EU to continue to actively promote through its external actions respect for fundamental rights and freedoms; considers that supporting freedom of expression, freedom of assembly, the right to access information and the independence of the media in the neighbouring countries should underpin the EU’s actions in counteracting propaganda;
29. Underlines the need to strengthen media plurality and the objectivity, impartiality and independence of the media within the EU and its neighbourhood, including non-state actors, inter alia through support for journalists and the development of capacity-building programmes for media actors, fostering information-exchange partnerships and networks, such as content-sharing platforms, media-related research, mobility and training opportunities for journalists and placements with EU-based media to facilitate exchanges of best practices;

30. Highlights the important role of quality journalism education and training inside and outside the EU in order to produce quality journalistic analyses and high editorial standards; argues that promoting the EU values of freedom of the press and expression and media plurality includes supporting persecuted and imprisoned journalists and human rights defenders in third countries;

31. Advocates stronger cooperation between the EU institutions, the European Endowment for Democracy (EED), the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe and the Member States in order to avoid duplication and ensure synergy in similar initiatives;

32. Is dismayed at the major problems relating to the independence and freedom of the media in certain Member States, as reported by international organisations such as Reporters Without Borders; calls on the EU and the Member States to take appropriate measures to improve the existing situation in the media sector, with a view to ensuring that EU external action in support of freedom, impartiality and independence of the media is credible;

33. Asks the Strategic Communication Task Force, thus reinforced as proposed and under the Twitter username @EUvsDisInfo, to establish an online space where the public at large can find a range of tools for identifying disinformation, with an explanation of how they work, and which can act as a relay for the many civil society initiatives focused on this issue;

34. Affirms that an efficient communication strategy must include local communities in discussions about EU actions, provide support for people-to-people contact, and give proper consideration to cultural and social exchanges as key platforms for combating the prejudices of local populations; recalls that, in this regard, EU delegations must maintain direct contact with local grassroots stakeholders and representatives of civil society;

35. Underlines that incitement of hatred, violence or war cannot ‘hide’ behind freedom of expression; encourages legal initiatives to be taken in this regard to provide more accountability when dealing with disinformation;

36. Highlights the importance of communicating EU policies coherently and effectively, internally as well as externally, and of providing tailored communications to specific regions, including access to information in local languages; welcomes, in this context, the launch of the EEAS website in Russian as a first step in the right direction and encourages the translation of the EEAS website into more languages, such as Arabic and Turkish;

37. Underlines the responsibility of Member States to be active, preventative, and cooperative in countering hostile information operations on their territories or aimed at undermining their interests; urges the governments of Member States to develop their own strategic communications capabilities;

38. Calls on each Member State to make the EU Strategic Communication Task Force’s two weekly newsletters The Disinformation Digest and The Disinformation Review available to their citizens in order to create awareness among the general public of propaganda methods used by third parties;

39. Insists on the difference between propaganda and criticism;

40. Stresses that while not all criticism of the EU or its policies necessarily constitutes propaganda or disinformation, particularly when in the context of political expression, instances of manipulation or support linked to third countries and intended to fuel or exacerbate this criticism provide grounds to question the reliability of these messages;
41. Stresses that while a stand has to be taken against anti-EU propaganda and disinformation by third countries, this should not cast doubt on the importance of maintaining constructive relations with third countries and making them strategic partners in tackling common challenges;

42. Welcomes the adoption of the Action Plan on Strategic Communication and the establishment of the East StratCom Team within the European External Action Service (EEAS) with the aim of communicating EU policies and countering anti-EU propaganda and disinformation; calls for strategic communication to be further stepped up; believes that the efficiency and transparency of the work of the East StratCom Team needs to be further improved; invites the EEAS to develop criteria for measuring the efficiency of its work; highlights the importance of ensuring sufficient financing and adequate staffing of the East StratCom Team;

43. Notes that the Disinformation Review published by the East StratCom Task Force has to meet the standards provided for in the IFJ Declaration of Principles on the Conduct of Journalists; emphasises that the review must be drafted in an appropriate manner, without using offensive language or value judgments; invites the East StratCom Task Force to revisit the criteria used for drafting the review;

44. Believes that an efficient strategy to counteract anti-EU propaganda could be the adoption of measures to provide a target audience with adequate and interesting information about EU activities, European values and other issues of public interest, and underlines that modern technologies and social networks could be used for these purposes;

45. Calls on the Commission to advance certain legal initiatives in order to be more effective and accountable in dealing with disinformation and propaganda and to use the midterm review of the European Neighbourhood Instrument to promote the strengthening of the resilience of the media as a strategic priority; calls on the Commission to conduct a thorough review of the efficiency of existing EU financial instruments and to come forward with a proposal for a comprehensive and flexible solution which can provide direct support to independent media outlets, think tanks and NGOs especially in the target group native language and enable the channelling of additional resources to organisations that have the ability to do so, such as the European Endowment for Democracy while curtailing financial flows aimed at financing individuals and entities engaged in stratcom activities, incitement to violence and hatred; calls on the Commission to conduct a thorough audit of the efficiency of certain big scale media projects funded by the EU, such as Euronews;

46. Underlines the importance of awareness raising, education, online media and information literacy in the EU and in the Neighbourhood with a view to empowering citizens to critically analyse media content in order to identify propaganda; stresses in this sense the importance of strengthening knowledge on all levels of the educational system; points out the need for encouraging people to active citizenship and for developing their awareness as media consumers; underlines the central role of online tools, especially social media where the spread of false information and the launch of disinformation campaigns are easier and often face no hurdles; recalls that countering propaganda with propaganda is counterproductive, and therefore understands that the EU, as a whole, and the Member States, individually, can only fight propaganda by third parties by rebutting disinformation campaigns and making use of positive messaging and information and should develop a truly effective strategy which would be differentiated and adapted to the nature of the actors disseminating propaganda; recognises that the financial crisis and the advance of new forms of digital media have posed serious challenges for quality journalism;

47. Expresses concern at the use of social media and online platforms for criminal hate speech and incitement to violence, and encourages the Member States to adapt and update legislation to address ongoing developments, or to fully implement and enforce existing legislation on hate speech, both offline and online; argues that greater collaboration is needed with online platforms and with leading internet and media companies;

48. Calls on the Member States to provide and ensure the necessary framework for quality journalism and variety of information by combating media concentrations, which have a negative impact on media pluralism;
49. Notes that media education provides knowledge and skills, and empowers citizens to exercise their right to freedom of expression, to critically analyse media content and to react to disinformation; highlights, therefore, the need to raise awareness of the risks of disinformation through media literacy actions at all levels, including through a European information campaign around media, journalistic and editorial ethics and by fostering better cooperation with social platforms and promoting joint initiatives to address hate speech, incitement to violence and online discrimination.

50. Notes that no soft power strategy can succeed without cultural diplomacy and promotion of intercultural dialogue between and within countries, in the EU and beyond; encourages, therefore, long-term public and cultural diplomacy actions and initiatives, such as scholarships and exchange programmes for students and young professionals, including initiatives to support intercultural dialogue, strengthen cultural links with the EU and promote common cultural links and heritage, and the provision of proper training for staff of EU delegations and the EEAS to equip them with adequate intercultural skills.

51. Believes that public media should set the example of how to provide impartial and objective information in compliance with the best practices and ethics of journalism;

52. Underlines that particular attention should be paid to new technologies — including digital broadcasting, mobile communications, online media and social networks, including those of a regional character — which facilitate the dissemination of information about, and increased awareness of, the European values enshrined in the Treaties; recalls that such communications must be of a high standard, contain concrete best practices and highlight the EU’s impact on third countries, including EU humanitarian assistance as well as the opportunities and benefits that closer association and cooperation with the EU bring for the citizens of third countries, in particular for young people, such as visa-free travel or capacity-building, mobility and exchange programmes where applicable;

53. Highlights the need to ensure that the new ENP portal — currently being developed in the framework of the OPEN Neighbourhood Programme — does not only accumulate content addressed to expert communities, but that it also contains a section customised for larger audiences; is of the opinion that the portal should contain a section on the Eastern Partnership, bringing together information on initiatives currently fragmented between numerous websites;

54. Points to the potential of popular culture and entertainment-education (EE) as a means of articulating shared human values and communicating EU policies;

55. Stresses its support for initiatives such as the Baltic Centre for Media Excellence in Riga, NATO Strategic Communications Centre of Excellence (NATO StratCom COE) or the Radicalisation Awareness Network Centre of Excellence; underlines the need for utilising their findings and analysis and strengthening EU analytical capabilities at all levels; calls for the Commission and the Member States to initiate similar projects, engage in the training of journalists, support independent media hubs and media diversity, encourage networking and cooperation between media and think tanks and exchange best practices and information in these areas;

56. Condemns the regular crackdowns on the independent media, journalists and civil society activists in Russia and occupied territories, including Crimea since its illegal annexation; stresses that since 1999, dozens of journalists have been killed, disappeared without trace or have been imprisoned in Russia; calls on the Commission and Member States to reinforce the protection of journalists in Russia and in the EU’s Neighbourhood and to support Russian civil society and invest in people-to-people contacts; calls for the immediate release of journalists; notes that the EU is strengthening relations with its Eastern partners and other neighbours, and is also keeping the lines of communication with Russia open; recognises that the biggest obstacle to Russian disinformation campaigns would be the existence of independent and free media in Russia itself; considers that achieving this should be the goal of the EU; calls for special attention and sufficient resources to be provided for media pluralism, local media, investigative journalism and foreign language media, particularly in Russian, Arabic, Farsi, Turkish and Urdu as well as other languages spoken by populations vulnerable to propaganda;
57. Supports communication campaigns carried out by relevant actors in Syria, Iraq and in the region (including in the countries of origin of foreign fighters) to discredit ISIL/Daesh's ideology and denounce its violations of human rights, and to counter violent extremism and hate speech linked to other groups in the region; calls on the EU and its Member States, in their dialogue with MENA countries, to emphasise that good governance, accountability, transparency, the rule of law and respect for human rights are essential pre-requisites to protect these societies from the spread of intolerant and violent ideologies that inspire terrorist organisations such as ISIL/Daesh and Al-Qaeda; in the face of the growing terrorist threat from ISIL/Daesh and other international terrorist organisations, underlines the need to strengthen cooperation on security issues with countries, which have extensive experience in combating terrorism;

58. Calls on the VP/HR and the Council to confirm the EU's full support for the ongoing implementation process and to contribute financially to the realisation of the recommendations of the feasibility study on ‘Russian-language Media Initiatives in the Eastern Partnership and Beyond’, conducted the European Endowment for Democracy in 2015;

59. Instructs its President to forward this resolution to the Council, the Commission, Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EEAS and NATO.
The European Parliament,

— having regard to Articles 2, 5, 9, 10, 19, 168 and 216(2) of the Treaty on the Functioning of the European Union (TFEU) and Articles 2 and 21 of the Treaty on European Union (TEU),

— having regard to the Charter of Fundamental Rights of the EU,

— having regard to its resolutions of 17 June 1988 on sign languages for deaf people (1) and of 18 November 1998 on sign languages (2),


— having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee (4),

— having regard to General Comment No 4 (2016) by the UN Committee on the Rights of Persons with Disabilities on the right to inclusive education (5),

— having regard to the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,


— having regard to its resolution of 12 April 2016 on Erasmus+ and other tools to foster mobility in VET — a lifelong learning approach (8),

— having regard to the European Youth Forum policy paper on equality and non-discrimination (9),

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(5) http://www.ohchr.org/Documents/HRBodies/CRPD/GC/RighttoEducation/CRPD-C-GC-4.doc
— having regard to the proposal for a directive of the European Parliament and of the Council of 2 December 2015 on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (COM(2015)0615),


— having regard to Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (1),

— having regard to the Learning Outcomes and Assessment Guidelines of the European Forum of Sign Language Interpreters (efsli) for equal training opportunities for sign language interpreters and quality services for deaf citizens across the entire Union (2),

— having regard to the efsli/EUD sign language interpreter guidelines for international/European level meetings (3),

— having regard to the AIIC guidelines for spoken language interpreters working in mixed teams (4),

— having regard to the efsli report on the rights to sign language interpreting services when working or studying abroad (5),

— having regard to Rule 123(2) of its Rules of Procedure,

A. whereas, as full citizens, all persons with disabilities, in particular women and children, including deaf and hard-of-hearing people, including those who use sign language and those who do not, have equal rights and are entitled to inalienable dignity, equal treatment, independent living, autonomy and full participation in society;

B. whereas the TFEU requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19);

C. whereas Articles 21 and 26 of the Charter of Fundamental Rights of the European Union explicitly prohibit discrimination on the grounds of disability and provide for equal participation of persons with disabilities in society;

D. whereas there are approximately one million deaf sign language users in the EU (6) and 51 million hard-of-hearing citizens (7), many of whom are also sign language users;

E. whereas national and regional sign languages are fully-fledged natural languages with their own grammar and syntax equal to spoken languages (8):
F. whereas the EU's multilingualism policy promotes foreign language learning and whereas one of its goals is for every European to speak two languages in addition to their mother tongue; whereas learning and promoting national and regional sign languages could support this goal;

G. whereas accessibility is a precondition for persons with disabilities to live independently and participate fully and equally in society (¹);

H. whereas accessibility is not only limited to the physical accessibility of the environment but extends to the accessibility of information and communication, including in the form of the provision of content in sign language (²);

I. whereas professional sign language interpreters are equal to spoken language interpreters in terms of assignments and mission tasks;

J. whereas the situation of sign language interpreters is heterogeneous among the Member States, ranging from informal family support to professional university-educated and fully qualified interpreters;

K. whereas there is a lack of qualified and professional sign language interpreters in all the Member States and whereas the ratio of sign language users to sign language interpreters varies between 8:1 and 2 500:1, with an average ratio of 160:1 (³);

L. whereas a petition (⁴) has been lodged requesting that Parliament allow petitions to be submitted in EU national and regional sign languages;

M. whereas the Brussels Declaration on Sign Languages in the European Union (⁵) promotes a non-discriminatory approach to the use of a natural sign language, as required under the UN Convention on the Rights of Persons with Disabilities, which has been ratified by the EU and all EU Member States except one;

N. whereas the level and quality of subtitling on public and private television differs considerably across the Member States, ranging from less than 10 % to almost 100 %, with highly varying standards of quality (⁶); whereas there is a lack of data in most Member States with regard to the level of sign language interpretation on television;

O. whereas the development of new language technologies could benefit sign language users;

P. whereas, according to the CRPD, the denial of reasonable accommodation constitutes discrimination and whereas, under the Employment Equality Directive, reasonable accommodation must be provided to guarantee compliance with the principle of equal treatment;

Q. whereas there is currently no direct communication access for deaf, deafblind or hard-of-hearing citizens to Members of the European Parliament and administrators of the institutions of the European Union and, vice versa, to deaf or hard-of-hearing people from within the EU institutions;

¹ General Comment No 2, CRPD Committee, CRPD/C/GC/2.
⁴ Petition No 1056-16.
Qualified and professional sign language interpreters

1. Stresses the need for qualified and professional sign language interpreters, which can only be met on the basis of the following approach:

(a) official recognition of national and regional sign language(s) in Member States and within EU institutions,

(b) formal training (university or similar, equivalent to 3 years of full-time studies, corresponding to the training required of spoken language interpreters) (1),

(c) registration (official accreditation and quality control system, such as continuing professional development),

(d) formal recognition of the profession;

2. Recognises that the delivery of high-quality sign language interpreting services:

(a) is dependent on an objective quality assessment involving all stakeholders,

(b) is based on professional qualifications,

(c) involves expert representatives from the deaf community;

(d) is dependent on sufficient resources to train and employ sign language interpreters;

3. Recognises that sign language interpretation constitutes a professional service requiring appropriate remuneration;

Distinction between accessibility and reasonable accommodation (2)

4. Appreciates that accessibility benefits certain groups and is based on a set of standards that are implemented gradually;

5. Is aware that disproportionality or undue burden cannot be claimed to defend the failure to provide accessibility;

6. Recognises that reasonable accommodation relates to an individual and is complementary to the accessibility duty;

7. Notes also that an individual may request reasonable accommodation measures even if the accessibility duty has been fulfilled;

8. Understands that the provision of sign language interpretation may constitute an accessibility measure or a reasonable accommodation measure, depending on the situation;

Accessibility

9. Stresses that deaf, deafblind and hard-of-hearing citizens must have access to the same information and communication as their peers in the form of sign language interpretation, subtitling, speech-to-text and/or alternative forms of communication, including oral interpreters;

(1) Efili (2013), Learning Outcomes for Graduates of a Three Year Interpreting Training Programme.
(2) CRPD/C/GC/4, para. 28.
10. Emphasises that public and government services, including their online content, must be made accessible via live intermediaries such as on-site sign language interpreters, but also alternative internet-based and remote services, where appropriate;

11. Reiterates its commitment to making the political process as accessible as possible, including through the provision of professional sign language interpreters; notes that this includes elections, public consultations and other events, as appropriate;

12. Stresses the increasing role of language technologies in providing equal access for all to the digital space;

13. Recognises the importance of minimum standards to ensure accessibility, especially in view of new and emerging technologies, such as the provision of internet-based sign language interpreting and subtitling services;

14. Notes that while the provision of health care is a Member State competence, it should cater for the needs of deaf, deafblind and hard-of-hearing patients, for example by providing professional sign language interpreters and staff awareness training, with particular attention to women and children;

15. Acknowledges that equal access to justice for deaf, deafblind and hard-of-hearing citizens can only be ensured through the provision of appropriately qualified and professional sign language interpreters;

16. Is aware of the importance of accurate and precise interpretation and translation services, especially in court and other legal settings; reiterates, therefore, the importance of specialised and highly qualified professional sign language interpreters, particularly in those settings;

17. Stresses the need to increase support and specific provisions, such as sign language interpretation and accessible real-time text-based disaster information, for persons with disabilities in situations of armed conflict, humanitarian emergencies and natural disasters (1);

Employment, education and training

18. Notes that reasonable accommodation measures, which include the provision of professional sign language interpreters, must be taken to ensure equal access to employment, education and training;

19. Highlights that balanced and holistic information on sign language and what it means to be deaf must be provided so that parents can make informed choices in the best interest of their children;

20. Stresses that early intervention programmes are crucial for children in the development of life skills, including language skills; notes, furthermore, that those programmes should ideally include deaf role models;

21. Emphasises that deaf, deafblind and hard-of-hearing students and their parents must be provided with the opportunity to learn the national or regional sign language of their environment through pre-school services and in schools (2):

(2) http://www.univie.ac.at/designbilingual/downloads/De-Sign_Bilingual_Findings.pdf
22. Emphasises that sign language should be included in educational curricula in order to raise awareness and increase the use of sign language;

23. Underlines that measures must be taken to recognise and promote the linguistic identity of deaf communities (1);

24. Calls on the Member States to encourage the learning of sign language in the same way as foreign languages;

25. Stresses that qualified sign language interpreters and teaching staff competent in sign language and equipped with the skills to work effectively in bilingual inclusive education environments form an essential part of deaf children’s and young adults’ academic achievement, resulting in higher educational outcomes and lower unemployment rates in the long term;

26. Highlights the widespread lack of sign bilingual textbooks and learning materials in accessible formats and languages;

27. Urges that the principle of freedom of movement for deaf, deafblind and hard-of-hearing people within the EU be guaranteed, especially in the context of Erasmus+ and related mobility programmes, by ensuring that participants are not disproportionately burdened with having to take care of their own interpreting arrangements;

28. Welcomes the European Disability Card Pilot Project; regrets the exclusion of sign language interpretation in the project as this significantly hinders the freedom of movement of deaf, deafblind and hard-of-hearing workers and students within the EU;

**European Union institutions**

29. Recognises that the EU institutions must represent best practice examples for their staff, elected officials and interns and vis-à-vis EU citizens regarding the provision of reasonable accommodation and accessibility, which includes the provision of sign language interpretation;

30. Welcomes the fact that the EU institutions are already, on an ad hoc basis, providing for the accessibility of public events and committee meetings; takes the view that subtitling and speech-to-text should be considered an alternative but equal and necessary measure for hard-of-hearing people not using sign languages, and that this is also relevant to employees of EU institutions in terms of providing reasonable accommodation in accordance with Article 5 of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation;

31. Recognises that the EU institutions have a system in place to provide sign language interpretation via their respective interpreting departments for accessibility purposes; urges the institutions to utilise such existing systems also when providing reasonable accommodation for staff and/or elected officials, effectively minimising the administrative burden on the individual and the institutions;

32. Strongly urges the institutions to formally grant sign language interpreters the same status as spoken language interpreters in respect of the interpreting services they provide for the institutions and/or their staff and appointed officials, including access to technological support, preparatory materials and documents;

33. Urges Eurostat to ensure that statistics on deaf, deafblind and hard-of-hearing sign language users are supplied to the EU institutions so they can better define, implement and analyse their disability and language policies;

34. Urges Parliament’s visitors’ service to cater for the needs of deaf, deafblind and hard-of-hearing visitors by directly providing access in a national or regional sign language and speech-to-text services;

35. Asks the institutions to fully implement the EU pilot project INSIGN, which is a response to Parliament’s decision of 12 December 2012 on the implementation of a real-time sign language application and service and is aimed at improving communication between deaf and hard-of-hearing people and the EU institutions (1);

36. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

(1) http://www.eud.eu/projects/past-projects/insign-project/
Renewing the approval of the active substance bentazone


(2018/C 224/10)

The European Parliament,


— having regard to the European Food Safety Authority Conclusion on the peer review of the pesticide risk assessment of the active substance bentazone (3),

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

— having regard to Rule 106(2) and (3) of its Rules of Procedure,

A. whereas the active substance bentazone acts as a selective post-emergent herbicide against broadleaved weeds in a broad range of crops and is commonly used in agriculture;

B. whereas the active substance bentazone has a high potential for direct leaching to groundwater due to its inherent properties;

C. whereas data from the UK Environment Agency shows that the active substance bentazone is the most frequently detected approved pesticide in UK groundwater and is also to be found in surface water; whereas a similar situation exists across Europe;

D. whereas Commission Implementing Regulation (EU) 2016/549 of 8 April 2016 amending Implementing Regulation (EU) No 540/2011 extended the approval period for the active substance bentazone until 30 June 2017 because the assessment of the substance had been delayed;

E. whereas the draft Commission implementing regulation renewing approval of the active substance bentazone in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (hereinafter the ‘draft implementing regulation’) provides, on the basis of a scientific evaluation conducted by the European Food Safety Authority (EFSA), for the authorisation of bentazone until 31 January 2032, i.e. for the longest possible period;

F. whereas, in accordance with Regulation (EC) No 1107/2009 and in the light of current scientific and technical knowledge, certain conditions and restrictions have been included in the draft implementing regulation, in particular a requirement to provide further confirmatory information;

G. whereas, following consideration of the comments received on the Renewal Assessment Report (RAR), it was concluded that additional information should be requested from the applicants;

H. whereas following consideration of the comments received on the RAR, it was concluded that EFSA should conduct an expert consultation in the areas of mammalian toxicology, residues, environmental fate and behaviour, and ecotoxicology and should adopt a conclusion on whether the active substance bentazone could be expected to meet the conditions laid down in Article 4 of Regulation (EC) No 1107/2009;

I. whereas applicants are required to submit confirmatory information as regards level 2/3 tests currently indicated in the OECD Conceptual Framework to address the potential for an endocrine-mediated mode of action regarding the developmental effects observed in a developmental toxicity study in rats (increased post implantation loss, reduced number of live foetuses and retarded foetal development in the absence of clear maternal toxicity suggesting that classification as reprotoxic category 2 may be appropriate);

J. whereas the consumer risk assessment was not finalised because the proposed residue definitions for risk assessment in plants and for enforcement in livestock were considered as provisional owing to the identified data gaps;

K. whereas the groundwater exposure assessment for the parent bentazone and metabolite N-methyl-bentazone was not finalised; whereas information is missing regarding the potential for groundwater exposure when annual application rates are above 960 g a.s./ha. (representative uses of up to 1 440 g a.s./ha were applied for);

L. whereas the Commission's decision to approve an active substance while simultaneously requesting data confirming its safety (known as the confirmatory data procedure) would allow the active substance to be placed on the market before the Commission obtained all the data necessary to support that decision;

M. whereas the European Ombudsman's Decision of 18 February 2016 in case 12/2013/MDC on the practices of the Commission regarding the authorisation and placing on the market of plant protection products (pesticides) called on the Commission to use the confirmatory data procedure restrictively and strictly in line with the applicable legislation, and within two years of the Ombudsman's Decision to submit a report showing that the number of decisions with confirmatory information had substantially gone down compared to the current approach;

N. whereas the Commission's draft implementing regulation fails to implement the European Ombudsman's proposals for a solution to improve the Commission's pesticide approval system;

O. whereas under Regulation (EC) No 1107/2009 the renewal of the approval of active substances should be for a period not exceeding 15 years; whereas the approval period should be proportionate to the possible risks inherent in the use of such substances; whereas the precautionary principle which, according to Regulation (EC) No 1107/2009, must be applied requires the Commission to ensure that it does not approve active substances in cases where public health or the environment could be endangered;

P. whereas the EFSA peer review proposes that the active substance bentazone be classified as toxic for reproduction category 2 in accordance with the provisions of Regulation (EC) No 1272/2008;
Q. whereas an issue is listed as a critical area of concern where there is enough information available to perform an assessment for the representative uses in line with the Uniform Principles in accordance with Article 29(6) of Regulation (EC) No 1107/2009 and as set out in Commission Regulation (EU) No 546/2011, and where this assessment does not make it possible to conclude that for at least one of the representative uses it may be expected that a plant protection product containing the active substance will not have any harmful effect on human or animal health or on groundwater or any unacceptable influence on the environment;

R. whereas according to the EFSA conclusions, critical areas of concern have been identified, in particular the fact that the technical material specification proposed for both applicants was not comparable to the material used in the testing to derive the toxicological reference values and that it has not been demonstrated that the technical material used in the ecotoxicity studies is suitably representative of the technical specifications for both applicants;

1. Considers that the draft Commission implementing regulation exceeds the implementing powers provided for in Regulation (EC) No 1107/2009;

2. Considers the assessment on the representative uses of active substance bentazone to be insufficient to conclude that, for at least one of the representative uses, a plant protection product containing the active substance bentazone may be expected not to have any harmful effect on human or animal health or on groundwater or any unacceptable influence on the environment;

3. Calls on the Commission and the Member States to finance research and innovation in the area of alternative sustainable and cost-efficient solutions for pest-management products with a view to ensuring a high level of protection of human and animal health and the environment;

4. Considers that, by applying the confirmatory data procedure for the approval of the active substance bentazone, the Commission breached the provisions of Regulation (EC) No 1107/2009 and infringed the precautionary principle, as set out in Article 191 of the Treaty on the Functioning of the European Union;

5. Calls on the Commission to give priority to requesting and assessing any relevant missing information before taking a decision on approval;

6. Calls on the Commission to withdraw its draft implementing regulation and to submit a new draft to the committee;

7. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
The case of Gui Minhai, jailed publisher in China

European Parliament resolution of 24 November 2016 on the case of Gui Minhai, jailed publisher in China (2016/2990(RSP))

(2018/C 224/11)

The European Parliament,

— having regard to its previous resolutions on the situation in China, in particular those of 4 February 2016 on the case of the missing book publishers in Hong Kong (1), 16 December 2015 on EU-China relations (2) and 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council (3),

— having regard to the statement of 7 January 2016 by the European External Action Service (EEAS) spokesperson on the disappearance of individuals associated with the Mighty Current publishing house in Hong Kong,

— having regard to the 18th Annual Report of the European Commission and the European External Action Service on the Hong Kong Special Administrative Region (SAR) of April 2016,

— having regard to the EU-China dialogue on human rights launched in 1995 and to the 34th round held in Beijing on 30 November and 1 December 2015,

— having regard to the statement made on 16 February 2016 by the UN High Commissioner for Human Rights,

— having regard to the European Commission and EEAS joint communication to the European Parliament and the Council entitled ‘Elements for a new EU strategy on China’, of 22 June 2016,

— having regard to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, in particular the articles on personal freedoms and freedom of the press, and to the Hong Kong Bill of Rights Ordinance,

— having regard to the International Covenant on Civil and Political Rights of 16 December 1966,

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the adoption of the new national security law by the Standing Committee of the Chinese National People’s Congress on 1 July 2015, the adoption of the new Foreign NGO Management Law by the National People’s Congress on 28 April 2016 and the adoption of the new law on cybersecurity on 7 November 2016,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas Gui Minhai, a book publisher and shareholder of the publishing house and of a bookstore selling literary works critical of Beijing, disappeared in Pattaya, Thailand, on 17 October 2015 without trace;

B. whereas between October and December 2015 four other Hong Kong residents (Lui Bo, Zhang Zhiping, Lam Wing-Kee and Lee Bo) who worked for the same bookstore also disappeared:

(3) Texts adopted, P7_TA(2014)0252.
C. whereas Gui Minhai is a Swedish citizen of Chinese origin and therefore an EU citizen;

D. whereas on 17 January 2016 Gui Minhai appeared in a Chinese TV broadcast and apparently acknowledged that he had voluntarily returned to mainland China in order to be judged for a supposed crime involving a car accident in 2003; whereas there are serious reasons to believe his appearance on TV was staged and that he was given a script to read from;

E. whereas Gui Minhai has been under arrest for more than a year, incommunicado, and whereas his whereabouts are unknown; whereas Gui Minhai is the only bookseller of the group still in prison;

F. whereas the Swedish authorities have asked for the Chinese authorities' full support in protecting the rights of their citizen, as well as those of the other 'disappeared' individuals; whereas neither Gui Minhai's family nor the Swedish Government has been informed of any formal charges against him, or of the formal place of his detention;

G. whereas Lui Bo and Zhang Zhiping were allowed to return to Hong Kong on 4 March and 8 March 2016 respectively after being detained in mainland China; whereas they asked the police to drop their respective cases and went back to mainland China on the same day they had arrived; whereas Lee Bo returned to Hong Kong on 24 March 2016 and denies having been kidnapped; whereas Lam Wing-Kee returned to Hong Kong on 16 June 2016;

H. whereas in June 2016, Lam Wing-Kee, one of the publishers, returned to Hong Kong to close the inquiry into his disappearance, but instead of returning to the mainland, he told the media that he had been abducted by Chinese security services, kept isolated and forced to confess to crimes he had not committed in front of TV cameras;

I. whereas Hong Kong upholds and protects freedom of speech, expression and publication; whereas the publication of any material critical of the Chinese leadership is legal in Hong Kong, although banned in mainland China; whereas the 'one country, two systems' principle guarantees Hong Kong's autonomy from Beijing with respect to such freedoms as are enshrined in Article 27 of the Basic Law;

J. whereas in the 2015 Annual Report on the Hong Kong Special Administrative Region, the EEAS and the Commission consider the case of the five book publishers to be the most serious challenge to Hong Kong's Basic Law and the 'one country, two systems' principle since Hong Kong's return to the People's Republic of China (PRC) in 1997; whereas only legal enforcement agencies in Hong Kong have the legal authority to enforce the law in Hong Kong;

K. whereas the UN Committee Against Torture has reported its serious concerns over consistent reports from various sources about a continuing practice of illegal detention in unrecongnised and unofficial detention places, the so-called 'black jails'; whereas it has also expressed serious concerns over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system, which places over-reliance on confessions as the basis for convictions;

L. whereas China has signed but not yet ratified the International Covenant on Civil and Political Rights (ICCPR); whereas China has neither signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearances;

M. whereas the 17th EU-China Summit of 29 June 2015 lifted bilateral relations to a new level, and whereas in its strategic framework on human rights and democracy the EU pledges that it will place human rights at the centre of its relations with all third countries, including its strategic partners; whereas the 18th EU-China Summit of 12-13 July 2016 concluded with a statement saying there would be another round of the human rights dialogue between the EU and China before the end of 2016;
1. Expresses its grave concern over the lack of knowledge of the whereabouts of Gui Minhai; calls for the immediate publication of detailed information on his whereabouts and calls for his immediate safe release and for him to be given the right to communication;

2. Notes with concern the allegations that mainland China's enforcement agencies are operating in Hong Kong; reminds the Chinese authorities that any operation of their law enforcement agencies in Hong Kong would be inconsistent with the 'one country, two systems' principle;

3. Urges the relevant authorities in Thailand, China and Hong Kong to clarify the circumstances of the disappearances in conformity with the rule of law;

4. Strongly condemns all cases of human rights violations, in particular arbitrary arrests, rendition, forced confessions, secret detention, incommunicado custody and violations of the freedom of publication and expression; recalls that the independence of book editors, journalists and bloggers must be safeguarded; calls for an immediate end to human rights violations and political intimidation;

5. Condemns restrictions on and the criminalisation of freedom of expression, and deplores the tightening of restrictions on freedom of expression; calls on the Chinese Government to stop suppressing the free flow of information including by restricting the use of the internet;

6. Expresses its concern about the new law on cybersecurity, adopted on 7 November 2016, which would bolster and institutionalise the practices of cyberspace censorship and monitoring, and about the adopted national security law and the draft law on counter-terrorism; notes the fears of Chinese reformist lawyers and civil rights defenders that these laws will further restrict freedom of expression and that self-censorship will grow;

7. Calls on China to release or drop all charges against peaceful government critics, anti-corruption activists, lawyers and journalists;

8. Expresses its concern at the forthcoming entry into force of the new Foreign NGO Management Law on 1 January 2017, given that it would drastically hamper the activities of Chinese civil society and would severely restrict the freedoms of association and expression in the country, including by banning overseas NGOs that are not registered with the Chinese Ministry of Public Security and prohibiting provincial public security departments from funding any Chinese individual or organisation, and prohibiting Chinese groups from conducting 'activities' on behalf of, or with the authorisation of, non-registered overseas NGOs, including those based in Hong Kong and Macao; calls on the Chinese authorities to provide a safe and fair environment and transparent processes which allow NGOs to operate freely and effectively in China;

9. Underlines the European Union's commitment to strengthening democracy, including the rule of law, the independence of the judiciary, fundamental freedoms and rights, transparency, and freedom of information and expression in Hong Kong;

10. Calls for China to ratify the ICCPR and to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances without delay;

11. Emphasises the European Union's commitment to strengthening the rule of law, the independence of the judiciary and fundamental freedoms and rights, in particular transparency and freedom of speech and expression, in all the countries with which it has bilateral relations; believes that a meaningful and open human rights dialogue, based on mutual respect, needs to be established; believes that strong ongoing EU-China relations must provide an effective platform for a mature, meaningful and open human rights dialogue based on mutual respect;

12. Insists that trade and economic relations are important to boost our respective welfare; recalls that such relations can only evolve in good faith and mutual trust; stresses that respecting human rights and transparency is part of modern trade agreements;

13. Urges the relevant EU institutions to act swiftly and to place the case of Gui Minhai on the agenda of the next EU-China Dialogue on Human Rights;
14. 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 Government and Parliament of the People's Republic of China, and the Chief Executive and the Assembly of the Hong Kong Special Administrative Region.
Situation of the Guarani-Kaiowa in the Brazilian State of Mato Grosso do Sul


(2018/C 224/12)

The European Parliament,

— having regard to its previous resolutions on the need to protect the rights of the indigenous peoples of Brazil, in particular its resolution on the violation of the constitutional rights of the indigenous peoples of Brazil of 15 February 1996 (1),

— having regard to its resolution of 12 October 1995 on the situation of the indigenous peoples of Brazil (2),

— having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as adopted by the General Assembly on 13 September 2007,

— having regard to the Universal Declaration of Human Rights of 10 December 1948,

— having regard to the UN Sustainable Development Goals of September 2015,

— having regard to the UN Guiding Principles on Business and Human Rights and the UN Global Compact,

— having regard to the International Labour Organisation Convention on Indigenous and Tribal Peoples (Convention 169), as adopted on 27 June 1989, and signed by Brazil,

— having regard to the declaration by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, on the occasion of the International Day of the World’s Indigenous Peoples, of 9 August 2016,

— having regard to the UN Declaration on Human Rights Defenders of 1998, the European Union Guidelines on Human Rights Defenders and the European Instrument for Democracy and Human Rights (EIDHR),

— having regard to the report by the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, on her mission to Brazil from 7 to 17 March 2016 (A/HRC/33/42/Add.1),

— having regard to the 2016 report by the Indigenous Missionary Council (CIMI),

— having regard to the statements made by the EU Special Representative for Human Rights during the EU-Brazil Human Rights Dialogue,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the current Brazilian Constitution of 1988, which was negotiated with indigenous peoples, recognises the rights of such peoples to maintain their cultural traditions and acknowledges their original right to their ancestral territories; whereas it is the duty of the state to regulate and protect this right:

B. whereas, according to the UN Special Rapporteur on the rights of indigenous peoples, during the past eight years a disturbing absence of progress has been reported in the implementation of the UN recommendations and the resolution of long-standing issues of key concern to indigenous peoples in Brazil, such as the homologation of their territories, as well as a worrying regression in the protection of indigenous peoples’ rights;

C. whereas over the past 14 years, according to official data from the Special Secretariat of Indigenous Health (SESAI) and the indigenous health district of Mato Grosso do Sul (DSEI-MS) on the murder of indigenous Guarani-Kaioiwá in the state of Mato Grosso do Sul, at least 400 indigenous people and 14 indigenous leaders have been murdered, including Simiao Vilharva and Clodiodi de Souza, in their attempts to reclaim their ancestral lands in peaceful protests;

D. whereas, according to the National Survey of Indigenous People’s Health and Nutrition in Brazil, conducted in 2008-2009, the rate of chronic malnutrition among indigenous children was 26% compared with an average of 5.9% among non-indigenous children; whereas, according to recent research carried out by FIAN Brazil and the Indigenous Missionary Council (CIMI), 42% of people within Guarani and Kaiowá communities suffer from chronic malnutrition;

E. whereas the inadequate provision of appropriate health care, education and social services and the absence of demarcation of indigenous lands have had an impact on youth suicide and infant mortality; whereas over the past 15 years at least 750 individuals, mostly young people, committed suicide and more than 600 children under the age of 5 died, most of whom from preventable, easily treatable diseases;

F. whereas 98.33% of indigenous lands in Brazil are located in the Amazon region, where indigenous populations help to preserve biodiversity in the region and thus play a role in preventing climate change; whereas, according to the study ‘Toward a Global Baseline of Carbon Storage in Collective Lands: An Updated Analysis of Indigenous Peoples’ and Local Communities’ Contributions to Climate Change Mitigation’ by the Rights and Resources Initiative, Woods Hole Research Center and World Resources Institute, published on 1 November 2016, the expansion of indigenous land rights can play an important role in protecting forests, biodiversity and ecosystems;

G. whereas the Federal Public Ministry and the National Foundation for the Support of Indigenous people (FUNAI) signed in 2007 the Terms of Adjustment of Conduct (TAC) with a view to identifying and demarcating 36 territories of the Guarani-Kaiowá community in Mato Grosso do Sul by 2009;

H. whereas a number of initiatives for reform, interpretation and application of the Brazilian Federal Constitution are ongoing, and whereas these possible changes could put at risk the indigenous rights recognised by the Constitution;

1. Acknowledges the long-standing partnership between the EU and Brazil, which is built on mutual trust and respect for democratic principles and values; commends the Brazilian Government for advances in matters such as the constructive role of FUNAI, a series of decisions by the Federal Supreme Court to prevent evictions, several efforts to implement differentiated services in the areas of health and education, the significant achievements in relation to land demarcation in the Amazon region, the organisation of the first National Conference on Indigenous Policy and the establishment of the National Council for Indigenous Policy;

2. Strongly condemns the violence perpetrated against the indigenous communities of Brazil; deplores the poverty and human rights situation of the Guarani-Kaiowá population in Mato Grosso do Sul;

3. Calls on the Brazilian authorities to take immediate action to protect indigenous people’s security and to ensure that independent investigations are carried out into the murder and assault of indigenous people in their attempts to defend their human and territorial rights, so that the perpetrators can be brought to justice;
4. Reminds the Brazilian authorities of their responsibilities in terms of maintaining and applying in full the provisions of the Brazilian Constitution on the protection of individual rights and on the rights of minorities and defenceless ethnic groups with respect to the Guarani-Kaiová population;

5. Reminds the Brazilian authorities of their obligation to observe international human rights standards with respect to indigenous peoples, as required in particular by the Brazilian Federal Constitution and Law 6.001/73 on ‘The Indian Statute’;

6. Acknowledges the Brazilian Federal Supreme Court’s role in continuing to protect the original and constitutional rights of indigenous peoples, and invites the National Council to develop mechanisms and action which better protect the needs of vulnerable populations;

7. Calls on the Brazilian authorities to implement in full the recommendations of the UN Special Rapporteur on the rights of indigenous peoples following her mission to Brazil in March 2016;

8. Calls on the Brazilian authorities to develop a working plan to prioritise completion of the demarcation of all territories claimed by the Guarani-Kaiová and to create the technical operational conditions for this purpose, given that many killings are due to reprisals in the context of reoccupation of ancestral lands;

9. Recommends that the Brazilian authorities provide a sufficient budget for FUNAI’s work, and strengthen it with the resources required to provide the core services on which indigenous peoples rely;

10. Expresses concern about the proposed constitutional amendment 215/2000 (PEC 215), to which Brazilian indigenous peoples are fiercely opposed, given that, if approved, it will threaten indigenous land rights by making it possible for anti-Indian interests related to the agro-business, timber, mining and energy industries to block the new indigenous territories from being recognised; strongly believes that companies should be held accountable for any environmental damage and human rights abuses for which they are responsible, and that the EU and the Member States should uphold this as a core principle by making it a binding provision in all trade policies;

11. 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 UN High Commissioner for human rights, the President and the Government of Brazil, the President of the Brazilian National Congress, the Co-Presidents of the Euro-Latin American Parliamentary Assembly and the United Nations Permanent Forum on Indigenous Issues.
The case of Ildar Dadin, prisoner of conscience in Russia

European Parliament resolution of 24 November 2016 on the case of Ildar Dadin, prisoner of conscience in Russia (2016/2992(RSP))

(2018/C 224/13)

The European Parliament,

— having regard to its previous reports, recommendations and resolutions on Russia, in particular its recommendation to the Council of 23 October 2012 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case (1); its resolutions of 13 June 2013 on the rule of law in Russia (2) and of 13 March 2014 on Russia; sentencing of demonstrators involved in the Bolotnaya Square events (3); its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case (4); and its resolutions of 23 October 2014 on the closing-down of the NGO 'Memorial' (winner of the 2009 Sakharov Prize) in Russia (5), of 12 March 2015 on the murder of the Russian opposition leader Boris Nemtsov and the state of democracy in Russia (6), of 10 June 2015 on the state of EU-Russia relations (7), and of 10 September 2015 on Russia, in particular the cases of Eston Kohver, Oleg Sentsov and Olexander Kolchenko (8),

— having regard to the results of the EU-Russia Summit of 3 and 4 June 2013 and the human rights consultations of 19 May 2013,

— having regard to the Russian Constitution, and in particular to its Article 29, which protects freedom of speech, and Article 31, which includes the right to peaceful assembly,

— having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas in early December 2015 the Russian opposition activist Ildar Dadin was sentenced to three years in jail after organising a series of peaceful anti-war protests and assemblies, being the first person in Russia to be convicted under a tough public assembly law adopted in 2014;

B. whereas Ildar Dadin was sentenced to three years’ imprisonment, in excess of the prosecution's recommended sentence of two years; whereas the sentence was reduced on appeal to two and a half years;

C. whereas during his ongoing imprisonment Mr Dadin has reportedly suffered repeated torture, beatings, inhumane treatment and threats of murder at the hands of the Russian authorities, in penal colony number 7 in Karelia;

D. whereas the European Court of Human Rights (ECHR) approved the request of Mr Dadin's lawyer and obliged the Russian Federation to ensure an effective investigation, move Mr Dadin to a different penitentiary and ensure his communication with his legal representative;

(2) OJ C 65, 19.2.2016, p. 150.
(7) OJ C 407, 4.11.2016, p. 35.
E. whereas the case of Ildar Dadin is not isolated, and credible human rights reports point to the systematic use of torture, ill-treatment and inhumane treatment in the Russian penal system; whereas those committing and responsible for the torture and abuse of those in prison or in penal and detention facilities often enjoy impunity;

F. whereas on 3 November 2016 Thorbjørn Jagland, the Secretary-General of the Council of Europe, expressed his concern at the allegations of ill-treatment of Mr Dadin to Alexander Kononov, Minister of Justice of the Russian Federation;

G. whereas the number of political prisoners in Russia has significantly increased in recent years, now standing, according to the Memorial Human Rights Centre, at 102, among them Alexander Kostenko Fedorovitch, Ivan Nepomnyaschikh, Dmitry Buchenkov, Vladimir Ionov, Maxim Panfilov and others; whereas in 2015 Russia was found to have violated the European Convention on Human Rights 109 times, in other words more than any other country;

H. whereas 197 deaths in police custody were recorded in 2015, including 109 from a 'sudden deterioration in health conditions' and 62 suicides, suggestive of widespread abuse, torture and mistreatment of detainees in the penitentiary system of the Russian Federation;

I. whereas on 26 October 2016 a Moscow court imposed a fine of 300 000 roubles on the Yuriy Levada Analytical Centre (Levada Centre), one of the three main organisations studying public opinion in Russia, because it had failed to register as a 'foreign agent';

J. whereas President Putin has recently signed an order under which Russia henceforth refuses to participate in the Rome Statute of the International Criminal Court (ICC); whereas in a statement, the Russian Foreign Ministry described the ICC's work as 'inefficient and one-sided' and expressed concern over its investigation of the August 2008 events in South Ossetia; whereas ICC prosecutors have posted a report on the court's website that finds that the Russian occupation has been accompanied by the harassment and intimidation of the Crimean Tatars;

K. whereas in October 2016 the United Nations Human Rights Council decided not to re-elect Russia as a member, after over 80 human rights and international aid organisations had signed a letter urging UN members to block Russia's election to that body;

1. Calls for the immediate and unconditional release of Ildar Dadin and all those detained on false or unsubstantiated charges or for using their right of freedom of expression and assembly;

2. Is profoundly concerned that the Criminal Code of the Russian Federation has been amended by an article that places new restrictions on public gatherings and provides for such gatherings to be considered a criminal act;

3. Urges the Russian authorities to conduct a thorough and transparent investigation of the allegations made by Ildar Dadin of torture and ill-treatment, with the participation of independent human rights experts; calls for an independent investigation into the allegations of torture, abuse and degrading and inhumane treatment on the part of state officials in Russian detention facilities, labour camps and prisons;

4. Calls on the Russian Federation, in this regard, to carry out a thorough review of its penitentiary system with a view to undertaking a deep reform of the system, and to fully implement the standards agreed under the relevant international conventions;

5. Expresses its solidarity with those arrested in Russia and in the temporarily occupied territories of Ukraine, including Crimean Tatars, on false and unsubstantiated charges, and calls for their immediate release;
6. Reminds Russia of the importance of full compliance with its international legal obligations, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, and with fundamental human rights and the rule of law as enshrined in various international treaties and agreements that Russia has signed and is party to; underlines that the Russian Federation can be considered a reliable partner in the sphere of international cooperation only if it keeps up its obligations under international law; in this regard, expresses its concern over the presidential decree withdrawing Russia from the Rome Statute of the ICC.

7. Calls on the Government of Russia to take concrete and immediate steps to comply with all ECHR judgments against Russia; in this regard, regrets the fact that the Russian Federation, in new legislation adopted in December 2015, has empowered its Constitutional Court to overturn ECHR judgments.

8. Urges the Council to develop a unified policy towards Russia that commits the 28 EU Member States and the EU institutions to a strong common message concerning the role of human rights in the EU-Russia relationship and respect for international law; calls on the VP/HR, together with the EEAS and the Commission, to develop a substantive and concrete strategy supporting Russian civil society and organisations, making use of the European Instrument for Democracy and Human Rights.

9. Calls on the Council to adopt a series of targeted sanctions to punish those responsible for the mistreatment of Ildar Dadin and other human rights activists.

10. Instructs its President to forward this resolution to the EEAS, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Council of Europe, the Organisation for Security and Cooperation in Europe, and the President, Government and Parliament of the Russian Federation.
Thursday 24 November 2016

P8_TA(2016)0449

Situation in Syria

European Parliament resolution of 24 November 2016 on the situation in Syria (2016/2933(RSP))

(2018/C 224/14)

The European Parliament,

— having regard to its previous resolutions on Syria, including that of 6 October 2016 (1),

— having regard to the principles of the Charter of the United Nations,

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the Geneva Conventions of 1949 and the additional protocols thereto,


— having regard to the Council conclusions of 17 October 2016 and the European Council conclusions of 18 and 19 February 2016 and of 20 and 21 October 2016,

— having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, and the Commissioner for Humanitarian Aid and Civil Protection, Christos Stylianidis, of 16 September 2016 on Syria, of 20 September 2016 on the air strikes against the UN/Syrian Red Crescent humanitarian aid convoy, of 24 September 2016 on the situation in Aleppo, of 2 October 2016 on an emergency humanitarian initiative for Aleppo and of 25 October 2016 on the urgency for humanitarian aid to reach Aleppo,

— having regard to the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the UN Human Rights Council, and to the UN Human Rights Council resolutions on the Syrian Arab Republic of 27 September 2016 and 21 October 2016,

— having regard to the statement by Vice-President/High Representative Federica Mogherini on Russia and the International Criminal Court of 17 November 2016,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas six years of conflict, extreme violence and brutality in Syria have led to the deaths of more than 400 000 people, with more than 13 million people in need of humanitarian assistance; whereas 8.7 million people are predicted to be displaced inside Syria in 2016 and 4.8 million people have fled the country;

B. whereas battles and bombardments continue unabated in Syria and the humanitarian situation has further deteriorated; whereas Aleppo remains the epicentre of the Syrian conflict, but fighting also continues in Hama, Idlib, northwest Syria, the suburbs of Damascus and Deir ez-Zor; whereas more than four million people are living in besieged cities and hard-to-reach areas where essential water and electrical infrastructure has been destroyed; whereas, in spite of the unilateral humanitarian pauses declared by the Assad regime and Russia, a serious shortage of basic food and medical supplies affects the population of east Aleppo and of other besieged cities, such as the rebel-held city of Zabadani and the government-controlled villages of Kefraya and Foua in Idlib province; whereas no humanitarian assistance has been able to reach the besieged parts of east Aleppo since July 2016;

C. whereas a permanent health crisis exists in Aleppo and throughout Syria; whereas according to UNICEF more than two-thirds of Syrians in the region do not have regular access to water and nearly 6 million children are in need of urgent life-saving assistance;

D. whereas serious violations of international human rights and humanitarian law have been committed by all sides in the conflict, but most seriously by the Assad regime backed by Russia and Iran, including the use of indiscriminate weapons, incendiary, barrel and bunker-busting bombs in civilian areas, and substances listed as chemical weapons under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; whereas there has been no respect for the principles of precaution and proportionality; whereas civilian areas, schools, hospitals, humanitarian workers and refugee camps have been deliberately targeted; whereas war crimes and crimes against humanity should not go unpunished;

E. whereas the UN-mandated Independent International Commission of Inquiry on the Syrian Arab Republic and human rights groups have collected evidence that at least 200,000 people have been detained by the Syrian Government in inhuman detention conditions; whereas thousands of Syrians have died in Syrian Government custody in recent years from torture and disease; whereas forced disappearances and horrific prisoner abuse are widespread; whereas the Syrian authorities have attempted to keep information about their detention facilities secret, refusing access to recognised international detention monitors; whereas the International Committee of the Red Cross (ICRC) has, since 2011, been allowed to visit only a few prisons;

F. whereas the world has been repeatedly appalled by the atrocities carried out by Da’esh and other jihadist groups, the use of brutal executions and unspeakable sexual violence, abductions, torture, forced conversions and slavery of women and girls; whereas children have been recruited and used in terrorist attacks; whereas Da’esh still controls large parts of Syria and Iraq; whereas Da’esh commits genocide against religious and ethnic minorities, carries out extreme acts of torture and eradicates cultural heritage; whereas there are serious concerns about the welfare of the population currently under Da’esh control and their possible use as human shields during the liberation campaign;

G. whereas the Jabhat Fateh al-Sham, formerly known as the Al-Nusra Front, al-Qaeda’s affiliate in Syria, is a terrorist organisation which rejects a negotiated political transition and inclusive democratic future for Syria;

H. whereas Syria has signed, but not ratified, the Rome Statute of the International Criminal Court (ICC); whereas the UN Secretary-General Ban Ki-moon has repeatedly urged the UN Security Council to refer the situation in Syria to the ICC; whereas Russia and China block any progress on accountability in Syria by vetoing any Security Council resolution that would give the Court the mandate to investigate the horrific crimes committed during the conflict in Syria; whereas on 16 November 2016 Russia decided to withdraw its signature from the Rome Statute; whereas this lack of accountability breeds further atrocities and compounds the suffering of the victims;
I. whereas all countries and parties involved in the conflict must be reminded of their commitments in accordance with UN Security Council resolution 2254 (2015), in particular the obligation to cease any attacks against civilians and civilian infrastructure and the obligation to ensure humanitarian access throughout the country; whereas the European Union must use all its instruments, including the imposition of restrictive measures, to ensure full compliance by all parties with this resolution;

J. whereas the EU is one of the main contributors of humanitarian aid for people fleeing the historic violence and destruction in Syria; whereas the lack of international unity makes a negotiated settlement of the war in Syria significantly more difficult to achieve;

1. Voices once again its gravest concern over the continuing fighting, bombardment and worsened humanitarian situation in Syria; strongly condemns all attacks against civilians and civilian infrastructure, the continuation of all sieges in Syria and the lack of humanitarian access to the Syrian people in need; calls on all parties to allow unhindered and continuous humanitarian access and the delivery of emergency goods, in particular to the besieged and hard-to-reach areas; stresses that the deliberate starvation of populations is prohibited by international humanitarian law and urges all parties to allow medical evacuations immediately from east Aleppo and all other besieged areas;

2. Condemns in the strongest terms the atrocities and widespread violations of human rights and international humanitarian law committed by the Assad forces with the support of Russia and Iran, as well as the human rights abuses and violations of international humanitarian law by non-state, armed terrorist groups, in particular Da'esh, Jabhat Fateh al-Sham/the Al-Nusra Front and other jihadist groups;

3. Demands an immediate end to bombing and indiscriminate attacks on civilians; underlines the need for all parties to pay maximum attention and to take all appropriate measures to protect civilians, irrespective of their ethnic identity or religious or confessional beliefs; strongly condemns the indiscriminate launching of large numbers of rockets by armed opposition groups on civilian suburbs of western Aleppo; stresses that many civilians, including children, have been reportedly wounded and killed; calls on all parties to the conflict to take all appropriate steps to protect civilians, in compliance with international law, including by ceasing attacks directed against civilian facilities, such as medical centres, schools and water stations, by immediately demilitarising such facilities, by seeking to avoid establishing military positions in densely populated areas and by enabling the evacuation of the wounded and all civilians who wish to leave besieged areas; underlines that the Syrian regime has the primary responsibility for the protection of the Syrian population;

4. Praises the efforts of humanitarian aid workers in seeking to bring much-needed relief, food, water and medicines to those trapped by the conflict, and urges all sides involved in the conflict to ensure safe, unfeigned access for humanitarian agencies to those civilians affected by the war;

5. Calls on the EU institutions and the Member States to provide full support to the UN and the Organisation for the Prohibition of Chemical Weapons (OPCW) in order to continue investigating the use and the destruction of chemical weapons by all sides in Syria; strongly insists that those responsible for the use of chemical weapons must be held accountable; supports the extension of the mandate of the OPCW Joint Investigative Mechanism, with a view to determining responsibility for the use of chemical weapons in Syria;

6. Expresses concern over the unlawful detention, torture, ill treatment, enforced disappearance and killing of detainees in regime prisons and secret detention centres run by foreign-supported militias; calls on the Syrian authorities managing these detention centres to end all executions and inhumane treatment;

7. Calls for the immediate release of those detained arbitrarily and for an end to the use of torture and other ill-treatment as well as the practice of enforced disappearances, in accordance with UN Security Council Resolution 2139 of 22 February 2014; calls for immediate and unhindered access for international detention monitors — such as the ICRC — to monitor the situation of all detainees in Syria and to provide information to, and support, the families of the detainees;
8. Recalls its strong condemnation of the atrocities committed by the Assad regime, Da'esh, Jabhat Fateh al-Sham/Al-Nusra and other terrorist organisations, which can be considered as serious war crimes and crimes against humanity; supports the call of the Quint nations (United States, France, Germany, Italy and the United Kingdom) and the VP/HR on all armed groups fighting in Syria to cease any collaboration with Jabhat Fateh al-Sham; highlights the importance of effectively cutting access to the financing and funding of Da'esh activities, apprehending foreign fighters and stopping the flow of weapons to jihadist groups; calls on the Syrian opposition to distance themselves clearly from such extremist elements and ideology; recalls that efforts should be focused on defeating Da'esh and other UN-designated terrorist groups; calls for action to be taken to prevent material and financial support from reaching individuals, groups, undertakings and entities associated with UN-designated terrorist groups;

9. Reiterates its call for consequences and accountability for those guilty of committing war crimes and crimes against humanity; stresses that those committing crimes against religious, ethnic and other groups and minorities should also be brought to justice; remains convinced that there can be neither effective conflict resolution nor sustainable peace in Syria without accountability for the crimes committed; takes the view that the issue of accountability for war crimes and crimes against humanity should not be politicised: the obligation to respect international humanitarian law in all circumstances refers to all parties involved in the conflict and whoever commits such crimes must be aware that they will face justice, sooner or later;

10. Urges the EU and the Member States to ensure that all those responsible for violations of international human rights and humanitarian law face justice through appropriate, impartial international criminal justice mechanisms or national courts and through the application of the principle of universal jurisdiction; reiterates its support for the referral of the case of Syria to the ICC but, in light of the inability of the Security Council to deliberate on this matter, reiterates its call for the EU and its Member States to lead the efforts within the General Assembly of the United Nations and to explore the creation of a Syrian war crimes tribunal pending a referral to the ICC; once the conflict is terminated, and with a view to promoting reconciliation, highlights the importance of Syrian ownership of the process;

11. Welcomes and underlines the critical importance of the work of local and international civil society organisations in documenting evidence of war crimes, crimes against humanity and other violations, including the destruction of cultural heritage; calls on the EU and its Member States to provide further and complete assistance to these actors;

12. Deplores the decision of Russian President Vladimir Putin to withdraw from the ICC, while noting that the Russian Federation has never actually ratified the Rome Statute and that the timing of the decision undermines the country's credibility and leads to conclusions being drawn about its commitment to international justice;

13. Welcomes the Council conclusions on Syria of 17 October 2016 and the European Council conclusions on Syria of 20 and 21 October 2016; supports the EU's call for an end to all military flights over Aleppo city; an immediate cessation of hostilities, to be monitored by a strong and transparent mechanism; sieges to be lifted; and full unhindered sustainable country-wide humanitarian access granted by all parties;

14. Welcomes the review of the EU's restrictive measures against Syria and individuals who share responsibility for the repression of the civilian population in the country; stresses that the EU should consider all available options, including a no-fly zone over Aleppo city, to set out consequences for the most heinous human rights violations and abuses by all perpetrators if the atrocities and blunt disrespect of humanitarian law continues;

15. Demands respect by all for the right of ethnic and religious minorities in Syria, including Christians, to continue to live in their historical and traditional homelands in dignity, equality and safety, and to fully practise their religion and beliefs freely without being subject to any kind of coercion, violence or discrimination; supports interreligious dialogue in order to promote mutual understanding and counter fundamentalism;
16. Urges all participants in the International Syria Support Group (ISSG) to resume negotiations in order to facilitate the establishment of a stable truce and to intensify work on a lasting political settlement in Syria; stresses that regional actors, in particular neighbouring countries, bear special responsibility;

17. Reiterates its call on the VP/HR to renew efforts towards a common EU-Syria strategy; welcomes and fully supports the recent diplomatic initiatives of VP/HR Federica Mogherini, in line with the European Council mandate, aimed at bringing the parties involved in the conflict back to the negotiating table and relaunching the political process in Geneva; notes with interest the regional talks she held with Iran and Saudi Arabia, and considers her activities to be of added value and a useful contribution to the efforts of the United Nations Special Envoy, Staffan de Mistura; urges all parties involved in the conflict to resume and intensify political negotiations as soon as possible in anticipation of a new and stable truce to be established, which should include provisions ensuring transitional justice in post-conflict Syria; stresses that these peace talks should lead to a cessation of hostilities and a Syrian-led and Syrian-owned political transition; emphasises the role that the EU can play in post-conflict reconstruction and reconciliation;

18. Reiterates its full support for the EU’s ongoing humanitarian initiative for Aleppo, and urges all parties to facilitate its implementation;

19. Welcomes the partnership priorities and compacts with Jordan for the period 2016-2018 and with Lebanon for the period 2016-2020; notes that the compacts are the framework through which the mutual commitments made at the London Conference of 4 February 2016 on ‘Supporting Syria and the Region’ are translated into actions; notes the growing financial needs and the persistent funding gap in respect of humanitarian aid provided to countries in Syria’s neighbourhood; calls on the EU Member States to fulfil their pledges and to provide much-needed support to the UN, its specialised agencies and other humanitarian actors in providing humanitarian assistance to the millions of Syrians displaced both internally and in host countries and communities;

20. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the United Nations, the members of the International Syria Support Group and all the parties involved in the conflict.
The European Parliament,

— having regard to its previous resolutions, in particular those of 27 October 2016 on the situation of journalists in Turkey (1) and of 14 April 2016 on the 2015 report on Turkey (2),

— having regard to the 2016 annual report on Turkey, published by the Commission on 9 November 2016 (SWD(2016) 0366),

— having regard to the EU Negotiating Framework for Turkey, of 3 October 2005,

— having regard to the Council conclusions of 18 July 2016 on Turkey,


— having regard to the right to freedom of expression enshrined in the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Turkey is a state party,

— having regard to the memorandums by the Council of Europe’s Commissioner for Human Rights,

— having regard to the statement of 26 July 2016 by the Council of Europe’s Commissioner for Human Rights on measures taken under the state of emergency in Turkey,

— having regard to Rule 123(2) and (4),

A. whereas the European Union and the European Parliament have strongly condemned the failed military coup in Turkey and recognised the legitimate responsibility of the Turkish authorities to prosecute those responsible and involved in this attempt;

B. whereas Turkey is an important partner and is expected as a candidate country to uphold the highest standards of democracy, including respect for human rights, the rule of law, fundamental freedoms and the universal right to a fair trial; whereas Turkey has been a member of the Council of Europe since 1950 and is therefore bound by the ECHR;

(3) OJ L 77, 15.3.2014, p. 11.
C. whereas the Turkish Government’s repressive measures under the state of emergency are disproportionate and in breach of basic rights and freedoms protected by the Turkish Constitution, of democratic values upon which the European Union is founded and of the ICCPR; whereas since the attempted coup the authorities have arrested 10 members of the Turkish Grand National Assembly belonging to the opposition party HDP and some 150 journalists (the largest number of such arrests worldwide); whereas 2 386 judges and prosecutors and 40 000 other people have been detained, of whom more than 31 000 remain under arrest; whereas 129 000 public employees either remain suspended (66 000) or have been dismissed (63 000), according to the Commission’s Turkey 2016 report, most of whom have had no charges brought against them to date;

D. whereas President Erdogan and members of the Turkish Government have made repeated statements on the reintroduction of the death penalty; whereas, in its conclusions of 18 July 2016 on Turkey, the Council recalled that the unequivocal rejection of the death penalty is an essential element of the Union acquis;

E. whereas serious concerns have been raised over the conditions of those detained and arrested following the attempted coup and over the severe restrictions on freedom of expression and on the press and media in Turkey;

F. whereas paragraph 5 of the Negotiating Framework stipulates that, in the case of a serious and persistent breach in Turkey of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption;

G. whereas a temporary halt to negotiations would entail the current talks being frozen, no new chapters being opened and no new initiatives being undertaken in relation to Turkey’s EU Negotiating Framework;

1. Strongly condemns the disproportionate repressive measures taken in Turkey since the failed military coup attempt in July 2016; remains committed to keeping Turkey anchored to the EU; calls on the Commission and the Member States, however, to initiate a temporary freeze of the ongoing accession negotiations with Turkey;

2. Commits to reviewing its position when the disproportionate measures under the state of emergency in Turkey are lifted; will base its review on whether the rule of law and human rights are restored throughout the country; considers that an appropriate time to initiate such a review would be when the state of emergency is lifted;

3. Reiterates that reintroduction of capital punishment by the Turkish Government would have to lead to a formal suspension of the accession process;

4. Notes that to date Turkey has not fulfilled 7 out of 72 benchmarks of the visa liberalisation roadmap, some of which are of particular importance;

5. Notes that upgrading the customs union is important for Turkey; stresses that suspending work on upgrading the customs union would have serious economic consequences for the country;

6. Is gravely concerned by statements disputing the Treaty of Lausanne, which defines the borders of modern Turkey and has contributed to safeguarding peace and stability in the region for almost a century;

7. Calls on the Commission to reflect on the latest developments in Turkey in the mid-term review report of the IPA scheduled for 2017; asks the Commission to examine the possibility of increasing support to Turkish civil society from the European Instrument for Democracy and Human Rights;
8. Encourages the European Commission, the Council of Europe and the Venice Commission to offer additional judicial assistance to the Turkish authorities;

9. Underlines the strategic importance of EU-Turkey relations for both sides; recognises that, while Turkey is an important partner of the EU, the political will to cooperate has to come from both sides of a partnership; believes that Turkey is not demonstrating this political will, as the government's actions are further diverting Turkey from its European path;

10. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, and the Government and Parliament of Turkey.
EU accession to the Istanbul Convention on preventing and combating violence against women

European Parliament resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women (2016/2966(RSP))

(2018/C 224/16)

The European Parliament,

— having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Articles 8, 19, 157 and 216 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Articles 21, 23, 24 and 25 of the Charter of Fundamental Rights of the European Union,


— having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women’s rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 Convention relating to the Status of Refugees and the principle of non-refoulement, and the United Nations Convention on the rights of persons with disabilities,

— having regard to Article 11(1)(d) of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly by Resolution 34/180 of 18 December 1979,

— having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 (1),

— having regard to its resolution of 26 November 2009 on the elimination of violence against women (2), its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (3), and its resolution of 6 February 2013 on the 57th session on UN CSW: elimination and prevention of all forms of violence against women and girls (4),

— having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women (5),

— having regard to the European Pact for Gender Equality (2011-2020), adopted by the Council of the European Union in March 2011,

— having regard to the EU guidelines on violence against women and girls and combating all forms of discrimination against them,

— having regard to the European Added Value Assessment (1),

— having regard to the 2014-2020 Rights, Equality and Citizenship Programme,


— having regard to the EU Presidency Trio declaration on gender equality of 7 December 2015 by the Netherlands, Slovakia and Malta,

— having regard to the European Union Agency for Fundamental Rights’ report entitled ‘Violence against women: an EU-wide survey’, published in March 2014,

— having regard to Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2),

— having regard to Directive 2011/99/EU on the European protection order (3) and to Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters (4),

— having regard to Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (5) and to Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (6),

— having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),

— having regard to the Commission roadmap on possible EU accession to the Istanbul Convention, published in October 2015,

— having regard to the Commission proposals for a Council decision on the signing and the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women (COM(2016)0111 and COM(2016)0109),

— having regard to the questions to the Council and to the Commission on the EU accession to the Istanbul Convention on preventing and combating violence against women (O-000121/2016 — B8-1805/2016 and O-000122/2016 — B8-1806/2016),

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

A. whereas gender equality is a core value of the EU — as recognised in the Treaties and the Charter of Fundamental Rights — which the EU has committed to integrating into all its activities, and whereas gender equality is essential, as a strategic objective, to achieving the overall Europe 2020 objectives of growth, employment and social inclusion:

(1) PE 504.467.
B. whereas the right to equal treatment and to non-discrimination is a defining fundamental right which is recognised in the Treaties of the European Union and is deeply rooted in European society, and whereas this right is essential for the further development of society and should apply in legislation, in practice, in case law and in daily life;

C. whereas in Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, gender-based violence is defined as violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately; whereas this may result in physical, sexual, emotional or psychological harm, or economic loss, to the victims, while having an impact on their families and relatives, and society as a whole; whereas gender-based violence is an extreme form of discrimination and a violation of the fundamental rights and freedoms of the victim, which are both the cause and the consequence of gender inequalities; and whereas violence against women and girls includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, including new forms of abuse against women and girls on the internet, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called ‘honour crimes’;

D. whereas violence against women and gender-based violence are still widespread phenomena within the EU; whereas the 2014 Fundamental Rights Agency survey on violence against women estimates, in line with other existing studies, that one-third of all women in Europe have experienced physical or sexual acts of violence at least once during their adult lives, 20 % of young women (18-29 years of age) have experienced online sexual harassment, one in five women (18 %) have been stalked, one in twenty women have been raped and more than one in ten have suffered sexual violence involving lack of consent or the use of force; whereas this survey explains also that most incidents of violence are not reported to any authorities, which shows that victimisation surveys are essential alongside administrative statistics in order to obtain a full picture of various forms of violence against women; and whereas further measures are needed to encourage women victims of violence to report their experiences and seek assistance, and to ensure that services providers can meet the needs of the victims and inform them about their rights and existing forms of support;

E. whereas, according to the European Added Value Assessment, the annual cost to the EU of violence against women and gender-based violence was estimated at EUR 228 billion in 2011 (i.e. 1.8 % of EU GDP), of which EUR 45 billion a year was in the form of spending on public and state services and EUR 24 billion in lost economic output;

F. whereas the Commission stressed in its strategic engagement for gender equality 2016-2019 that violence against women and gender-based violence, which damages women’s health and wellbeing, working lives, financial independence and the economy, is one of the key problems to be addressed in order to achieve genuine gender equality;

G. whereas violence against women is too often considered as a private issue and too easily tolerated; whereas it is in fact a violation of fundamental rights and a serious crime that must be punished as such; whereas impunity of perpetrators must end in order to break the vicious circle of silence and loneliness for women and girls who are victims of violence;

H. whereas no single intervention will eliminate violence against women and gender-based violence, but a combination of infrastructural, legal, judicial, enforcement, cultural, educational, social, health, and other service-related actions can significantly raise awareness and reduce violence and its consequences;

I. whereas, due to factors such as ethnicity, religion or belief, health, civil status, housing, migration status, age, disability, class, sexual orientation, gender identity and gender expression, women may have specific needs and be more vulnerable to multiple discrimination, and this entails that they should be granted special protection;
J. whereas the adoption of EU guidelines on violence against women and girls and combating all forms of discrimination against them, as well as the specific chapter on the protection of women against gender-based violence in the EU Human Rights Strategic Framework and Action Plan, demonstrate the EU’s clear political will to treat the subject of women’s rights as a priority and to take long-term action in that field; whereas coherence between the internal and external dimensions in policies concerning human rights can sometimes expose a gap between rhetoric and behaviour;

K. whereas citizens and residents in the Union are not equally protected against gender-based violence, due to the absence of a coherent framework and differing policies and legislation across Member States as regards inter alia the definition of offences and the scope of the legislation, and they are therefore less protected against violence;

L. whereas on 4 March 2016 the Commission proposed the EU’s accession to the Istanbul Convention, the first legally binding instrument on preventing and combating violence against women at international level;

M. whereas all EU Member States have signed the convention, but only fourteen have ratified it;

N. whereas the ratification of the Convention will not achieve results unless proper enforcement is ensured and adequate financial and human resources are dedicated to preventing and combating violence against women and gender-based violence and protecting the victims;

O. whereas the Istanbul Convention follows a holistic approach, addressing the issue of violence against women and girls and gender-based violence from a wide range of perspectives, such as prevention, the fight against discrimination, criminal law measures to combat impunity, victim protection and support, the protection of children, the protection of women asylum seekers and refugees, or better data collection; whereas this approach means the adoption of integrated policies, combining actions in various areas led by multiple stakeholders (judicial, police and social authorities, NGOs, local and regional associations, governments, etc.) at all levels of governance;

P. whereas the Istanbul Convention is a mixed agreement that allows for EU accession in parallel to the Member States’ accession, as the EU is competent in fields including victims’ rights and protection orders, asylum and migration, as well as in judicial cooperation in criminal matters;

1. Recalls that the Commission is bound by Article 2 TEU and by the Charter of Fundamental Rights to guarantee, promote and take action in favour of gender equality;

2. Welcomes the Commission’s proposal to sign and conclude the EU accession to the Istanbul Convention but deplores the fact that negotiations in Council are not proceeding at the same speed;

3. Emphasises that the EU accession will guarantee a coherent European legal framework to prevent and combat violence against women and gender-based violence and to protect the victims of violence; stresses that it will provide greater coherence and efficiency in the EU’s internal and external policies, will ensure better monitoring, interpretation and implementation of EU laws, programmes and funds relevant to the Convention, as well as more adequate and better collection of comparable desegregated data on violence against women and gender-based violence at EU level, and will reinforce the EU’s accountability at international level; further emphasises that the EU accession will apply renewed political pressure on Member States to ratify this instrument;

4. Calls on the Council and the Commission to speed up negotiations on the signing and conclusion of the Istanbul Convention;

5. Supports the EU accession to the Istanbul Convention on a broad basis and without reservations;

6. Calls on the Commission and the Council to ensure that Parliament will be fully engaged in the Convention’s monitoring process following the EU accession to the Istanbul Convention, as provided for in Article 218 TFEU;
7. Recalls that the EU accession to the Istanbul Convention does not exonerate Member States from national ratification of the Convention; calls therefore on all Member States which have not yet done so to swiftly ratify the Istanbul Convention;

8. Calls on the Member States to ensure proper enforcement of the Convention and to allocate adequate financial and human resources to preventing and combatting violence against women and gender-based violence and to the protection of victims;

9. Considers that EU efforts to eradicate violence against women and girls must be part of a comprehensive plan to combat all forms of gender inequalities; calls for an EU strategy on combatting violence against women and gender-based violence;

10. Reiterates its call on the Commission made in its resolution of 25 February 2014, which contained recommendations to combat violence against women, to submit a legal act providing a coherent system for collecting statistical data as well as a strengthened approach by Member States to the prevention and suppression of all forms of violence against women and girls and of gender-based violence, and to making low-threshold access to justice possible;

11. Asks the Council to activate the passerelle clause, by adopting a unanimous decision identifying violence against women and girls (and other forms of gender-based violence) as an area of crime listed in Article 83(1) TFEU;

12. Recognises the paramount work done by civil society organisations to prevent and combat violence against women and girls and to protect and assist victims of violence;

13. Calls on the Member States and stakeholders, working with the Commission and women NGOs and civil society organisations, to help disseminate information about the Convention, EU programmes and the funding available under them to combat violence against women and protect victims;

14. Calls on the Commission and the Council to cooperate with the Parliament to identify progress made on gender equality, and asks the Trio Presidency to make substantial efforts to achieve its commitments in this regard; calls for an EU Summit on gender equality and women’s and girls’ rights to make renewed commitments;

15. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Parliamentary Assembly of the Council of Europe.
The European Parliament,

— having regard to the annual report on the activities of the European Ombudsman in 2015,

— having regard to Article 15 of the Treaty on the Functioning of the European Union,

— having regard to Article 228 of the Treaty on the Functioning of the European Union,

— having regard to Article 258 of the Treaty on the Functioning of the European Union,

— having regard to Article 11 of the Charter of Fundamental Rights of the European Union,

— having regard to Article 41 of the Charter of Fundamental Rights of the European Union,

— having regard to Article 42 of the Charter of Fundamental Rights of the European Union,

— having regard to Article 43 of the Charter of Fundamental Rights of the European Union,

— having regard to the United Nations Convention on the rights of persons with disabilities,

— having regard to Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman’s duties (1),

— having regard to the European Code of Good Administrative Behaviour, as adopted by the European Parliament on 6 September 2001 (2),

— having regard to the Framework Agreement on Cooperation concluded between the European Parliament and the European Ombudsman on 15 March 2006, which entered into force on 1 April 2006,

— having regard to the principles of transparency and integrity in lobbying published by the Organisation for Economic Cooperation and Development (OECD),

— having regard to its previous resolutions on the European Ombudsman’s activities,

— having regard to Rule 220(2), second and third sentences, of its Rules of Procedure,

— having regard to the report of the Committee on Petitions (A8-0331/2016),

A. whereas the annual report on the European Ombudsman’s activities in 2015 was formally submitted to the President of Parliament on 3 May 2016, and the Ombudsman, Emily O’Reilly, presented the report to the Committee on Petitions in Brussels on 20 June 2016;

B. whereas Article 15 TFEU states that in order to promote good governance and ensure the participation of civil society, the Union’s institutions, bodies, offices and agencies shall conduct their work as openly as possible;

C. whereas Article 24 TFEU lays down the principle that every citizen of the Union may apply to the Ombudsman, established in accordance with Article 228 TFEU;

D. whereas Article 228 TFEU empowers the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role;

E. whereas Article 258 TFEU lays down the role of the Commission as guardian of the treaties; whereas failing or omitting to exercise that responsibility could be considered as maladministration;

F. whereas, pursuant to Article 298 TFEU, the EU institutions, bodies, offices and agencies ‘shall have the support of an open, efficient and independent European administration’, and whereas the same article provides for the adoption, to that end, of specific secondary legislation in the form of regulations applicable to all areas of EU administration;

G. whereas Article 41 of the Charter of Fundamental Rights states that ‘every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union’;

H. whereas Article 43 of the Charter states that ‘any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union cases of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role’;

I. whereas the office of the European Ombudsman, established by the Treaty of Maastricht, celebrated its 20th anniversary in 2015, having dealt with 48,840 complaints since 2005;

J. whereas according to the Flash Eurobarometer on EU Citizenship Rights of October 2015, 83% of European citizens are aware that an EU citizen has the right to make a complaint to the Commission, the European Parliament or the European Ombudsman;

K. whereas maladministration is defined by the European Ombudsman as poor or failed administration, which occurs if an institution or public body fails to act in accordance with the law or with a rule or principle which is binding upon it, fails to respect the principles of good administration, or violates human rights;

L. whereas the Code of Good Administrative Behaviour is aimed at preventing maladministration from occurring; whereas the usefulness of this tool is limited given its non-binding nature;

M. whereas high transparency is crucial to gain legitimacy and trust that decisions are based on the overall public interest;

N. whereas opacity when it comes to files which entail a big impact on the socio-economic model of the EU, and also often have major implications in the domain of public health and the environment, tends to generate mistrust among citizens and public opinion in general;

O. whereas whistleblowers play a crucial role in unveiling cases of maladministration and even political corruption in some cases; whereas these cases severely undermine the quality of our democracy; whereas whistleblowers often face severe trouble in the aftermath and are too often exposed to negative personal consequences at many levels, not only professionally but even criminally; whereas in the absence of further safeguards these known past experiences could tend to dissuade individuals from following the ethical path of whistleblowing in the future;

P. whereas the European Ombudsman’s office achieved a compliance rate of 90% with its decisions and/or recommendations in 2014, standing at 10 percentage points higher than the 2013 figure;
Q. whereas, regarding the inquiries initiated by the Ombudsman in 2015, the following key topics may be identified: transparency within the EU institutions, ethical issues, public participation in EU decision-making, EU competition rules and fundamental rights;

R. whereas the Committee on Petitions constitutes an active member of the European Network of Ombudsmen; whereas in this capacity the Committee received 42 complaints from the European Ombudsman marked for further treatment as petitions;

1. Approves the annual report for 2015 presented by the European Ombudsman;

2. Congratulates Emily O’Reilly for her excellent work and for her untiring efforts to improve the quality of service offered to citizens by the European administrations; acknowledges the importance of transparency as a core element of gaining trust and of good administration, something that is also underlined by the high percentage of complaints concerning transparency (22.4%), giving this subject matter the highest ranking of all; acknowledges the role of strategic enquiries in ensuring good administration and supports those conducted by the European Ombudsman’s office in this domain so far;

3. Welcomes the continued efforts of the European Ombudsman to increase transparency in the TTIP negotiations through proposals to the Commission; commends the resulting publication by the Commission of numerous TTIP documents, hence promoting transparency as one of the three pillars of the Commission’s new trade strategy; re-emphasises the need for enhanced transparency in international agreements such as TTIP, CETA and others, as called for by numerous concerned citizens addressing the Committee on Petitions; calls for stronger and wider efforts in this regard, in order to safeguard the trust of European citizens;

4. Calls on the European Ombudsman to inquire to what extent the establishment of secure reading rooms is in line with the right of access to documents and with the principles of good administration;

5. Reminds that Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents builds on the principle of ‘widest possible access’: underlines, therefore, that transparency and full access to documents held by the EU institutions must be the rule in order to ensure that citizens can fully exercise their democratic rights; stresses that, as has already decided by the European Court of Justice, exceptions to that rule have to be properly interpreted, taking into account the overriding public interest in disclosure and in the requirements of democracy, the closer involvement of citizens in the decision-making process, the legitimacy of governance, efficiency and accountability to citizens;

6. Encourages the Commission and Member States to empower the European Ombudsman with the ability to issue a statement of non-compliance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents by the various EU institutions, provided those documents do not fall within the scope of Article 4 and Article 9(1) of the Regulation; supports the notion that the Ombudsman should be empowered to take a decision on the release of the relevant documents, following an investigation into the non-compliance;

7. Regrets that the revision of Regulation (EC) No 1049/2001 is stalled; believes that progress should be achieved without further delay, as the Regulation no longer reflects the current legal situation or institutional practices;

8. Recognises the need for transparency in EU decision-making, and supports the investigation by the European Ombudsmen into informal negotiations between the three main EU institutions (‘trilogues’), and the launching of a public consultation on the matter; supports the publishing of trilogue documents, with due regard to Articles 4 and 9 of Regulation (EC) No 1049/2001;

9. Regrets that Parliament’s Committee of Inquiry into Emission Measurements in the Automotive Sector (EMIS) was only supplied by the Commission with partial documentation, drawn up in such a way that certain information deemed not relevant by the Commission was lacking; calls on the Commission to ensure the highest accuracy in its work and full transparency as regards the documentation provided, in full compliance with the principle of sincere cooperation, so as to guarantee that EMIS can fully and effectively exercise its powers of investigation;
10. Supports the European Ombudsman's determination to make the workings of the European Central Bank more transparent and compliant with a high standard of governance, especially as a member of the Troika/Quadriga that supervises fiscal consolidation programmes in EU countries; welcomes the decision of the ECB to publish lists of meetings of its Executive Board members; supports the new guiding principles for speaking engagements and the establishment of a 'quiet period' regarding market-sensitive information prior to Governing Council meetings;

11. Notes the ECB's status as both a monetary authority and an advisory member of the Troika/Quadriga, and calls on the European Ombudsman to safeguard the interests of good administration of one of Europe's most important financial authorities;

12. Calls for greater transparency in Eurogroup meetings, beyond the steps already taken by its President following an intervention by the European Ombudsman;

13. Approves the Ombudsman's investigation into the make-up and transparency of the work of the Commission's expert groups; notes the Commission's efforts to open up these groups to the public, and stresses that further actions are needed to ensure full transparency; reiterates its call on the Council, including its preparatory bodies, to join the lobby register as soon as possible and to improve the transparency of their work;

14. Supports the Ombudsman's efforts to make lobbying more transparent; regrets the Commission's reluctance to publish detailed information on meetings with tobacco lobbyists; urges the Commission to make its workings fully transparent so that the public acquires more trust in its work;

15. Calls on the Commission to make all information on lobby influence available free of charge, fully comprehensible for and easily accessible to the public, through a single centralised online database;

16. Calls on the Commission to submit, within the year 2017, a proposal for a fully mandatory and legally binding lobby register aimed at closing all loopholes and achieving a fully mandatory register of all lobbyists;

17. Supports efforts to implement guidelines on lobbying transparency which would apply not only to the EU institutions but to national administrations as well;

18. Points out the concern of citizens in relation to the handling of infringement procedures by the Commission before the ECJ and the lack of transparency within the relevant steps of the process; highlights that the right to good administration, as enshrined in Article 41 of the Charter of Fundamental Rights, includes the obligation to produce sufficient reasoning in cases where the Commission decides not to launch an infringement procedure before the ECJ; welcomes the strategic enquiry by the European Ombudsman on the systemic issues encountered in EU Pilot;

19. Welcomes the opening of the Ombudsman's inquiry (Case OI/5/2016/AB) into the Commission's handling of infringement complaints under EU Pilot procedures in its role as a guardian of the Treaties; recalls the previous requests made by the Committee on Petitions on ensuring access to EU Pilot and infringement procedure documents, as petitions frequently lead to the initiation of such procedures;

20.Welcomes the continuation of the European Ombudsman's investigations into 'revolving door' cases in the Commission; acknowledges the fact that as a result of these investigations the Commission has provided greater information as regards the names of the senior officials who have left it to work in the private sector; encourages the more frequent publication of the names and other data of such persons; expresses the hope that other European institutions and agencies will follow suit; welcomes the willingness of the Commission to publish information regarding the post-term-of-office occupations of former Commissioners; expresses great concern at the fact that former Commission President Barroso was appointed as an adviser and non-executive chairman of Goldman Sachs International; calls on the Ombudsman to initiate a strategic inquiry into the Commission's handling of Barroso's revolving door case, including the formulation of recommendations on how to reform the Code of Conduct in line with the principles of good administration and the Treaty requirements found in Article 245 TFEU;
21. Recalls that conflict of interests has a broader scope than the ‘revolving door’ cases; stresses that effectively tackling all sources of conflict of interest is crucial in order to achieve good administration and ensure the credibility of political and technical decision-making; considers that particular attention needs to be paid at EU level, on the basis of high standards and concrete measures that leave no doubt regarding any conflict of interest, in appointing candidates for positions in the Union’s institutions, agencies and bodies;

22. Welcomes the fact that in 2015 all EU institutions introduced internal rules for the protection of whistleblowers under Article 22(a) to (c) of the Staff Regulations, thus encouraging whistleblowing of a regulated kind; notes that the protection of whistleblowers against retaliation could be more effective; to this end, urges the adoption of common rules for the encouragement of whistleblowing and the introduction of minimum guarantees and safeguards for whistleblowers;

23. Calls for a directive on whistleblowing which sets out appropriate channels and procedures for denouncing all forms of wrongdoing, as well as minimum adequate guarantees and legal safeguards for whistleblowers both in the public and in the private sector;

24. Welcomes the introduction of a complaints mechanism for potential fundamental rights infringements in Frontex, following an ongoing investigation by the Ombudsman into practices employed by Frontex and Member States in joint forced returns of irregular migrants; commends the inclusion of such a mechanism in the new European Border and Coast Guard regulation;

25. Commends the European Ombudsman for investigating Member States' compliance with the Charter of Fundamental Rights when implementing actions financed from EU funds, such as projects that institutionalise people with disabilities rather than integrating them into society; urges the European Ombudsman to continue such investigations, in order to ensure the transparency and added value of projects;

26. Welcomes the cooperation between the Ombudsman and the European Parliament within the EU Framework for the UN Convention of Rights of Persons with disabilities, in particular in calling for the full implementation of the Convention at EU level and for sufficient resources to be allocated for this; reaffirms its full support for the implementation of the Convention and calls on the Commission and Member states to enact the full implementation of the Convention at EU level;

27. Supports the Ombudsman’s efforts in dealing with discrimination cases, the rights of minority groups, and the rights of elderly people at the seminar of the European Network of Ombudsmen on ‘Ombudsmen against Discrimination’;

28. Supports the Ombudsman’s efforts to ensure impartiality in Commission decision-making on competition matters;

29. Acknowledges that the right of citizens to have a say in EU policymaking is now more important than ever; welcomes the guidelines proposed by the Ombudsman for improving the functioning of the European Citizens’ Initiative (ECI), especially where solid reasoning by the Commission in ECI rejections is concerned; recognises, however, that there are significant deficits which need to be tackled and solved in order to make the ECI more effective; asserts that the greater inclusion of citizens in the determination of EU policies will increase the credibility of the European institutions;

30. Notes positively the Ombudsman’s continuous dialogue and close relations with a broad range of EU institutions, including the European Parliament, as well as other bodies, with a view to ensuring administrative cooperation and cohesion; also commends the Ombudsman’s efforts to ensure continuous and open communication with the Committee on Petitions;

31. Acknowledges the need for EU agencies to abide by the same high standards of transparency, accountability, and ethics as all other institutions; notes with appreciation the important work performed by the European Ombudsman in several agencies across the EU; supports the proposal made to the European Chemicals Agency (ECHA) that registrants have to show that they tried their utmost to avoid animal testing and to provide information on how to avoid animal testing;
32. Supports the Ombudsman's recommendations to the effect that the European Food Safety Agency should revise its rules and procedures on conflict of interest in order to ensure proper public consultation and participation;

33. Reminds that the Ombudsman also has the capacity, and therefore the duty, to scrutinise the work of Parliament in pursuit of the goal of ensuring sound administration for EU citizens;

34. Calls for an effective upgrading of the Code of Good Administrative Behaviour by adopting a binding regulation on the matter during this legislative term;

35. Calls on the European Ombudsman to add to future annual reports a categorisation of complaints outside the mandate of the Ombudsman's office, since this would allow Members of the European Parliament an overview of problems affecting EU citizens;

36. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, and the Member States' ombudsmen or similar competent bodies.
Towards a definitive VAT system and fighting VAT fraud

European Parliament resolution of 24 November 2016 on towards a definitive VAT system and fighting VAT fraud

(2016/2033(INI))

(2018/C 224/18)

The European Parliament,

— having regard to the action plan on VAT put forward by the Commission on 7 April 2016 (COM(2016)0148),

— having regard to the European Court of Auditors special report No 24/2015 of 3 March 2016 entitled ‘Tackling intra-Community VAT fraud: More action needed’,


— having regard to its resolution of 13 October 2011 on the future of VAT (1),

— having regard to the proposal for a directive on the fight against fraud to the Union’s financial interests by means of criminal law (COM(2012)0363),

— having regard to the proposal for a Council Regulation on the establishment of the European Public Prosecutor’s Office (COM(2013)0534),

— having regard to its resolution of 12 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor’s Office (2),

— having regard to the proposal for a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) (COM(2013)0535),

— having regard to its resolution of 29 April 2015 on the proposal for a Council regulation on the establishment of the European Public Prosecutor’s Office (3),

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

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Budgetary Control and the Committee on Civil Liberties, Justice and Home Affairs (A8-0307/2016).

A. whereas the Single Market, established on 1 January 1993, has abolished border controls for intra-community trade and whereas, under Articles 402-404 of the current VAT Directive, the European Union VAT arrangements in place since 1993 are of a provisional and transitional nature only;

B. whereas, under Article 113 of the Treaty on the Functioning of the European Union (TFEU), the Council shall, acting unanimously, adopt directives for the completion of the common VAT system and, in particular, the progressive curtailment or revocation of exemptions thereto;

C. whereas the Commission is required every four years to submit to the European Parliament and the Council a report on the functioning of the current VAT system and, in particular, the transitional arrangements;

(1) OJ C 94 E, 3.4.2013, p. 5.
(2) Texts adopted, P7_TA(2014)0234.
D. whereas VAT, the proceeds of which yielded almost EUR 1 trillion in 2014, is a major and growing source of revenue in the Member States and contributes to EU own resources, the EU’s total revenue from the VAT own resource standing at EUR 17 667 million and accounting for 12.27% of the total revenue of the EU in 2014 (1);

E. whereas the current VAT system, in particular as it is applied by large corporations to cross-border transactions, is vulnerable to fraud, tax avoidance strategies, VAT uncollected due to insolvencies, or to miscalculation; whereas the estimated ‘VAT gap’ amounts to around EUR 170 billion annually, and better digital technologies are becoming available to help close this gap;

F. whereas, according to a Commission study (2), MTIC fraud (Missing Trader Intra-Community fraud, commonly called carousel fraud) alone is responsible for a VAT revenue loss of approximately EUR 45 billion to EUR 53 billion annually;

G. whereas Member States differ in the effectiveness with which they are able to address VAT fraud and VAT avoidance, since the VAT gap is estimated to vary from less than 5% to over 40% depending on the country considered;

H. whereas, according to Europol estimates, between EUR 40 billion and EUR 60 billion of the annual VAT revenue losses of Member States are caused by organised crime groups, and 2% of those groups are behind 80% of MTIC fraud;

I. whereas the measurement of the revenue losses arising from cross-border VAT fraud is a very challenging task given that only two Member States, the UK and Belgium, collect and disseminate statistics on the issue;

J. whereas several Member States under the coordination of Eurojust and Europol have recently conducted three successful and consecutive Vertigo Operations which uncovered a carousel fraud scheme totalling EUR 320 million;

K. whereas the high administrative costs incurred under the present VAT system, especially with regard to cross-border transactions, could be significantly reduced for small and medium-sized enterprises in particular, including by means of simplification measures employing digital reporting tools and common databases;

L. whereas there is much room for improvement in reducing administrative and tax barriers, which particularly affect cross-border cooperation projects;

M. whereas VAT is a tax on consumption which is based on a system of fractionated payments allowing for self-policing by persons liable for payment, and whereas it must only be borne by the final consumer so as to ensure neutrality for businesses; whereas it is up to Member States to organise the practical way of charging VAT in order to ensure that it is borne by the final consumer;

N. whereas 23 years after the introduction of the VAT Directive, the so called ‘standstill derogations’ are outdated, in particular with regard to the modern digital economy;

O. whereas, over the past two decades, the Commission has initiated over 40 infringement procedures against more than two-thirds of the Member States for breach of the directive;

P. whereas no majority can be achieved in favour of the country of origin principle regarding a definitive VAT system, since this would require a higher degree of tax-rate harmonisation to prevent massive distortions of competition;

Q. whereas the fight against tax fraud is one of the main tax-related challenges faced by the Member States;

Whereas VAT fraud is an extremely damaging practice that diverts significant amounts of Member States' budget revenues while hindering their efforts to consolidate their public finances;

Whereas cross-border VAT fraud costs our Member States and European taxpayers nearly EUR 50 billion a year;

Whereas VAT fraud typologies are multifaceted, evolving and concern many economic sectors, and thus require swift adaptation of relevant legislation in order to move towards a sustainable and simple VAT system enabling the prevention of fraud and the potential loss of tax revenue;

Whereas any reverse charge pilot projects must not cause or lead to any delay in putting in place a definitive VAT system as provided for in the Commission's Action Plan roadmap;

Whereas the most popular VAT fraud technique is 'carousel' fraud; whereas in this type of fraud, which occurs very frequently in the electronic component, mobile telephony and textile trades, goods are passed around between several companies in different Member States, taking advantage of the fact that there is no tax levied on the intra-EU supply of goods;

Whereas enhanced and continuous cooperation efforts between the Member States are urgently needed to set up comprehensive and integrated strategies in the fight against fraud, particularly considering current EU budgetary constraints, and the increase in e-commerce and internet trade that has weakened territorial control over VAT collection;

Whereas the protection of the financial interests of the European Union and the Member States is a key element of the Union's policy agenda to strengthen and increase the confidence of citizens and ensure that their money is used properly;

Whereas VAT fraud results in a loss of income for the Member States, and therefore for the EU, creates a distorted fiscal environment that is particularly damaging to small and medium-sized enterprises, and is used by criminal organisations taking advantage of existing legislative gaps between the Member States and their competent supervisory authorities;

Whereas the European Court of Auditors concluded in its Special Report No 24/2015 that VAT fraud is mostly classed as a criminal practice that needs to be stopped;

Whereas in the 'Taricco and Others' case (C-105/14) the European Court of Justice stated that the concept of 'fraud' as defined in Article 1 of the Convention on the Protection of the European Communities' Financial Interests covers revenue derived from VAT;

1. Welcomes the Commission's intention to propose a definitive VAT system by 2017 that is simple, fair, robust, efficient and less susceptible to fraud;

2. Emphasises that a simple system for VAT which demands fewer exemptions is necessary for the proper functioning of the digital single market;

3. Takes the view that the expert advice on which the Commission's proposals for the programme of action are based contains a number of valuable recommendations; emphasises that the Commission's list of proposals aimed at achieving a robust, simple and fraud-proof VAT system is not exhaustive;

4. Welcomes the recent Commission communication of 7 April 2016 and the projected additional measures designed to prevent fraud and help improve the existing VAT system;

5. Takes the view that improving the existing system is also important, and calls for fundamental reforms with a view to removing or at least substantially reducing the problems affecting it, and particularly the European problem of VAT collection;
6. Takes the view that the Commission should examine all possible options equally without prejudging the outcome and should include them in the legislative process;

7. Notes that concerted efforts between Member States are needed to reach agreement on a definitive VAT system;

8. Recognises that unanimity will be a necessary precondition for an agreement on a better functioning system for VAT, and therefore calls for a clear vision regarding simplicity and fewer exceptions combined with a pragmatic approach respecting the interests of the rapidly developing digital economy;

9. Notes that it is essential for the Member States to adopt a coordinated tax policy and to improve the speed and frequency of their exchange information concerning intra-Community trade in order to combat tax evasion and tax avoidance more effectively and finally close the existing ‘VAT gap’;

10. Encourages the Commission and government agencies to explore and test new technologies, such as distributed ledger technology and real time supervision, as part of a RegTech agenda with a view to significantly reducing the existing and substantial ‘VAT gap’ in the Union;

11. Stresses that it is the responsibility of the tax authorities in the individual Member States to ensure that VAT is paid in a simple and SME-friendly way, which can be facilitated by increased cooperation between the national authorities;

12. Takes the view that cooperation and information exchanges between the Member State tax authorities have been inadequate in the past and the activities of Eurofisc have to date failed to achieve any satisfactory results; is of the opinion that the information exchanged through Eurofisc should be better targeted to fraud; looks forward to the upcoming Commission proposal to enhance the functioning of Eurofisc;

13. Notes that the VAT Information Exchange System (VIES) has proven to be a helpful tool in fighting fraud by enabling tax authorities to reconcile data on traders across countries, but that shortcomings persist in its implementation, in particular as regards the timeliness of the information provided, the swiftness of the replies to queries and the speed of reaction to the errors signalled; recommends therefore that Member States give due consideration to addressing these shortcomings;

14. Notes that the data provided to Eurofisc by national authorities are not filtered in a way which transfers solely suspect cases, thus hindering the optimal functioning of the group; supports the initiative by several Member States that argue for the setting up of national risk analysis tools which would permit filtering of data without running the risk of eliminating suspicious cases in any Member State and allow Eurofisc to react quickly against cross-border VAT fraud;

15. Emphasises that it is the responsibility of the tax authorities in the individual Member States to ensure that VAT is paid in a proper and simple way;

16. Recalls that Member States largely depend on information received from other Member States concerning intra-EU trade in order to be able to collect VAT in their territory; calls on the authorities responsible to automatically exchange VAT and excise information in particular and to use reliable and user-friendly IT means, such as electronic standard forms, to record cross-border deliveries of goods and services to end-users; believes in this regard that the use of VAT Locator Numbers (VLNs), under which customers cannot deduct input tax if the VAT is mentioned on an invoice without a valid VLN, could be a helpful tool;

17. Believes that the lack of comparable data and of adequate relevant indicators to measure Member States’ performance affects the effectiveness of the EU system in tackling intra-EU VAT fraud, and thus calls on tax authorities to establish, in coordination with the Commission, a common system to estimate the size of intra-EU fraud and then set targets to reduce it, as this would make it possible to evaluate Member States’ performance in tackling this issue;
18. Calls on Member States to also facilitate the exchange of information with judicial and law enforcement authorities such as Europol and OLAF, as recommended by the Court of Auditors;

19. Notes that Customs Procedure 42, which provides for VAT exemption on goods imported into one Member State when they will subsequently be shipped to another Member State, has shown to be vulnerable to fraudulent abuse; notes that effective cross checks of the data held by tax authorities with data held by customs authorities are crucial to detect and eliminate this type of fraud; calls therefore on Member States and on the Commission to act in order to facilitate the flow of information between tax and customs authorities regarding imports under Customs Procedure 42, as recommended by the European Court of Auditors;

20. Supports the aim of the action plan to establish a single European VAT area to buttress a deeper and more equitable single market and in order to help promote tax justice, sustainable consumption, employment, growth, investment and competitiveness, while also limiting the possibility of VAT fraud;

21. Calls in this regard for services to be incorporated fully into the new system as soon as possible and calls, in particular, for financial services to be subject to VAT;

22. Shares the Commission’s view that the VAT system decided upon should be based on the principle of taxation in the country which is the final destination of the goods and services, given that the country-of-origin principle could not be implemented;

23. Is in favour of the country-of-destination principle being applied as a general rule in the case of distance sales to individuals, and of introducing harmonised measures for small businesses;

24. Calls for technical developments in the digital world to be incorporated into the existing tax models when the VAT system decided upon is introduced, so that the system will be fit for the 21st century;

25. Notes that the current plethora of VAT rates causes great uncertainty for companies involved in cross-border trading, in particular in the services sector and for SMEs; notes that uncertainty is also caused by the question of who is liable for the collection of VAT, proof of intra-community supply, the risk of being involved in missing trader fraud, cash-flow issues and the different VAT rates for different product categories within the same country; calls therefore on the Commission to study the impact by mid-2017 of missing trader fraud; calls for Member States to agree on increasing convergence in VAT rates;

26. Calls on the Commission to assess the impact of failing to harmonise tax rates at Union level, particularly on cross-border activities, and to assess the possibilities for removing these obstacles;

27. Supports the option as proposed by the Commission of a regular review of the list of goods and services eligible for reduced rates to be agreed by the Council; calls for this list to take into account political priorities such as social, gender, health, environmental, nutritional and cultural aspects;

28. Takes the view that the complete abolition of minimum tax rates as an alternative, as advocated by the Commission, might cause considerable distortions of competition and problems in the single market; takes the view that the need for greater harmonisation, which is necessary for the proper functioning of the single market should be taken into account;

29. Calls for an examination of whether a single European list of reduced goods and services could be compiled with the aim of finding an alternative to the current system of reduced VAT rates which could significantly improve the efficiency of the VAT system, allowing for a more structured system than is currently the case;

30. Takes the view that fewer exemptions are important to fight VAT fraud and that the best and most efficient way to tackle fraud is a simple VAT system with as low a rate as possible;
31. Takes the view that the present complicated system could be considerably simplified if the goods and services eligible for reduced tax rates were reduced and some goods and services eligible for reduced tax rates were determined jointly by Member States at EU level, while allowing Member States to decide on tax rates as long as they are compliant with the minimum tax rates in the VAT Directive and provided that this does not create risks of unfair competition;

32. Calls for products to be subject to the country-of-destination principle of equal taxation irrespective of what form they take or what platform they are purchased on and whether they are delivered digitally or physically;

33. Notes that a major problem for SMEs today is that Member States have different interpretations regarding what can be described as a product or as a service; calls therefore on the Commission to be clearer and more distinct in its definitions;

34. Calls on the Member States to apply VAT equally to private and public companies in areas in which they compete with each other;

35. Points out that the fractionated payments system for VAT was chosen as the reference for indirect taxation in the OECD's BEPS project (Action 1) because it ensures that tax collection is effective and, by its very nature, allows for self-policing by operators;

36. Notes that Articles 199 and 199a of the VAT Directive provide for a temporary and targeted application of the reverse charge mechanism for cross-border transactions and for certain domestic high-risk sectors in Member States;

37. Calls on Commission to study carefully the consequences of the reverse charge mechanism and to examine whether this procedure will simplify the situation for SMEs and reduce VAT fraud;

38. Calls on the Commission to evaluate the effects of the reverse charge procedure, and not only for individual sectors which are particularly susceptible to fraud, in terms of benefits, compliance costs, fraud, effectiveness and implementation problems and long-term advantages and disadvantages through pilot projects, as requested by some Member States and explicitly confirmed by the Commission in the meantime, even if this has not been included in its action plan so far; stresses that any such pilot project must not, however, by any means cause or lead to any delay in the design and implementation of the permanent VAT regime as provided for in the Commission's Action Plan roadmap;

39. Takes the view that national tax administrations must take greater responsibility for ensuring tax compliance and reducing opportunities for evasion in the general implementation of the country-of-destination principle; agrees with the Commission that there is still ample room to improve the fight against VAT fraud via conventional administrative measures and improving Member States’ staff capacity and skills in tax collection and inspection; highlights the need to strengthen tax inspections and sanctions on the largest fraudsters; calls on the Commission to provide adequate financial and technical support in this regard;

40. Takes the view that the Commission should closely monitor the performance of national tax authorities and improve coordination between them;

41. Welcomes the Commission announcement to expand the Mini One-Stop Shop into a fully-fledged one-stop shop; notes the paramount importance of it being user-friendly and equally efficient in all 28 Member States; notes that creating a one-stop-shop would alleviate administrative burdens that prevent companies from operating across borders and reduce costs for SMEs (COM(2016)0148);
42. Notes that a 'one-stop shop' is essential if the country-of-destination principle is to be imposed and made less prone to fraud; calls for improvements to the one-stop shop to be based on the current experience of the Mini One-Stop Shops for digital products; notes that even with the Mini One-Stop Shop, small and micro-businesses can face a significant administrative burden under the new destination principle; welcomes, therefore, the proposal within the Commission's action plan on VAT to introduce a common EU-wide simplification measure (VAT threshold); calls for a clear definition of which Member State is responsible for tax inspection in the case of cross-border transactions; welcomes the Commission's intention to abolish the Low Value Consignments Relief as part of its VAT action plan;

43. Recognising that different VAT regimes across the European Union might also be perceived as a non-tariff barrier in the Single Market, underlines that the VAT Mini One-Stop Shop (VAT MOSS) is a good way of helping to remove this barrier and in particular of supporting SMEs in their cross-border activity; acknowledges that there are still some minor problematic issues with the VAT MOSS; calls on the Commission to further facilitate the payment of VAT obligations by companies across the EU;

44. Notes the Court of Justice of the European Union ruling in C-97/09 (Ingrid Schmelz v Finanzamt Waldviertel); takes note of the 28 different thresholds for exemption from VAT tax; takes note of the ensuing financial difficulties faced by SMEs and micro-businesses which would be exempted under their national systems; calls on the Commission to conduct further studies on establishing a threshold for the exemption to pay VAT for micro-businesses;

45. Calls for all proposals to be studied in order to minimise the administrative burden of turnover taxes for MSMEs: encourages the Commission in this regard also to look into international best practices, such as the gold card schemes applicable in Singapore and Australia, recognising that the risk of fraud on the part of some suppliers is very low;

46. Welcomes the Commission's announcement that it will submit an SME package for VAT in 2017; recommends, however, that the implementation of the new framework should be gradual as it will trigger additional administrative costs (such as IT infrastructure or VAT processes);

47. Notes the complex filing system that imposes a high burden on SMEs and thus discourages cross-border trade; calls on the Commission to include in its SME package a proposal for unified VAT filing and harmonised reporting requirements and deadlines;

48. Underscores the need for a harmonised VAT environment for distance ‘business-to-business’ and ‘business-to-consumer’ sales; notes that the VAT threshold is not implemented with the same success in different Member States due to failures in coordination;

49. Stresses that a new simplified system for VAT must be designed in such a way that SMEs can easily follow the rules on cross border trade and can find support in each Member State not only on how to adapt to them but also on managing the VAT procedures;

50. Calls in the short term for a comprehensive and publicly accessible internet portal for companies and end-users to find, clearly and easily, detailed information on the VAT rates applicable to individual products and services in the Member States; stresses that language and design of this portal should be easy to understand and use; reiterates its conviction that helping companies to clearly understand VAT rules applicable in Member States will further strengthen anti-VAT-fraud measures; notes also that certified tax software could help in limiting the risk of specific types of fraud and other irregularities and can provide certainty to honest businesses engaged in domestic and cross-border transactions; calls further on the Commission to provide guidelines to national tax authorities on the classification of transactions with respect to the applied VAT rate in order to reduce compliance costs and legal disputes; calls on Member States to set up public information systems, such as a VAT web portal, to make reliable information available;

51. Calls on the Commission to set up a list with updated information on VAT rules in every single Member State; underlines, at the same time, that it is the responsibility of the Member States to report their rules and rates to the Commission;
52. Notes that, for e-commerce sales, the lack of harmonisation in the VAT threshold entails high transaction costs for SMEs operating in e-commerce activities when they accidentally or inadvertently exceed the threshold.

53. Calls on the Member States to urgently provide the Commission with information regarding their respective VAT rates, special requirements and exemptions; calls on the Commission to collect this information and make it available to companies and consumers.

54. Takes the view that the VAT reform plans announced by the Commission in the action programme must be subject to comprehensive and qualitatively-sound impact assessments with input from science, EU Member State tax administrations, SMEs and companies in the EU.

55. Emphasises that tax legislation is an exclusive competence of the Member States; emphasises that according to Article 329(1) TFEU a group of at least nine Member States may engage in enhanced cooperation; calls on the Commission to support proposals for enhanced cooperation which aim to combat fraud and reduce administrative burdens in terms of VAT.

56. Takes the view that a solution within the OECD framework is preferred to stand-alone measures which need to be harmonised with OECD recommendations and the BEPS action plan.

57. Welcomes the Commission communication entitled 'EU eGovernment Action Plan 2016-2020: Accelerating the digital transformation of government' (COM(2016)0179);

58. Notes that the new action plan includes further steps forward towards a more efficient and fraud-proof definitive regime that will be friendlier to businesses in the age of the digital economy and e-commerce.

59. Supports the Commission proposal according to which VAT on cross-border sales (of goods or services) would be collected by the tax authority of the originating country, at the rate applicable in the country of consumption, and transferred to the country where the goods or services are ultimately consumed.

60. Underlines the importance of presenting a legislative proposal to extend the Single Electronic Mechanism (for the registration and payment of VAT to cross-border businesses) to consumer online sales of physical goods in order to reduce the administrative burden, one of the main barriers that businesses face when operating across borders.

61. Calls on the Commission to address the administrative burden on businesses arising from the fragmented VAT regime by presenting legislative proposals to extend the current mini One-Stop Shop to include tangible goods sold online, allowing businesses to make single declarations and VAT payments in their own Member States.

62. Calls on the Member States to simplify their national tax systems, and to make them more consistent and robust, so as to facilitate compliance, prevent, deter and punish tax fraud and evasion, and boost the efficiency of VAT collection.

63. Is concerned that the goal of simplifying the system of accountability for VAT as an own resource has not been totally achieved; recalls the need for further simplification of the management system related to own resources in order to reduce the possibilities of errors and fraud; regrets that the new action plan does not address the impact on the VAT own resource.

64. Points out that the Member States' VAT gaps, and the estimated losses on VAT collection within the Union, amounted to an estimated EUR 170 billion in 2015, and underlines the fact that in 13 of the 26 Member States examined in 2014 the average estimated VAT loss exceeded 15.2%; calls on the Commission to make full use of its executive powers in order to both control and help the Member States; points out that effective action to reduce the VAT gap requires a concerted and multidisciplinary approach, as this gap is the result not only of fraud but of a combination of factors, including bankruptcy and insolvency, statistical errors, late payment, tax evasion and tax avoidance; reiterates its call on the Commission swiftly to promote legislation on the minimum level of protection for whistle-blowers in the EU in order to better investigate and deter fraud, and to establish financial support for cross-border investigative journalism, which clearly proved its effectiveness in the ‘LuxLeaks’, ‘Dieselgate’ and ‘Panama Papers’ scandals.
65. Regrets that VAT fraud, and in particular the so-called ‘carousel’ or ‘missing trader’ fraud, distorts competition and deprives national budgets of significant resources, as well as being detrimental to the Union budget; is concerned that the Commission has no reliable data on VAT ‘carousel fraud’; calls, therefore, on the Commission to launch a coordinated effort by the Member States to establish a joint system of collecting statistics on VAT ‘carousel fraud’; points out that such a system could build upon practices already used in some Member States;

66. Urges the Commission to initiate the establishment of a common system that will allow a more refined estimation of the size of intra-EU VAT fraud by compiling intra-EU VAT fraud statistics, which would enable individual Member States to evaluate their respective performances in this regard on the basis of precise and reliable indicators of the reduction of intra-EU VAT and the increase in fraud detection and correlative tax recovery; takes the view that new auditing approaches, such as the single audit or joint audits, should be extended further to encompass cross-border operations;

67. Stresses the importance of implementing new strategies, and of making more efficient use of existing EU structures, to combat VAT fraud more vigorously; underlines the fact that greater transparency allowing for proper scrutiny, and the adoption of a more structured and ‘risk-based’ approach, are key to detecting and preventing fraud schemes and corruption;

68. Regrets that administrative cooperation among Member States in fighting VAT fraud is still not efficient when it comes to coping with intra-EU VAT evasion and fraud mechanisms, or to managing cross-border transactions or trading; stresses the need for a simplified, effective and accessible VAT system that will allow all Member States to reduce their VAT burdens and combat VAT fraud; calls on the Commission, therefore, to carry out more monitoring visits to Member States, selected on a risk basis, when assessing administrative cooperation agreements; asks the Commission, furthermore, to focus, in the context of its evaluation of the administrative arrangements, on removing legal obstacles preventing the exchange of information between administrative, judicial and law enforcement authorities at national and EU level; calls, in addition, on the Commission to recommend that Member States introduce a common risk analysis, including the use of social network analysis, to ensure that the information exchanged through Eurofisc is targeted on fraud; calls on the Member States to lay down effective, proportionate and dissuasive penalties, and to improve the system currently used to exchange information;

69. Stresses the need to reinforce Eurofisc in order to speed up exchanges of information; points out that there are still problems with regard to the accuracy, completeness and timeliness of information; considers it necessary to pool the actions, and coordinate the strategies, of the Member States’ tax, judicial and police authorities, and of European bodies — such as Europol, Eurojust and OLAF — dealing with the fight against fraud, organised crime and money laundering; encourages all stakeholders to further consider simple and comprehensible models for real-time information sharing in order to allow for prompt reactions or mitigating measures to combat existing or newly emerging fraud schemes;

70. Considers it essential for all Member States to participate in Eurofisc in each of its fields of activity, so as to allow effective measures to be taken to combat VAT fraud;

71. Calls on the Commission to make proposals enabling effective cross-checks of data from customs and tax authorities, and to focus its monitoring of the Member States on measures indicative of improvements to the timeliness of their replies to information requests and of the reliability of the VAT Information Exchange System (VIES);

72. Asks the Commission to encourage those Member States that have not already done so to implement a two-tier VAT identification number (with a number allocated to traders wishing to take part in intra-Community trade that is different from the domestic VAT identification number) and to conduct the checks laid down in Article 22 of Regulation (EU) No 904/2010, while providing free advice to traders;
73. Calls on the Commission to ensure that the Member States’ electronic customs clearance systems are capable of, and carry out, automatic checking of VAT identification numbers;

74. Urges the Commission to propose an amendment to the VAT Directive with a view to achieving further harmonisation of Member States’ VAT reporting requirements for intra-EU supplies of goods and services;

75. Regrets that the proposal of the Commission with regard to joint and several liability in cases of cross-border trade has not been adopted by the Council; points out that this reduces the deterrence against doing business with fraudulent traders; considers that the implementation of the VAT Directive, as regards the period of submission of recapitulative statements, is not uniform among the Member States, and that this increases the administrative burden on traders operating in more than one Member State; urges the Council, therefore, to approve the Commission’s proposal on joint and several liability;

76. Encourages the Commission and the Member States to be more active at international level, to strengthen cooperation with non-EU countries and to enforce efficient VAT collection, so as to establish standards and strategies of cooperation based chiefly on the principles of transparency, good governance and exchange of information; encourages the Member States to exchange information received from non-EU countries among themselves in order to facilitate the enforcement of VAT collection, particularly in e-commerce;

77. Urges the Council to include VAT in the scope of the Directive on the fight against fraud to the Union’s financial interests by means of criminal law (the ‘PIF Directive’) with a view to finding agreement on the matter as soon as possible;

78. Calls on the Commission to continue to assess the revenues raised by criminal organisations through VAT fraud, and to present a comprehensive, common, multi-disciplinary strategy to counter criminal organisations’ business models based on VAT fraud, including by means of joint investigation teams where necessary;

79. Deems it crucial to ensure the establishment of a single, strong and independent European Public Prosecutor’s Office (EPPO) that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union’s financial interests, including with regard to VAT fraud, as defined in the aforementioned PIF Directive, and believes that any weaker solution would represent a cost to the Union budget; stresses, moreover, the need to ensure that division of competence between the EPPO and Member States’ investigating authorities does not lead to offences with a meaningful impact on the Union budget falling outside the competence of the EPPO;

80. Calls on all the Member States to publish estimates on losses due to intra-EU VAT fraud, to address weaknesses in Eurofisc, and to better coordinate their policies on reverse charging of VAT relating to goods and services;

81. Deems it crucial that the Member States use multilateral controls (MLCs) — a coordinated control by two or more Member States of the tax liability of one or more related taxable persons — as a useful tool for combating VAT fraud;

82. Instructs its President to forward this resolution to the Council, the Commission and the Member States.
EU action plan against wildlife trafficking

European Parliament resolution of 24 November 2016 on EU action plan against wildlife trafficking

(2016/2076(INI))

(2018/C 224/19)

The European Parliament,

— having regard to the Commission communication entitled ‘The EU Action Plan against Wildlife Trafficking’ (COM(2016)0087),

— having regard to its resolution of 15 January 2014 on wildlife crime (1),


— having regard to the 2003 United Nations Convention against Corruption,

— having regard to the 2000 United Nations Convention against Transnational Organised Crime,

— having regard to the Convention on Biological Diversity (CBD) and the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention),


— having regard to UN General Assembly Resolution 69/314 of 30 July 2015 on tackling illicit trafficking in wildlife,

— having regard to UN Environment Assembly Resolution 2/14 on illegal trade in wildlife and wildlife products,

— having regard to the 2015-2030 United Nations Sustainable Development Goals (SDGs),

— having regard to the International Consortium on combating Wildlife Crime (ICWCC), comprising CITES, Interpol, UNODC, the World Bank and the World Customs Organisation,

— having regard to the Declaration signed at the 2014 London Conference on the Illegal Wildlife Trade,

— having regard to the 2016 Buckingham Palace Declaration on the prevention of wildlife trafficking in the transport sector,

— having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (1), and to the Commission's 2016 implementation report thereon,

— having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU) (2),


— having regard to the importance of the European Fisheries Control Agency, established by Council Regulation (EC) No 768/2005, in combating illegal capture and sale of aquatic species,


— having regard to the study on wildlife crime published by its Policy Department for its Committee on the Environment, Public Health and Food Safety in March 2016,

— having regard to the Natura 2000 network, which involves core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right,

— having regard to the report of the 2014 EU Action to Fight Environmental Crime (EFFACE) research project,

— having regard to the Council conclusions of 12 February 2016 on the fight against the financing of terrorism,

— having regard to the report of the Secretary-General of the UN Commission on Crime Prevention and Criminal Justice of 4 March 2003 entitled ‘Illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources’,

— having regard to the Council conclusions of 20 June 2016 on the EU Action Plan against Wildlife Trafficking.

— having regard to the 2016 rapid response assessment by the United Nations Environment Programme (UNEP) and Interpol entitled 'The Rise of Environmental Crime',

— having regard to Rule 52 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 Development, the Committee on International Trade, the Committee on Fisheries and the Committee on Legal Affairs (A8-0303/2016),

A. whereas wildlife trafficking is an organised international crime which is estimated to be worth approximately EUR 20 billion annually and which has increased worldwide in recent years, becoming one of the biggest and most profitable forms of organised cross-border crime; whereas wildlife trafficking finances and is closely linked with other forms of serious and organised crime;

B. whereas the loss of global biodiversity is serious, as it corresponds to the sixth wave of mass extinction of species;

C. whereas global biodiversity and ecosystem services are under threat owing to land-use changes, unsustainable use of natural resources, pollution and climate change; whereas, in particular, many endangered species face greater challenges than before owing to rapid urbanisation, loss of habitat and the illegal wildlife trade;

D. whereas wildlife trafficking has major negative impacts on biodiversity, existing ecosystems, the natural heritage of the countries of origin, natural resources and the conservation of species;

E. whereas wildlife trafficking is a serious and growing threat to global security, political stability, economic development, local livelihoods and the rule of law, and therefore requires a strategic, coordinated EU approach involving all the actors concerned;

F. whereas halting trafficking in endangered species of flora and fauna and products derived from them is essential in order to attain the UN's sustainable development targets;

G. whereas CITES is a major international agreement covering 35 000 animal and plant species, which has been in force since 1975 and signed by 183 parties (including all EU Member States and, since July 2015, the EU itself);

H. whereas trade and development policies should, inter alia, serve as a means to improve respect for human rights, animal welfare and environmental protection;

I. whereas the EU Trade in Wildlife Information Exchange (EU-TWIX) has been monitoring the illegal wildlife trade by creating a seizures database and channels of communication between officials across European countries since 2005;

J. whereas lack of awareness and political engagement are major obstacles to combating wildlife trafficking effectively;

K. whereas the EU Agenda on Security for 2015-2020 identifies wildlife crime as a form of organised crime that must be tackled at EU level by considering further criminal sanctions throughout the EU by means of a review of the existing legislation on environmental crime;

L. whereas Operation COBRA III, conducted in May 2015, was the biggest ever coordinated international law enforcement operation targeting the illegal trade in endangered species and resulted in 139 arrests and more than 247 seizures, which included elephant ivory, medicinal plants, rhino horns, pangolins, rosewood, tortoises and many other plant and animal specimens;
M. whereas the demand for illegal wildlife products in destination markets promotes corruption across the wildlife trafficking supply chain;

N. whereas the EU is a significant destination market and transit route for illegal wildlife trade but also a source of trafficking in certain European endangered species of flora and fauna;

O. whereas the UN Commission on Crime Prevention and Criminal Justice resolution of April 2013, endorsed by the UN Economic and Social Council on 25 July 2013, encourages its Member States to make illicit trafficking in protected species of wild fauna and flora involving organised criminal groups a serious crime, thereby placing it on the same level as human trafficking and drug trafficking;

**General remarks**

1. Welcomes the Commission's Action Plan against Wildlife Trafficking, which highlights the need for coordinated actions to address the causes of wildlife trafficking, to implement and enforce existing rules effectively, and to strengthen global cooperation between source, transit and destination countries;

2. Calls on the Commission, the Member States, the European External Action Service and the EU agencies Europol and Eurojust to recognise that wildlife crime is a serious and growing threat and to address it with the greatest political urgency; highlights the need for comprehensive and coordinated approaches across policy areas including trade, development, foreign affairs, transport and tourism, and justice and home affairs;

3. Stresses that the identification and allocation of appropriate financial and human resources is essential for the implementation of the Action Plan; underlines the need to provide adequate financial resources in the EU budget and the national budgets in order to ensure effective implementation of this plan;

4. Acknowledges the importance of the Action Plan, but stresses its shortcomings as regards the incorporation of aquatic species;

5. Insists on the full and timely implementation of all elements of the Action Plan reflecting the urgent need to stop illegal and unsustainable practices and prevent further species decline; calls on the Commission to provide Parliament and the Council with yearly written implementation updates and to set up an ongoing detailed monitoring and evaluation mechanism to measure progress, including the actions taken by Member States;

6. Calls on the Commission and the Member States to better increase the protection of the habitats of target species and stresses that increased protection should be ensured for areas designated as Vulnerable Marine Ecosystems, Ecologically or Biologically Significant Marine Areas and Natura 2000 network sites;

7. Calls on the Commission to establish a dedicated Wildlife Trafficking Coordinator's office, mirroring the model used to fight human trafficking, in order to ensure a joined-up effort by different Commission services and the Member States;

8. Reminds the Commission that many aquatic species are also in danger of being extinct, which will affect the sustainability of many ecosystems;

9. Calls on the Commission and the Member States to further develop scientific studies on technological adaptations of fishing gears in order to avoid bycatch, given the fact that a number of species, including turtles, are threatened by both bycatch and wild animal trafficking;
Preventing wildlife trafficking and addressing its root causes

10. Calls for a targeted and coordinated series of awareness-raising campaigns by the EU, third countries, stakeholders and civil society with the aim of reducing demand related to the illegal trade in wildlife products through real and lasting individual and collective behavioural change; recognises the role civil society organisations can play in supporting the Action Plan;

11. Calls on the EU to support initiatives promoting the development of alternative sustainable livelihoods for rural communities close to wildlife, which increase local benefits from conservation measures, minimise human-wildlife conflicts and promote wildlife as a valuable community income; believes that such initiatives, when taken in consultation with the communities concerned, will increase support for conservation and contribute to the recovery, conservation and sustainable management of wildlife populations and their habitats;

12. Stresses that wildlife protection must be a key element in the EU’s global poverty-reduction strategies and calls for actions that enable local communities to benefit directly from engaging in wildlife protection to be included in the various cooperation agreements negotiated with third countries;

13. Reminds the Commission that illegal trafficking in aquatic species also affects the economic development of coastal communities and the environmental suitability of our waters;

14. Calls for the EU, as a matter of urgency, to address corruption and the shortcomings of international governance measures across the wildlife trafficking chain; calls for the EU and its Member States to engage with partner countries through the United Nations Convention against Corruption (UNCAC) and other fora to tackle the problem in source, transit and destination markets; calls on all Member States to fully comply with and effectively implement the provisions of UNCAC; welcomes the international commitment on counter-corruption under Article 10 of UN General Assembly Resolution 69/314 of July 2015;

15. Recognises the need to provide assistance, guidance and training to authorities in source, transit and destination countries concerning investigation, enforcement and judicial procedures at local, regional and national level; underlines the need to coordinate these efforts in an efficient way among all agencies involved in this work; calls for the EU to support the exchange of best practices and to enable specialised equipment and expertise to be provided where necessary;

16. Takes note of the Council conclusions on the EU Action Plan against Wildlife Trafficking of 20 June 2016, recognising that wildlife crime is a serious and growing threat to biodiversity and the environment but also to global security, the rule of law, human rights and sustainable development; strongly regrets the lack of clear commitments by the Member States; stresses the decisive role of the Member States in the full and coherent implementation of the Action Plan at national level and in delivering the objectives set out therein;

17. Urges governments of the supply countries to: (i) improve the rule of law and create effective deterrents by strengthening criminal investigation, prosecution and sentencing; (ii) enact stronger laws treating illicit wildlife trafficking as a ‘serious crime’ deserving the same level of attention and gravity as other forms of transnational organised crime; (iii) allocate more resources to combating wildlife crime, particularly to strengthen wildlife law enforcement, trade controls, monitoring, and customs detection and seizure; (iv) commit to a zero-tolerance policy on corruption;

Making implementation and enforcement more effective

18. Calls on the Member States to put in place wildlife trafficking action plans detailing enforcement policies and penalties, and to publish and exchange the information on seizures and arrests relating to wildlife crimes, in order to ensure consistency and harmonised approaches between Member States; supports the setting up of a mechanism to provide the Commission with regular data and information updates on seizures and arrests in the Member States and promote the sharing of best practice;
19. Insists on the importance of the full implementation and enforcement of the EU Wildlife Trade Regulations;

20. Proposes that the penalties for wildlife trafficking, especially in areas with vulnerable marine ecosystems or falling within the Natura 2000 network, should be sufficiently severe as to deter potential offenders;

21. Urges the Member States to ensure that enforcement agencies, prosecution services and national judiciaries have the necessary financial and human resources and appropriate expertise to combat wildlife crime; strongly encourages the Commission and the Member States to increase their efforts to train and raise the awareness of all relevant agencies and institutions;

22. Welcomes the efforts of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the European Network of Prosecutors for the Environment (ENPE), the EU Forum of Judges for the Environment (EUFJE) and the network of police officers focusing on tackling environmental crime (EnviCrimeNet);

23. Notes the inclusion of illegal wildlife trade in the EU Agenda for Security 2015-2020, which recognises that the illegal trade in wildlife threatens biodiversity in source regions, sustainable development and regional stability;

24. Suggests that Member States invest the proceeds from fines imposed for trafficking in the protection and conservation of wild flora and fauna;

25. Calls for a step change in intelligence-gathering, law-making and law enforcement, and in the fight against corruption, in relation to wildlife trafficking in the Member States and other destination and transit countries; calls, therefore, on the Commission to pay very close attention to these aspects of administering and monitoring the enforcement of international standards in relation to wildlife trafficking;

26. Stresses that in order to avoid the ‘migration’ of wildlife criminal networks, the harmonisation of policies and legal frameworks with respect to wildlife crime is particularly important;

27. Underlines the need for improved inter-agency cooperation and for functioning and timely data sharing between national and EU-level implementation and enforcement agencies; calls for the creation of strategic enforcement networks at both EU and Member State level in order to facilitate and improve such cooperation; calls on all the Member States to establish wildlife crime units to facilitate implementation across the various agencies;

28. Calls on the Member States to provide Europol with continuous and relevant intelligence and data; urges Europol to consider wildlife crime in the next EU Serious and Organised Crime Threat Assessment (SOCTA); calls for the establishment of a specialised Wildlife Crime Unit within Europol, with transnational powers and responsibilities and sufficient financial and human resources, enabling centralised information and analysis and coordinated enforcement strategies and investigations;

29. Calls on the Commission to promote the EU-TWIX system as a proven and well-functioning tool for Member States to share data and information, and to ensure a long-term financial commitment to it; believes that civil society organisations can play an important role in monitoring enforcement and reporting on wildlife crime; calls for further cooperation from the EU and the Member States to support such efforts by NGOs;

30. Notes the links between wildlife crime and other forms of organised crime, including money laundering and the financing of militias and terrorist groups, and considers international cooperation for the combating of illicit financial flows to be a priority; calls for the EU and the Member States to use all relevant instruments, including cooperation with the financial sector, and to monitor and carry out research on the effects of emerging financial products and practices that are involved in this activity;
31. Urges the Member States to fully implement the provisions of Directive 2008/99/EC on the protection of the environment through criminal law and to set appropriate levels of sanctions for wildlife crime offences; is concerned that some Member States have not yet fully implemented the directive and calls on the Commission to assess the implementation in each Member State, especially in terms of penalties, and to provide guidance; calls on the Commission to undertake a review of Directive 2008/99/EC, in particular with regard to its effectiveness in combating wildlife crime, within the time frame set out in the EU Agenda for Security, and to make a proposal to revise it as appropriate; calls on the Commission to take steps towards establishing and implementing common minimum rules concerning the definition of criminal offences and sanctions relating to wildlife trafficking, pursuant to Article 83(1) TFEU on particularly serious crime with a cross-border dimension;

32. Considers that the customs dimension of the Action Plan should be further highlighted, with regard to both cooperation with partner countries and better and more effective implementation within the Union; looks forward, therefore, to the Commission’s 2016 review of the implementation and enforcement of the EU’s current legal framework, and asks for this review to include an assessment of customs procedures;

33. Urges the Member States to effectively implement and comply with the UN Convention against Transnational Organised Crime (UNTOC) as a basis for international action and mutual legal assistance and as a key step towards a common coordinated approach to combating wildlife crime; deeply regrets, in this connection, the fact that eleven Member States have not yet implemented UNTOC; calls on the Member States in question to implement the Convention as soon as possible;

34. Considers that action against wildlife crime requires consistent, effective and dissuasive criminal penalties; urges the Member States to define wildlife trafficking as a serious crime in accordance with Article 2(b) of UNTOC;

35. Recognises the need for guidance on prosecution and sentencing for Member State judiciaries and prosecutors and the need for training for customs and enforcement officers at entry points into the EU; considers UNEP’s ‘Global Judges Programme’ and the ‘Green Customs Initiative’ partnership as models to follow;

36. Calls on the Commission, the relevant EU agencies and the Member States to recognise the scale of online wildlife trafficking and to build capacity within environmental crime and customs units, coordination with cybercrime units, and engagement with civil society organisations, in order to ensure that channels exist to trigger assistance from cross-border units specialised in cybercrime;

37. Calls on the Member States and the Commission to engage with the operators of social media platforms, search engines and e-commerce platforms on the problem of the illegal internet trade in wildlife; calls on the Commission and the Member States to strengthen control measures and to develop policies to address potential illegal activity on the internet; in this regard, calls on the Commission to develop guidelines on how to address the problem of online wildlife crime at EU level;

38. Calls on EU and Member State enforcement agencies to identify and monitor the patterns of other forms of serious and organised crime, such as human trafficking, in order to aid prevention activities and the investigation of irregularities in the supply chain when tackling wildlife trafficking, for example suspicious shipments and financial transactions;

39. Welcomes the fact that the EU participated in COP17 for the first time as a party to CITES and welcomes the fact that the EU and the Member States demonstrate strong dedication and provide substantial financial support for CITES;

40. Welcomes UNEP’s expert review process, which is seeking to create a universally recognised definition of environmental crime; in this regard, notes that the legal boundaries between different types of environmental crimes are sometimes unclear, which can reduce opportunities for effective prosecution and punishment;
**Strengthening the global partnership**

41. Calls on the Commission and the Member States to step up dialogue and cooperation with source, transit and destination countries in the wildlife trafficking supply chain and to provide them with technical and economic assistance and diplomatic support; believes that the EU must act at international level to support third countries in combating wildlife trafficking and contribute to the further development of necessary legal frameworks through bilateral and multilateral agreements;

42. Highlights that widespread corruption, institutional weaknesses, state erosion, mismanagement and weak penalties for wildlife crime are major challenges that need to be addressed if transnational wildlife trafficking is to be combated effectively; urges the EU to support developing countries in their efforts to reduce poaching incentives by improving economic opportunities and promoting good governance and the rule of law;

43. Calls on the EU institutions, the Member States and all states concerned to investigate more systematically the links between wildlife trafficking and regional conflicts and terrorism;

44. Calls on the Commission and the Member States to establish a trust fund or similar facility under Article 187 of the revised Financial Regulation applicable to the general budget of the Union, with the objective of safeguarding protected areas and combating wildlife trafficking and poaching, as part of the Action Plan against wildlife trafficking;

45. Calls on the EU to upgrade the financial and technical support, provided through the Development Cooperation Instrument (DCI) and the European Development Fund (EDF), aimed at helping developing countries implement national wildlife regulations in line with CITES recommendations, particularly for those with insufficient resources to enforce legislation and prosecute smugglers;

46. Calls on the Commission to consider funding under the Partnership Instrument for initiatives aimed at reducing demand for illicit wildlife products in key markets, in line with Priority 1 of the Action Plan; highlights that the involvement of civil society in the monitoring structures under the trade and sustainable development chapters of EU trade agreements can make significant contributions in this regard;

47. Stresses the importance of addressing, in the context of the EU-China Strategic Partnership, the sensitive issue of the growing demand for wildlife products, such as elephant ivory, rhino horn and tiger bones, which represents a real threat to the conservation of the species concerned and to biodiversity in general;

48. Calls on the Commission to include mandatory and enforceable sustainable development chapters in all EU trade agreements and negotiations, with specific reference to halting illegal trade in wildlife in all economic sectors, and calls on the Commission to include analyses of these provisions in its implementation reports; urges the Commission to emphasise the implementation of CITES and measures against wildlife crime in the GSP+ trade scheme;

49. Notes that corruption is one of the main enablers and contributors to the trade in illegal wildlife and wildlife products; welcomes the commitment made in the Commission strategy entitled ‘Trade for All’ to include ambitious anti-corruption provisions to tackle the direct and indirect impact of both corruption and wildlife trafficking in all future trade agreements; requests, therefore, that the Commission pay the utmost attention to the facets of administration and monitoring of the enforcement of international standards in relation to wildlife trafficking;

50. Calls on the EU to explore, within the scope of the WTO framework, how global trade and environmental regimes can better support each other, especially in the context of ongoing work on strengthening coherence between the WTO and Multilateral Environmental Agreements, as well as in light of the Trade Facilitation Agreement, which opens up new avenues for cooperation between customs and wildlife and trade officials, especially in developing countries; considers that further opportunities for cooperation between the WTO and CITES should be explored, in particular in terms of offering technical assistance and capacity-building on trade and environment matters to officials from developing countries;
51. Underlines the key role of international cooperation by the organisations in the enforcement chain; calls on the EU and the Member States to continue to support the International Consortium on Combating Wildlife Crime (ICCCWC); welcomes any strengthening of this support, including through the provision of financial resources and specialist expertise, in order to facilitate capacity-building, promote the exchange of information and intelligence and support enforcement and compliance; calls on the Commission to use ICCWC indicators to evaluate the effectiveness of EU funding to third countries in support of actions against wildlife trafficking and to facilitate a uniform and credible assessment of development funding;

52. Welcomes international law enforcement operations such as Operation COBRA III, which result in significant seizures of illegal wildlife products and arrests of traffickers and provide increased public visibility of wildlife trafficking as a serious organised crime;

53. Calls on the Member States to reinforce the CITES budget so that the organisation can expand its monitoring activity and species designation; in this regard, regrets that six Member States still have outstanding payments from the years 1992 to 2015 to be made to CITES;

54. Welcomes also the fact that the EU Action Plan makes a major contribution to achieving the Sustainable Development Goals set under the 2030 Agenda for Sustainable Development, agreed by heads of state at a UN summit in September 2015;

EU as a destination market, source and transit point

55. Notes that CITES, the EU Timber Regulation and the EU IUU regulatory framework are important tools for regulating international wildlife trade; is concerned, however, about the lack of proper implementation and enforcement and calls on Member States to step up their joint and coordinated efforts to ensure effective implementation; is concerned, furthermore, about gaps in the current regulatory framework with regard to species and actors; calls, therefore, for the EU to review the existing legislative framework with a view to supplementing it with a prohibition on the making available and placing on the market, transport, acquisition and possession of wildlife that has been illegally harvested or traded in third countries; considers that such legislation could harmonise the existing EU framework and that the transnational impact of such legislation could play a key role in reducing global wildlife trafficking; in this respect, highlights that such legislation must provide full transparency regarding any trade prohibitions of species based on their illegal status in a third country in order to ensure legal certainty for those involved in legal trade;

56. Underlines that trophy hunting has contributed to large-scale declines in endangered species listed in CITES Appendices I and II and urges the Commission and the Member States to establish a precautionary approach for the import of hunting trophies from species protected under the EU Wildlife Trade Regulations, to support the further strengthening of the EU’s legal provisions governing the import of hunting trophies into EU Member States, and to require permits for the import of trophies of all species listed in Annex B to Regulation (EC) No 338/97;

57. Welcomes the 2016 Buckingham Palace Declaration, in which signatories from airlines, shipping firms, port operators, customs agencies, intergovernmental organisations and conservation charities commit to raising standards across the transport sector with a focus on information sharing, staff training, technological improvements, and resource sharing across companies and organisations worldwide; calls on all parties to fully implement the commitments of the Declaration; encourages the Member States to promote voluntary commitments similar to the Buckingham Palace Declaration in other areas, in particular the financial and e-commerce sectors;

58. Calls for the full and immediate ban at European level of trade, export or re-export within the EU and to destinations outside the EU of ivory, including ‘pre-Convention’ ivory, and rhino horns; calls for the establishment of a mechanism to assess the need for similar restrictions for other endangered species;
59. Notes that the EU regulation to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing has made an impact, but insists that implementation should be more robust in order to ensure that no illegal fish enter the European market; suggests that the EU Member States should be more consistent and effective in checks of catch documentation (catch certificates) and consignments (in particular from countries judged as high-risk) in order to ensure that fish have been caught legally;

60. Highlights the importance of the private sector’s involvement in the fight against wildlife trafficking by means of self-regulation and through corporate social responsibility; considers traceability in the supply chain essential for legal and sustainable trade, whether commercial or non-commercial; highlights the need for cooperation and coordination at international level as well as between the public and private sectors and calls on the EU to strengthen the existing control instruments, including the use of traceability mechanisms; considers that the transport sector should play a pivotal role, for example by implementing an early warning detection system; notes the important role public-private partnerships can play in this regard;

61. Calls, in addition to border checks required under Regulation (EC) No 338/97, for Member States to introduce in-country compliance monitoring with regular checks on traders and permit holders such as pet shops, breeders, research centres and nurseries, and including monitoring of trades such as fashion, art, medicine and catering, that may use illegal plant and animal parts;

62. Calls on the Member States to ensure the immediate confiscation of any seized specimens and the care and re-homing of seized or confiscated live specimens at animal rescue centres appropriate to the species; calls on the Commission to provide guidance to ensure that all wildlife rescue centres used by the Member States are of adequate standard; calls, furthermore, on the EU and the Member States to ensure adequate financing of animal rescue centres;

63. Calls on the Member States to adopt national plans for the handling of live confiscated specimens in line with Annex 3 to CITES Resolution Conference 10.7 (Rev. CoP15); stresses that Member States should report all seized live specimens to EU-TWIX and that annual summary reports should be published, and that Member States should ensure that the training of enforcement officers includes welfare and safety considerations for the handling of live animals; calls on the EU and the Member States to commit adequate financial support to wildlife rescue centres;

64. Calls on the Member States to consider ‘positive list’ species systems, whereby exotic species are assessed objectively and according to scientific criteria for their safety and suitability for trading and keeping as pets;

65. Instructs its President to forward this resolution to the Council and the Commission.
P8_TA(2016)0455

New opportunities for small transport businesses

European Parliament resolution of 24 November 2016 on new opportunities for small transport businesses, including collaborative business models (2015/2349(INI))

(2018/C 224/20)

The European Parliament,

— having regard to the Treaty on European Union, and in particular Article 5(3) thereof,

— having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,

— having regard to the Commission White Paper entitled ‘Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system’ (COM(2011)0144),

— having regard to its resolution of 9 September 2015 on ‘The implementation of the 2011 White Paper on Transport: taking stock and the way forward towards sustainable mobility’ (1),

— having regard to Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises,

— having regard to the Annual Report on European SMEs 2014/2015,


— having regard to the Commission communication ‘A European agenda for the collaborative economy’ (COM(2016)0356),

— having regard to the Commission communication on ‘A European strategy for low-emission mobility’ (COM(2016)0501),

— having regard to its resolution of 5 February 2013 on improving access to finance for SMEs (2),

— having regard to its resolution of 19 May 2015 on green growth opportunities for SMEs (3),

— having regard to Horizon 2020’s SME Instrument and INNOSUP, COSME, Your Europe Business, Fast Track to Innovation (FTI) Pilot and networking opportunities,


— having regard to the Commission communication ‘Upgrading the Single Market: more opportunities for people and business’ (COM(2015)0550),

(3) OJ C 353, 27.9.2016, p. 27.

— 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 Employment and Social Affairs (A8-0304/2016),

A. whereas small and medium-sized enterprises (SMEs) are the main engine of the European economy, representing, on 2014 figures, 99.8% of all undertakings outside the financial sector and accounting for two out of three of all jobs;

B. whereas the SMEs that have generated jobs in recent years have mainly come from the tertiary sector;

C. whereas small transport undertakings play a crucial role in the proper functioning of mobility in Europe, but often encounter difficulties in accessing or maintaining their place within the market, notably due to the presence of monopolies on that market;

D. whereas small undertakings provide added value particularly in remote and densely-populated areas, thanks to their excellent knowledge of the local market, their proximity to the customer and/or their agility and ability to innovate; whereas, moreover, they are able to provide tailored services and are instruments for combating social exclusion, creating jobs, generating economic activity, improving mobility management and contributing to the development of tourism (where mobility services are directly linked to visitor demand for new products and experiences);

E. whereas for passengers and goods, both demand for transport services and the conditions applicable to their provision vary considerably, and whereas reducing mobility is not an option;

F. whereas the organisation of transport in big cities and on the roads leading to them causes congestion and traffic jams, creating a significant burden on the economy; whereas SMEs in the transport sector are an important complement to the public transport network in urban nodes, particularly at times of day when public transport is very infrequent, as well as in peripheral areas without a properly developed suburban transport service;

G. whereas a recent study by the Commission shows that 17% of European consumers have used services provided by the sharing economy, and 52% are aware of the services offered; whereas consumer expectations seek easily accessible and flexible ways to use transport services while prices are maintained in line with the actual costs of provision as well as easy access to reservations and secure payment for services provided;

H. whereas a collaborative economy in the transport sector can actively promote the development of sustainable forms of mobility; whereas self-regulation is not always the solution and a suitable regulatory framework is necessary;

I. whereas the imperative of sustainable development and the revolution in the field of information and communication technology have created unprecedented opportunities and challenges for firms of all sizes in terms of responding to the increasing demand for sustainable mobility within the constraints of limited infrastructure;

J. whereas the exponential growth in the penetration of smart mobile devices as well the comprehensive coverage of high-speed wide-band network have created new digital tools for both transport service providers and customers, reducing transaction costs and also diminishing the significance of the physical location of the service providers, allowing them to be widely connected in order to provide services, not only regionally but also globally, via digital networks and also from remote areas;

K. whereas technological advances, new business models and digitalisation have transformed the transport sector significantly in recent years, with major impacts on traditional business models as well as on working conditions and employment in the sector; whereas while on the one hand the transport sector has opened up, on the other hand working conditions have in many cases worsened, owing to the economic crisis and, in some cases, to insufficient implementation of existing regulations;

L. whereas the transport sector comprises not only direct transport service providers, but also SMEs offering services such as maintenance of means of transport, sale of spare parts, training of staff, and rental of vehicles and equipment; whereas there is an enormous potential for job creation linked to these activities, including employment for highly qualified workers; whereas policies for the transport sector should take the interests of the entire value chain into account;

M. whereas only 1.7 % of enterprises in the EU make full use of advanced digital technologies, while 41 % do not use them at all; whereas the digitalisation of all sectors is crucial if the EU’s competitiveness is to be maintained and improved;

N. whereas the flexibility and ease of entry inherent in the collaborative economy can provide employment opportunities for groups traditionally excluded from the labour market, in particular women, young people and migrants;

O. whereas transport services can provide a good way of becoming self-employed and promote a culture of entrepreneurship;

P. whereas online platforms for transport services can offer the possibility of a swift match between service requests by customers, on the one hand, and labour supply by registered companies or workers, on the other;

Q. whereas the OECD considers good-quality jobs to be an essential factor in efforts to tackle high levels of inequality and promote social cohesion;

1. Challenges to small transport businesses

1. Takes the view that transport businesses face considerable challenges in order to respond to the increasing demand for mobility within the constraints of limited infrastructure and increasing environmental requirements; points out that all transport undertakings are under pressure to provide safe, sustainable and highly competitive solutions that are environmentally responsible under COP21, while limiting congestion, but that it is harder and more expensive for small businesses to meet these challenges;

2. Stresses that changing vehicle emission standards too frequently can prove particularly problematic for smaller transport companies in view of the depreciation periods for fleets of vehicles;

3. Stresses the complex nature of the transport sector, which is characterised by multi-level (local, national, European and global) governance still largely compartmentalised by mode of transport; notes that this sector is subject to heavy regulation, particularly regarding access to the profession, activities concerned and the development, use and marketing of transport services (exclusive rights, capping of the number of licenses), as well as subsidisation; stresses that safety and security are of paramount importance for the transport sector, but deplores the fact that they are, among other factors, sometimes used as a pretext to erect artificial barriers;

4. Calls on the Member States to put an end to over-regulation, which is often linked to protectionist and corporatist instincts that give rise to fragmentation, complexity and rigidity within the internal market, thus increasing inequality; believes it is useful for Member States not to approach the legality of online platforms in a plethora of ways, and hence to avert unwarranted restrictive unilateral measures; calls on the Member States to comply with, and fully implement, the Electronic Commerce Directive (Directive 2000/31/EC) and the Services Directive (Directive 2006/123/EC); maintains that the free movement of service providers and freedom of establishment, as provided for in Articles 56 and 49 TFEU respectively, are essential in order to realise the European dimension of services and hence of the internal market;
5. Stresses that because of the current legal uncertainty as to the definition of ‘service providers’ in the transport sector, it is not possible to establish fair competition, and regrets the difficulties experienced by many small businesses in accessing the domestic and international market and developing or offering new services; stresses the fact that the above hamper the access of SMEs to this sector;

6. Takes the view that Regulation (EC) No 1072/2009 of the European Parliament and of the Council needs to be improved in order to overcome the serious disruption that occurred on national transport markets in several Member States after it was introduced;

7. Welcomes the new opportunities afforded by small transport businesses and new collaborative business models, while at the same time deploring anti-competitive practices resulting from the uneven application of EU rules across Member States, in particular as regards pay and social security systems, which may lead to serious distortions such as social dumping, as well as security challenges;

8. Calls on the Commission and the Member States to step up law enforcement; considers that any change to the legislation concerning social and working conditions must respect all EU fundamental freedoms, must not restrict fair competition based on objective competitive advantages, and must not create any further administrative burdens or additional costs for small transport businesses;

9. Notes that small transport businesses need to invest, not only to comply with the law but also to remain competitive (e.g. by focusing on new technologies); deplores the fact that, on the one hand and in contrast to what happens with large companies, these businesses’ access to credit and funding on the money markets remains limited in spite of quantitative easing measures, while, on the other hand, aid from the public purse, particularly at European level, is rarely forthcoming, owing to overly complex and long-winded administrative procedures; stresses the importance of providing knowledge dissemination and assistance for small business applicants within the framework of the European Investment Fund;

10. Notes that, in a context of growing urbanisation, transport needs to be organised in more increasingly integrated, digitalised and multimodal way, and that urban nodes increasingly have a central role to play in the organisation of sustainable mobility; stresses the growing impact of multimodal travel planning applications and the importance for small businesses of being included on the list of available applications and portfolios of transport services; highlights the fact that universal internet access would encourage transport sharing and improved travel planning;

11. Notes that in response to economic difficulties and the lack of resources with which to maintain the capillary transport network, numerous branch lines are closing in many regions, especially those most cut-off and most sparsely populated; takes the view that the advent of collaborative business models can in no way justify abandoning public transport services in these regions;

12. Stresses the importance for urban mobility of rental services for light vehicles, such as bicycles or scooters; notes that a large majority of such operators are SMEs; calls for the potential of these operators to be more frequently taken into account in the process of increasing the level of urban mobility and developing energy-efficient and resource-efficient urban transport;

13. Calls on the Member States and the Commission to consider the pooling of small transport companies, which would facilitate the development of partnership between such companies and help customers locate the desired small transport company services according to their needs;

14. Calls on the Commission, when setting guidelines in this area, to take account of the difficulties new collaborative businesses models have in penetrating rural and non-urban environments;
15. Notes that the development of collaborative business models can optimise vehicle and infrastructure use, thus helping to meet the demand for mobility in a more sustainable fashion; notes that the growing exploitation of user-generated data could eventually result in added value being created in the transport chain; stresses, however, that a concentration of data in the hands of only few intermediation platforms could have an adverse effect both on the fair distribution of income and on balanced participation in infrastructure investment and in other relevant costs, all of which has a direct impact on SMEs;

16. Welcomes the fact that intermediation platforms have brought into play the idea of challenging each other, the existing operators and the corporatist structures, and of undermining existing monopolies and preventing new ones; underlines that this is encouraging a market that is much more focused on consumer demand and is leading Member States to review the structure of the market; notes, however, that unless there is an appropriate and clear legal framework intermediation platforms, with their ‘winner takes all’ ethos, will create dominant market positions harming the diversity of the economic fabric;

17. Draws attention to the opportunities and challenges (e.g. small businesses could also emerge in these new fields) arising from the development of connected and self-driving vehicles (cars, ships, drones and platooning); urges the Commission, therefore, to come up with a roadmap on connected and automated vehicles, and to analyse the potential effects that widespread use of this technology could have on the European transport sector, especially on SME;

II. Recommendations: how to transform the challenges into opportunities

18. Calls for efforts to be pursued with a view to completing the single European transport area; takes the view that any legislation which imposes new requirements on small businesses, particularly tax-related, social and environmental measures, should be proportionate, simple and clear, not hampering their development and reflecting where necessary regional and national characteristics in different Member States; takes the view that such legislation must be accompanied by the necessary (regulatory and/or financial) incentives;

19. Considers that fostering an integrated and coordinated European mobility system is the best way of properly integrating all companies offering all modes of transport into a common dynamic process in which digitisation and promoting innovation from within the transport sector is most effective method of ensuring that customers have a single coherent system and that professionals are best placed to add value;

20. Notes that services provided by SMEs in the transport sector are not always sufficiently tailored to the needs of disabled people and the elderly; calls for all tools and programmes aimed at supporting these operators to take into account the need to adapt transport services as far as possible to the needs of people with reduced mobility;

21. Notes that, in view of the lack of investment in infrastructure, all operators benefiting from the use of that infrastructure should contribute, taking full account of all existing transport taxes, charges and negative environmental and health impacts; stresses the importance in the case of road transport of internalising negative externalities and earmarking revenues for the use of transport infrastructure, including cross-border; recognises, nevertheless, that this might pose specific problems for small businesses, including those in the outermost regions, which must be taken into account as a priority;

22. Recalls that the EFSI was established in order to contribute to highly innovative market-based projects, and therefore sees it as an essential instrument to help SMEs in the transport sector develop new mobility solutions; calls on the Commission and the Member States to speed up its implementation and to increase assistance to SMEs and start-ups when preparing such projects;

23. Calls on the Commission and the Member States to take appropriate action to combat anti-competitive practices by large integrated groups in order to tackle discrimination and market access restrictions, regardless of size or type of enterprise, especially regarding new business models; urges for dialogue and improved relations, especially in new and potential markets, between carriers and ordering parties, as well as a solution to the problem of bogus self-employed persons;
24. Calls for SMEs to be included in the plans for European integrated ticketing; notes that the effectiveness of such a system will depend on including as many transport service undertakings and operators as possible; notes that the exchange of information and experience between large operators and SMEs can produce highly beneficial synergies for designing an effective transport network in Europe;

25. Calls, with a view to greater transparency, for the review and harmonisation of the rules on access to regulated occupations and activities in Europe and of checks on those occupations, so as to enable new operators and services linked to digital platforms and the collaborative economy to develop in a business-friendly environment, including greater transparency with regard to legislative changes, and to coexist with incumbent operators within an environment of healthy competition; notes the positive effects of sharing economy operators in terms of creating new jobs for young people entering the labour market and self-employed workers;

26. Calls on the Commission to publish, without further delay, a roadmap for freeing up data on public-funded transport and introducing harmonised standards for transport data and programming interfaces, in order to boost data-intensive innovations and the provision of new transport services;

27. Takes the view, given the development of the collaborative economy, that the solution is neither sector-specific regulation nor regulation aimed solely at platforms, and that in future the mobility system needs to be addressed as a whole: calls for the establishment of a modernised multimodal regulatory framework that fosters innovation and competitiveness as well as the protection of consumers and their data, safeguarding workers' rights and ensuring a level playing field for different operators; draws attention, with this in mind, to the importance of interoperability in the transport sector, given that it offers small businesses single solutions;

28. Calls on the Member States to assess the need to bring their national labour law up to date with the digital age, taking into account the features of collaborative economy models and each country's individual labour laws;

29. Considers that this objective requires a convergence of models which is based on a clear, consistent and non-overlapping definition of 'intermediaries' and 'service providers'; calls for a distinction to be made between those intermediation platforms which generate no profits for their users and those which connect a service provider (for-profit) and a customer, with or without an employer-employee relationship between service provider and platform; suggests that, in order to facilitate compliance by all parties with their tax and social security obligations, as well as to guarantee that service providers using the platforms are competent and duly qualified (so as to ensure consumer protection), national authorities should be enabled to ask for the information they deem necessary from the intermediation platforms; stresses that already existing feedback and rating systems also help intermediaries to build a relationship of trust with consumers, and that the data generated should be processed in accordance with Directive 95/46/EC of the European Parliament and of the Council;

30. Believes that the high transparency potential of the collaborative economy allows for good traceability of transport service operations, in line with the aim of enforcing existing legislation; calls on the Commission to publish guidelines on how EU law applies to the various types of collaborative business models, in order to fill, where necessary, regulatory gaps in the area of employment and social security in a manner that respects national competences;

31. Stresses that transport undertakings also include operators not directly providing transport services, such as training providers, vehicle rental companies, workshops and service centres; notes that a large majority of such operators are SMEs; calls for the needs of these operators to be taken into account in the design of legal measures and investment programmes aimed at supporting the development of SMEs;

32. Encourages the Commission to support SMEs in the transport sector in forming clusters in this field, which can be joined by both consumers and other stakeholders;
33. Notes that most providers in the collaborative economy come from outside the EU; considers that the EU needs to develop more innovative start-ups in the transport sector, and encourages increased support for such companies, particularly for training young entrepreneurs in this field:

34. Regrets that the Member States' response to the development of collaborative business models has so far been very fragmented and in some cases entirely inconsistent with the potential and benefits of the development of this sector, as well as contrary to consumer expectations, and considers that a coordinated overall European-level action, covering issues for a sustainable collaborative business model, is desirable; notes the Commission's reasonable approach to this 'new business model', as set out in its recent communication emphasising the importance of the collaborative economy for future growth (COM(2016)0356);

35. Notes the huge potential of new technologies for the emergence of new forms of service provision in the goods transport sector; stresses, in particular, the enormous opportunities offered by drones, which are already a highly effective tool for working in difficult conditions; stresses that the EU should support the potential of SMEs involved in the design, production and use of drones;

36. Believes that collaborative business models constitute a major resource for the sustainable development of connections in outlying, mountainous and rural regions, and also offer indirect benefits for the tourism sector;

37. Is of the opinion that legislative requirements should be proportionate to the nature of the business and size of the company; however, raises concerns about whether there continue to be grounds for exempting light commercial vehicles (LCVs) from application of a number of European rules, given the increasing use of LCVs in the international transport of goods, and asks the Commission to present a diagnostic report on the consequent economic, environmental and safety impact;

38. Calls for the establishment of cooperation structures between small transport businesses, scientific research institutes and local and regional authorities, with a view to improving the organisation of sustainable urban and interurban mobility so as to respond effectively to the emergence of new services and products, including those offered by SMEs (e.g. the first and last stages of door-to-door transport service), while better aligning the existing public transport networks to the needs and expectations of passengers; calls for the inclusion of information on mobility services provided by small businesses in travel information and planning services;

39. Calls for the setting-up of innovation task forces, to give full effect to the 'shareable cities' concept and help local, regional and national institutions respond effectively to the emergence of new services and products;

40. Stresses the importance of focused training (e.g. concerning big data, integrated services, etc.) in order to help transport companies generate added value from the digital sphere; calls, therefore, for the adaptation of the way in which professionals are trained, in line with the skills and qualifications required by new business models, in particular so as to meet shortages of staff, especially of drivers;

41. Highlights that SMEs in the transport sector often refrain from expansion because of the increased risks that are involved in cross-border business thanks to the divergence between legal systems in different (Member) States; calls on the Commission, in cooperation with national, regional and local authorities in the Member States, to develop cooperation and communication platforms in order to advise and train SMEs with regard to different funding schemes, grants and internationalisation; asks the Commission to further exploit the existing support programmes for SMEs and to give them more visibility among transport sector actors, in the context of synergies between different EU funds;

42. Encourages local authorities to make an active commitment on the urban transport decarbonisation principles set out in the White Paper on transport, and urges market players to operate within the new competition and activity framework thereby benefiting from the competitive advantages of offering zero-emissions services and the progressive digitisation of their management, operations and marketing structures;
43. Calls on the Commission, the Member States and local authorities to promote innovations in the sharing economy, which will themselves be facilitated by the emergence of collaborative business models, e.g. car sharing, bicycle sharing, shared cargo transport, shared taxis, car-pooling, and buses on demand, and the interconnection of these modes of transport with public transport;

44. Calls on the Commission, by means of enhanced cooperation among its DGs, to closely monitor the development of the digital economy and the impact of the ‘Digital Agenda’ legislative initiatives on the transport sector;

45. Calls on the Commission and the Member States, in cooperation with the social partners, to assess on a regular basis the impact of digitalisation on the number and types of jobs in the transport sector, and to ensure that employment and social policies keep pace with the digitalisation of the transport labour market;

46. Recommends that collaborative economy businesses, as well as people working in the transport sector, find models for working together in pursuing shared interests, such as in the area of insurance;

47. Welcomes the flexible working time models negotiated by the social partners in the transport sector that enable workers better to reconcile work and private life; stresses, however, the importance of monitoring compliance with mandatory rules on working hours and of driving and rest times, which should become easier as a result of the digitalisation of the transport sector;

48. Instructs its President to forward this resolution to the Council and the Commission.
Situation in Belarus


The European Parliament,

— having regard to its previous resolutions and recommendations on Belarus,

— having regard to the parliamentary elections held on 11 September 2016 and to the presidential elections held on 11 October 2015,

— having regard to the statement by the Chair of its Delegation for relations with Belarus of 13 September 2016 on the recent parliamentary elections in Belarus,

— having regard to the statement by the European External Action Service spokesperson of 12 September 2016 on the parliamentary elections in Belarus,

— having regard to the preliminary statement of the OSCE/ODIHR, OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe (PACE) of 12 September 2016 on parliamentary elections in Belarus,

— having regard to the Council conclusions on Belarus, in particular those of 16 February 2016 lifting restrictive measures against 170 individuals and three Belarusian companies,

— having regard to the OSCE final report of 28 January 2016 on the presidential elections in Belarus of 11 October 2015,

— having regard to the numerous declarations by the Belarusian authorities that some of the OSCE/ODIHR recommendations following the 2015 presidential elections will be implemented ahead of the 2016 parliamentary elections,

— having regard to the release of six political prisoners by the Belarusian authorities on 22 August 2015 and to the subsequent statement by Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, and the Commissioner for Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, on the release of political prisoners in Belarus of 22 August 2015,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas, in its final report on the 2015 presidential elections in Belarus, the OSCE/ODIHR, together with the Council of Europe's Venice Commission, prepared a set of recommendations to be implemented by Belarus before the 2016 parliamentary elections;

B. whereas, in order to build better relations with the West, the Belarusian authorities took reluctant steps allowing democratic opposition parties to register more easily than in previous elections, and granting foreign observers greater access to the vote count;

C. whereas on 6 June 2016 the President of Belarus called elections for the House of Representatives; whereas these elections took place on 11 September 2016; whereas more than 827 international and 32 100 citizen observers were accredited for the elections; whereas, as stated by the OSCE/ODIHR in its conclusions, most citizen observers represented state subsidised public associations which had also engaged in active campaigning for pro-government candidates; whereas an OSCE/ODIHR election observation mission was deployed to observe the elections following an invitation from the Belarus Ministry of Foreign Affairs;
D. whereas, according to the assessment by the OSCE/ODIHR, the 2016 parliamentary elections were efficiently organised, but a number of long-standing systemic shortcomings remain, including legal framework restrictions for political rights and fundamental freedoms; whereas counting and tabulation saw a significant number of procedural irregularities and lacked transparency;

E. whereas, after a long time, a democratic opposition will be represented in the Belarusian parliament; whereas, according to the UN Special Rapporteur on the situation of human rights in Belarus, the legal and administrative systems underlying human rights restrictions remain unchanged; whereas two independent members of parliament are expected to act as a real opposition;

F. whereas since 1994 no free and fair elections have been conducted in Belarus under electoral legislation compliant with OSCE/ODIHR internationally recognised standards;

G. whereas the EU lifted most of its restrictive measures against Belarusian officials and legal entities in February 2016 as a gesture of good will to encourage Belarus to improve its human rights, democracy and rule of law record; whereas in its conclusions on Belarus of 15 February 2016 the Council stressed the need to enhance EU-Belarus cooperation in a number of economic and trade- and assistance-related fields, which opened the possibility for Belarus to apply for EIB and EBRD financing; whereas a number of efforts to address certain long-standing issues ahead of the 2016 elections were noted, while at the same time many unaddressed issues concerning the legal and procedural electoral framework remain;

H. whereas Human Rights Defenders for Free Elections (HRD) and Right to Choose-2016 (R2C), the two Belarusian election-monitoring groups, condemned the latest elections for not meeting a number of key international standards and not being a credible reflection of the will of Belarusian citizens;

I. whereas the Belarusian observer groups collected concrete evidence of massive nationwide efforts to inflate turnout totals during the five-day early vote period (6-10 September 2016) and on election day (11 September 2016), and whereas the only independent opinion poll institute in Belarus (NISEPI) suspended its activity as a result of pressure from the government, making it very difficult to assess what the real political preferences of Belarusians are;

J. whereas part of the Belarusian opposition forces presented for the first time on 18 November 2015 a joint cooperation agreement to stand united in the 2016 parliamentary elections;

K. whereas the first visit of Parliament’s Delegation for relations with Belarus since 2002 took place in Minsk on 18 and 19 June 2015; whereas the European Parliament currently has no official relations with the Belarusian parliament;

L. whereas Belarus played a constructive role in facilitating agreement on the ceasefire in Ukraine;

M. whereas Russian aggression against Ukraine and the illegal annexation of Crimea have deepened fears in Belarusian society of a destabilisation of the internal situation as a result of a power shift; whereas, however, the Belarusian people have not abandoned their hopes of substantial reforms and a peaceful transformation of their country;

N. whereas the Belarusian economy has seen more than 20 years of stagnation, with major sectors still remaining under state ownership and under an administrative command and control system; whereas Belarus’s economic dependence on Russia’s economic aid is continuously increasing, and whereas Belarus’s economic performance is among the lowest among the countries of the Eurasian Economic Union — its GDP fell by over USD 30 billion in 2015-2016, for example;

O. whereas Belarus is the only country in Europe still to carry out capital punishment; whereas on 4 October 2016 the Belarusian Supreme Court upheld the death sentence against Siarhei Vostrykaou, which was the fourth confirmation by the Belarusian Supreme Court of a death sentence in 2016;
P. whereas human rights organisations have drawn attention to new methods of harassment of the opposition; whereas the Belarusian authorities have not abandoned the repressive practices against their political opponents: peaceful protesters are still subjected to administrative liability, other civil and political rights are restricted and the country has new political prisoners; whereas the Belarusian authorities have not taken any measures aimed at systemic and qualitative changes in the field of human rights, especially at legislative level;

Q. whereas a significant improvement in freedom of speech and freedom of the media, respect for the political rights of ordinary citizens and opposition activists alike and respect for the rule of law and fundamental rights are all prerequisites for better relations between the EU and Belarus; whereas the European Union remains strongly committed to further defending human rights in Belarus, including freedom of speech and of the media;

R. whereas on 25 October 2016 Belarus adopted its first National Human Rights Action Plan, which was approved by a resolution of the Council of Ministers; whereas according to the Belarusian authorities this plan defines the principal lines of action for implementing the country's human rights commitments;

S. whereas one of the objectives of Belarus's participation in the Eastern Partnership and its parliamentary branch, Euronest, is to intensify cooperation between the country and the EU; whereas the Belarusian parliament has no official status in the Euronest Parliamentary Assembly;

T. whereas Belarus is currently building its first-ever nuclear power plant in Ostrovets, on the EU border; whereas any country that develops nuclear power must strictly adhere to the international nuclear and environmental safety requirements and standards; whereas the Government of Belarus, which bears exclusive responsibility for the safety and security of nuclear facilities on its territory, must fulfil its obligations to its own citizens as well as to the neighbouring countries; whereas the principles of openness and transparency must be the key background against which any nuclear facility is developed, operated and decommissioned;

U. whereas Belarus is part of the Collective Security Treaty Organisation (CSTO) and takes part in the 'Zapad' joint military manoeuvres with Russia which cover scenarios involving attacks on its western neighbours that include simulating the use of nuclear weapons against Poland; whereas Belarus is to participate next year in 'Zapad-2017' with possible further aggressive scenarios;

1. Remains deeply concerned by the shortcomings observed by independent international observers during the 2015 presidential and 2016 parliamentary elections; recognises the attempts to make progress, which is still insufficient; notes that in the newly elected parliament there will be one representative of the opposition party and one of the non-governmental sector; considers these, however, to be political appointments, rather than a result of the electoral outcome; notes that consideration of the future legislative proposals submitted by these two parliamentarians will serve as a litmus test of the political intentions of the authorities behind their appointments;

2. Calls on the Belarusian authorities to resume work without delay on a comprehensive electoral reform as part of the broader democratisation process and in cooperation with international partners; stresses the need to introduce the OSCE/ODIHR recommendations in due time before the municipal elections of March 2018 and for them to be observed by domestic and international observers; emphasises that this is key to achieving the desired progress in EU-Belarus relations;

3. Reiterates its call on the Belarusian authorities to ensure, in all circumstances, respect for democratic principles, human rights and fundamental freedoms, in accordance with the Universal Declaration of Human Rights and the international and regional human rights instruments ratified by Belarus;

4. Calls on the Belarusian Government to rehabilitate the political prisoners released and to fully restore their civil and political rights;
5. Expresses its concern that since 2000 no new political party has been registered in Belarus; calls for all restrictions in this regard to be abandoned; stresses that all political parties must be allowed unrestricted political activities, especially in the electoral campaign period;

6. Expects the authorities to stop the harassment of independent media for political reasons; urges a stop to the practice of administrative prosecution and the arbitrary use of Article 22.9(2) of the Administrative Code against freelance journalists for working with foreign media without accreditation, which restrict the right to freedom of expression and the dissemination of information;

7. Calls on the Belarusian Government to repeal without delay Article 193/1 of the Criminal Code, which penalises the organisation of and participation in the activities of non-registered public associations and organisations, and to allow the full, free and unhampered legal functioning of public associations and organisations; draws the Commission’s attention in particular to the fact that currently, as a result of the application of Article 193/1 and other restrictive measures, there are over 150 Belarusian NGOs registered in Lithuania, Poland, the Czech Republic and elsewhere;

8. Urges the Belarusian authorities to review the policy under which international financial support to the non-governmental sector in Belarus remains subject to a heavy tax burden;

9. Strongly condemns the Belarusian Government’s policy of using special forces to interfere in the internal affairs of civil society organisations, including those representing national minorities such as the independent NGO ‘Union of Poles in Belarus’;

10. Urges Belarus, the only country in Europe still applying capital punishment, and which has recently resumed executions, to join a global moratorium on execution of the death penalty as a first step towards its permanent abolition; recalls that the death penalty constitutes inhumane and degrading treatment, has no proven deterrent effect and makes judicial errors irreversible; calls on the European External Action Service (EEAS) and the Commission to strongly prioritise the abovementioned concerns at the ongoing EU-Belarus Human Rights Dialogue; welcomes, in this context, the adoption by the Council of Ministers of Belarus of the Action Plan for the implementation of the recommendations made by the Universal Periodic Review Working Group of the UN Human Rights Council, and expects it to be carried out in full;

11. Calls on the EU to sustain the momentum for the further normalisation of relations with Belarus; reiterates its view that existing differences can be best addressed through enhanced channels of communication and that further engagement of the EU, and notably the European Parliament, in a dialogue with Belarus and in particular its citizens and civil society, as well as with the parliament and various political parties, can bring tangible results and contribute to the independence, sovereignty and prosperity of the country;

12. Calls on the EEAS and on the Commission to continue and strengthen support for civil society organisations in Belarus and abroad; stresses, in this context, the need to support all independent sources of information for Belarusian society, including media broadcasting in the Belarusian language, and from abroad;

13. Notes the launch in January 2014 of the negotiations on visa facilitation aimed at improving people-to-people contacts and encouraging the emergence of civil society; stresses that the Commission and the EEAS should take necessary measures to speed up progress in this regard;

14. Supports the EU in its policy of ‘critical engagement’ with the Belarusian authorities, and expresses its readiness also to contribute to it via its Delegation for relations with Belarus; calls on the Commission to monitor the legislative initiatives closely and to scrutinise their implementation; recalls that the EU must make sure that its resources are not used to suppress civil society organisations, human rights defenders, freelance journalists and opposition leaders;
15. Is concerned about the safety problems raised by the construction of the Belarusian nuclear power plant in Ostrovets, less than 50 km from Vilnius, the capital of Lithuania, and close to the Polish border; stresses the need for comprehensive international supervision of the implementation of this project to ensure that it complies with international nuclear and environmental safety requirements and standards, including the UN Espoo and Arhus Conventions; calls on the Commission to include the issue of safety and transparency of this nuclear power plant under construction in its dialogue with Belarus and Russia, given that it is financed by Russia and is based on Rosatom technology, and to provide Parliament and the Member States, in particular those neighbouring Belarus, with regular reports; calls on the Council and the Commission to use their levers, including making any EU macro-financial support conditional, in order to ensure that Belarus complies with international safety standards as regards the Ostrovets Nuclear Power Plant, with regard in particular to the conduct of the stress-test exercise as agreed with the Commission on 23 June 2011;

16. Attaches great importance and looks forward to the accession of Belarus to the Euronest Parliamentary Assembly, in accordance with the Constituent Act, as soon as the political conditions are fulfilled, as this accession would be the natural extension of the participation of Belarus in the Eastern Partnership multilateral cooperation framework;

17. Reiterates its commitment to working for the benefit of the people of Belarus, supporting their pro-democratic aspirations and initiatives and contributing to a stable, democratic and prosperous future for the country;

18. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Council, the Commission, the Member States, the OSCE/ODHIR, the Council of Europe and the Belarusian authorities.
The European Union Solidarity Fund: an assessment


(2018/C 224/22)

The European Parliament,
— having regard to Articles 175 and 212(2) of the Treaty on the Functioning of the European Union (TFEU),
— having regard to its resolution of 15 January 2013 on the European Union Solidarity Fund, implementation and application (2),
— having regard to its resolution of 5 September 2002 on floods in Europe (5),
— having regard to its resolution of 8 September 2005 on the natural disasters (fires and floods) of the summer of 2005 in Europe (6),
— having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘The Future of the European Union Solidarity Fund’ (COM(2011)0613),
— having regard to the opinion of the Committee of the Regions of 28 November 2013 on the European Union Solidarity Fund (7),
— having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, cooperation in budgetary matters and sound financial management (8),
— 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 Budgetary Control (A8-0341/2016),

A. whereas the European Union Solidarity Fund (EUSF) was set up under Regulation (EC) No 2012/2002 in response to the disastrous flooding in Central Europe in the summer of 2002, as a valuable instrument enabling the EU to respond to major natural disasters, and to extraordinary regional disasters, inside the Union and in countries involved in accession negotiations, and to demonstrate solidarity with the eligible regions and states; whereas it supports only emergency and recovery operations, carried out by governments following natural disasters, that have a direct impact on people’s lives, the natural environment or the economy in a given affected region (though it should be noted that in 2005 the Commission presented a proposal aimed at expanding the original scope even more);

B. whereas since it was established, the EUSF has served a very useful purpose, having mobilised, in total, EUR 3.8 billion in connection with more than 70 disasters within 24 beneficiary states and accession countries, and has been used in response to a wide range of natural phenomena, such as earthquakes, flooding, forest fires, storms and, more recently, drought; whereas the EUSF remains one of the EU’s strongest symbols of solidarity in times of need;

C. whereas the instrument was comprehensively overhauled in 2014 with a view to: improving and simplifying the procedures, and ensuring more rapid response within six weeks following application; re-determining its scope; establishing clear criteria for a regional disaster; and strengthening disaster prevention and risk management strategies, thus enhancing the effectiveness of relief funding, in line with the numerous requests made over the years by Parliament, as well as by local and regional authorities; whereas a new revision of the Fund is foreseen in the proposed Omnibus Regulation (COM(2016)0605 — 2016/0282(COD)) proposed by the Commission on 14 September 2016 with a view to improving the readiness and effectiveness of emergency relief funding;

D. whereas Parliament has strongly supported the proposed changes, most of which it had already called for in previous resolutions;

E. whereas applications received prior to June 2014 (when the revised regulation entered into force) were assessed under the original regulation, while applications received since have been assessed under the revised regulation;

F. whereas investments in the prevention of natural disasters are of utmost importance in response to climate change; whereas significant amounts of EU funding have been allocated for investments in the prevention of natural disasters, and in risk management strategies, in particular under the European Structural and Investment Funds (ESIF);

G. whereas, exceptionally, in the event that the funds available in a given year are insufficient, the following year’s funds may be used, taking into consideration the annual budgetary ceiling of the fund, both in the year when the disaster occurred and in the following year;

1. Recalls that, since it was established in 2002, the EUSF has been a significant source of funding for local and regional governments, alleviating the consequences of natural disasters occurring across Europe, from floods to earthquakes and forest fires, and has served as a means of demonstrating European solidarity with affected regions; emphasises that, as far as the public is concerned, the EUSF is one of the most concrete and tangible manifestations of the support that the EU can give to local communities;

2. Emphasises that, since the EUSF was established, natural disasters in the European Union have increased significantly in number, severity and intensity, as a consequence of climate change; stresses, therefore, the added value of a sound and flexible instrument as a means of showing solidarity, and of providing proper, rapid assistance to people affected by major natural disasters;

3. Points out that the EUSF is financed outside the European Union budget, with a maximum allocation of EUR 500 million (at 2011 prices), and that despite the built-in flexibility (carry-over N+1), substantial funds may sit unused each year; notes, in this context, the partial ‘budgetisation’ of the annual financial allocation foreseen in the proposed Omnibus Regulation, with a view to accelerating the mobilisation procedure and to providing an earlier and more effective response to citizens affected by a disaster;
4. Points out that use of the yearly threshold proves that the annual level of appropriations, after the new MFF programming period, is adequate;

5. Emphasises the importance of the 2014 revision, which managed to overcome the blockage in the Council, and represented a belated response to Parliament’s repeated calls for improved responsiveness and effectiveness of aid, in order to ensure a rapid and transparent response in support of people affected by natural disasters; welcomes, moreover, the recent Omnibus Proposal, which introduces new provisions in terms of simplification and of easier mobilisation of funding;

6. Emphasises the main components of the reform, such as: the introduction of advance payments, whereby up to 10% of the anticipated financial contribution is available on demand soon after an application for a financial contribution from the Fund has been submitted to the Commission (capped at EUR 30 million); the eligibility of costs relating to the preparation and implementation of the emergency and recovery operations (a major Parliament request); the extension of the deadlines by which eligible states must make applications (12 weeks after the first damage) and set up the project (18 months); the introduction of a six-weeks deadline by which the Commission must respond to applications; new provisions on the prevention of natural disasters; and improvements in procedures with regard to sound financial management;

7. Emphasises, however, that, in spite of the introduction of an advance payment mechanism upstream of the standard procedure, beneficiaries still face problems as a result of the length of the overall process from application to payment of the final contribution; emphasises, in this context, the need to put forward the application as soon as possible after a disaster, as well as for further improvements in the assessment phase, and in subsequent phases, in order to facilitate the execution of payments; takes the view that the newly proposed Omnibus provisions with regard to the EUSF may contribute to faster mobilisation, in order that the real needs on the ground may be met; stresses as well that the Member States must look at their own administrative procedures with a view to accelerating the mobilisation of aid for affected regions and states; suggests, moreover, with a view of potential improvements in a future reform, the introduction of a request for mandatory updated national plans for disaster management, as well as of a requirement that information be provided on the preparation of agreements on emergency contracts;

8. Calls on the Member States themselves to improve their means of communication and cooperation with local and regional authorities, both when assessing eligible damage for which EUSF financial support is requested and when preparing applications, as well as when implementing projects to counter the effects of natural disasters, thereby ensuring that the Union’s assistance is effective on the ground and that sustainable solutions are promoted; considers, moreover, that EUSF support should be communicated to the public at large; calls on the authorities concerned to improve communication, and to provide information on EUSF support, without generating additional administrative burdens;

9. Stresses the importance of ensuring that public procurement procedures are followed by Member States in response to natural disasters, with a view to identifying and disseminating best practices and lessons learned with regard to contracts in emergency situations;

10. Welcomes the Commission’s clarification of the rules on the eligibility of regional natural disasters, but points out that the final agreement between Parliament and the Council maintains the eligibility threshold at 1.5% of regional GDP, in line with the Commission proposal, in spite of Parliament’s efforts to reduce it to 1%; notes that the vulnerability of the outermost regions has been taken into account, with the threshold being reduced to 1%;

11. Acknowledges that the Fund provides assistance for non-insurable damage and does not provide compensation for private losses; emphasises that long-term measures, such as sustainable reconstruction, or economic development and prevention activities, are eligible for financing under other Union instruments, in particular ESI Funds);

12. Calls on the Member States to optimise the use of existing EU funding, in particular the five ESI Funds, for investments to prevent natural disasters from occurring, and points to the importance of developing synergies between the various Union funds and policies with a view to preventing the impact of natural disasters and, in cases where the EUSF is activated, to guaranteeing the consolidation, and long-term sustainable development of reconstruction projects; maintains that whenever the EUSF is to be used, the Member State concerned should formally undertake to carry out all measures necessary for disaster prevention and the sustainable reconstruction of the areas affected; calls, when synergies are brought into play, for the process of using funds in combination to be simplified, to the extent possible, in administrative terms;
13. Stresses, therefore, that efforts to invest in climate change mitigation and adaptation must be stepped up, taking into account preventive measures when supporting reconstruction and reforestation under the EUSF; considers that prevention should become a horizontal task, and suggests that preventive measures following the eco-system based approach be taken when mitigating the consequences of disaster under the EUSF; calls, moreover, on the Member States to establish risk prevention and risk management strategies, considering as well that many natural disasters today are direct consequences of human activity;

14. Stresses the importance of ensuring maximum transparency in the awarding, management and implementation of the EUSF; considers it important to determine whether EUSF subsidies have been used in compliance with the principles of sound financial management, in order to identify, develop and share best practices and lessons learned; calls, therefore, on the Commission and the Member States to improve transparency, and to guarantee public access to information throughout the assistance mobilisation process, from the submission of an application to project closure; calls as well for a special report from the European Court of Auditors (ECA) on the functioning of the EUSF, not least in consideration of the fact that the latest report available is from before the 2014 revision of the EUSF Regulation;

15. Notes that 13 new applications were received in 2014, and draws attention to the special circumstances of that year, in which six of these applications were assessed under the old regulation, while the remaining seven applications were assessed under the revised regulation;

16. Recalls that two applications were rejected in 2014 under the former EUSF Regulation, on the grounds that the disasters in question could not be deemed ‘extraordinary’, in spite of the fact that they caused serious damage and had direct repercussions for the economic and social development of the regions concerned, and welcomes, therefore, the clarifications made in this regard in the revised EUSF Regulation; suggests, nevertheless, with regard to future reforms, and taking into consideration the possibility of redefining regional natural disasters, that single applications be allowed to be submitted jointly by several eligible states affected by a natural disaster at cross-border level, whereby the cause of the disaster is the same and the effects occur at the same time, and that indirect damages be taken into consideration in the assessment of the applications;

17. Invites the Commission, in the light of future reforms, to take into account the possibility of increasing the advance payments threshold from 10 % to 15 %, as well as of shortening deadlines for the processing of applications from six to four weeks; invites as well the Commission to consider the possibility of setting the eligibility threshold for regional natural disasters at 1 % of regional GDP, and of taking into account, when assessing the requests, the level of socio-economic development of the regions affected;

18. Points to the need to consider whether new indicators may be used that go beyond GDP, such as the Human Development Index and the Regional Social Progress Index;

19. Welcomes the fact that the seven applications for assistance received within the framework of the revised rules were accepted by the Commission, including four that were approved at the end of 2014, but for which appropriations had to be carried over to 2015, as stated in the EUSF Annual Report 2015; recalls, in this context, that 2015 was the first full year of implementation under the revised rules, and that the analysis shows that the legal clarifications introduced with the reform ensured successful applications, which was not the case with the old provisions, in accordance with which about two thirds of regional disaster assistance requests were assessed ineligible;

20. Deplores the fact that the procedures for assessing implementation and closure reports took so long under the old regulation, and expects closures to be carried out more efficiently and transparently under the amended regulation, and in a manner which ensures that the Union’s financial interests are protected;

21. Emphasises, furthermore, that Article 11 of the amended regulation gives the Commission and the ECA the power of audit, and allows the European Anti-Fraud Office (OLAF) to conduct investigations whenever necessary;
22. Calls on the Commission and the ECA to evaluate the functioning of the EUSF before the end of the current multiannual financial period;

23. Instructs its President to forward this resolution to the Council, the Commission and the Member States, and to regional authorities.
Situation in Italy after the earthquakes

European Parliament resolution of 1 December 2016 on the situation in Italy after the earthquakes
(2016/2988(RSP))
(2018/C 224/23)

The European Parliament,

— having regard to Article 3 of the Treaty on European Union (TEU),

— having regard to Articles 174, 175 (third paragraph) and 212 of the Treaty on the Functioning of the European Union (TFEU),


— having regard to Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union (2),


— having regard to Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (6),

— having regard to the Council conclusions of 11 April 2011 on Further Developing Risk Assessment for Disaster Management within the European Union,

— having regard to the Council conclusions of 28 November 2008 calling for civil protection capabilities to be enhanced by a European mutual assistance system building on the civil protection modular approach (16474/08),


— having regard to its resolution of 14 November 2007 on the regional impact of earthquakes (7),

(7) OJ C 282 E, 6.11.2008, p. 269
Thursday 1 December 2016

— having regard to its resolution of 19 June 2008 on stepping up the Union’s disaster response capacity (1),

— having regard to its resolution of 8 October 2009 (2) on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Union Solidarity Fund: Italy, the Abruzzo earthquake,

— having regard to its resolution of 15 January 2013 on the European Union Solidarity Fund, implementation and application (3),

— having regard to the opinion of the Committee of the Regions of 28 November 2013 on the European Union Solidarity Fund (4),

— having regard to the questions to the Commission on the situation in Italy after the earthquakes (O-000139/2016 — B8-1812/2016, O-000140/2016 — B8-1813/2016 and O-000141/2016 — B8-1814/2016),

— having regard to Special Report No 24/2012 of the Court of Auditors entitled ‘The European Union Solidarity Fund’s response to the 2009 Abruzzi earthquake: the relevance and cost of operations’,

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

A. whereas after the devastating earthquake that hit central Italy on 24 August 2016, three more major quakes, together with a flurry of tremors, struck the central Italian regions, on 26 October 2016 with magnitudes of 5.5 and 6.1, and on 30 October 2016 with a magnitude of 6.5;

B. whereas quakes and aftershocks have continued to batter central Italy over the past months; whereas the most recent earthquake on 30 October 2016 was the strongest tremor to hit the country in more than three decades, involving the total flattening of entire villages, bringing large numbers of inhabitants of the affected areas to the brink of despair, and provoking various indirect forms of damage in the surrounding areas;

C. whereas in the recent quakes more than 400 people are reported to have been injured and 290 to have died;

D. whereas the devastating earthquakes are piling up in a ‘domino effect’ and have led to up to 100 000 inhabitants being displaced;

E. whereas the impact of the latest quakes has destroyed towns, seriously damaged local and regional infrastructure, ruined historical and cultural heritage, damaged economic activities, especially those of SMEs, agriculture, the landscape and the potential of the tourism and hospitality industries;

F. whereas the territories concerned suffer from a deformation that extends over an area of about 130 square kilometres, with a maximum displacement of at least 70 centimetres, and whereas unpredictable hydrogeological effects could lead, in severe winter weather conditions, to further natural catastrophes such as floods and landslips and cumulative damage;

G. whereas some territories in the European Union are more vulnerable and at high seismic risk; whereas they may even be exposed to repeated natural catastrophes of various kinds, some of them less than a year apart, recent cases having occurred in Italy, Portugal, Greece and Cyprus;

(1) OJ C 286 E, 27.11.2009, p. 15.
H. whereas sustainable reconstruction efforts need to be properly coordinated in order to remedy the economic and social losses, and whereas particular attention should also be paid to the invaluable Italian cultural heritage, promoting international and European projects aimed at protecting historical buildings and sites;

I. whereas the European Union Solidarity Fund (EUSF) was set up under Regulation (EC) No 2012/2002 in response to the disastrous flooding that hit central Europe in the summer of 2002;

J. whereas various Union instruments, such as the European Structural and Investment Funds or the civil protection mechanism and financial instrument, may be used to strengthen preventive measures to address earthquakes and rehabilitation measures;

K. whereas the 2014 reform of the EUSF introduced the possibility for Member States to request advance payments, the granting of which is decided upon by the Commission, if sufficient resources are available; whereas, however, the amount of the advance cannot exceed 10 % of the anticipated total amount of the financial contribution from the EUSF and is capped at EUR 30 million;

L. whereas the Member State affected must submit an application for assistance from the EUSF to the Commission no later than 12 weeks after the first effects of the disaster become clear; whereas the beneficiary state is responsible for using the grant and auditing the way it is spent, but the Commission may carry out on-the-spot checks on operations financed by the EUSF;

M. whereas the reconstruction process must take into account past experiences, and whereas the need to be carried out with the utmost rapidity, adequate resources, bureaucratic simplification and transparency should be the basis for sustainable reconstruction, as well as the need to provide security and stability for affected residents in order to ensure that they can continue to live in these regions;

N. whereas prevention should constitute an increasingly important stage in disaster management and be given greater social importance, and also requires a careful action programme on information dissemination, awareness and education;

O. whereas current disaster prevention measures need to be reinforced in accordance with Parliament's previous proposals with a view to consolidating the strategy for the prevention of natural and man-made disasters at EU level:

1. Expresses its deepest solidarity and empathy with all the individuals affected by the earthquakes and their families, and with the Italian national, regional and local authorities involved in relief efforts following the disaster;

2. Expresses its concern over the large number of displaced persons exposed to the harsh weather conditions of the forthcoming winter season; calls on the Commission, therefore, to identify all possible ways of providing help to the Italian authorities with a view to guaranteeing decent living conditions for the people deprived of their homes;

3. Appreciates the unremitting efforts made by the rescue units, civil protection forces, volunteers, civil society organisations, and local, regional and national authorities in the devastated areas in order to save lives, contain the damage and guarantee common basic activities to maintain a decent standard of living;

4. Underlines the serious economic and social effects of the successive earthquakes and the destruction left in their wake;

5. Underlines the gravity of the situation on the ground, which is putting considerable and intense financial pressure on Italian national, regional and local public authorities;
6. Welcomes the increased level of flexibility in the deficit calculation on spending related to the earthquakes that has been granted to Italy, in accordance with the Treaties, in order to cope with the current emergency efficiently and swiftly and with future interventions required to secure the areas affected; also calls on the Italian Government to ensure that all the extra resources provided are actually used for this specific purpose;

7. In light of this exceptional and very serious situation, asks the Commission to consider having sustainable reconstruction and any anti-seismic investments, including those cofinanced through the ESI funds and allocated to Thematic Objective 5 ('prevention, promotion of climate change adaptation, risk prevention and management'), excluded from the calculation of national deficits in the framework of the Stability and Growth Pact;

8. Welcomes the solidarity expressed by the EU institutions, other Member States, European regions and international players, as exemplified by mutual assistance in emergency situations;

9. Asks the Commission to consider extending the existing calculation of the Solidarity Fund, which is currently based on the effects of damage caused by a single catastrophic event, to a cumulative computation of the damage caused by several natural catastrophes in the same region in a year;

10. Highlights the prediction problems associated with earthquake systems and the high seismicity of the Mediterranean area and South East Europe; calls on Member States to speed up research with a view to preventing damage, managing crises and minimising the scale of the impact of disasters in conjunction with actions under Horizon 2020; notes with concern that thousands of people have died and hundreds of thousands have been left homeless in the past 15 years as a result of destructive earthquakes affecting Europe;

11. Recalls the importance of complying with requirements for the construction of earthquake-resistant buildings and infrastructure; urges national, regional and local authorities to step up efforts to make structures compliant with the earthquake standards in force and to pay due attention to this when issuing building permits;

12. Stresses the importance of the European Union Civil Protection Mechanism in fostering cooperation among national civil protection authorities across Europe in adverse situations and in minimising the effects of exceptional occurrences; calls on the Commission and the Member States to further simplify the procedures for the activation of the Mechanism in order to make it available rapidly and effectively in the immediate aftermath of a disaster;

13. Takes note of the application presented for the European Solidarity Fund by the Italian Government, and calls on the Commission to undertake all necessary measures to analyse requests for assistance under the European Union Solidarity Fund (EUSF) promptly, with a view to ensuring its swift mobilisation; stresses in this context the importance of advance payments being made available as soon as possible to the national authorities to enable them to respond to the urgent demands of the situation;

14. Considers that the partial ‘budgetisation’ of the annual EUSF financial allocation provided for in the proposed Omnibus Regulation could help in the future to accelerate the mobilisation procedure with a view to providing an earlier and more effective response to people affected by a disaster; invites the Commission, moreover, in the context of possible future reforms, to analyse the feasibility of increasing the advance payments threshold and shortening the deadlines for processing applications;

15. Stresses the importance of creating synergies among all available instruments, including the European Structural and Investment Funds (ESI Funds), and of ensuring that resources are used effectively for reconstruction activities and all other necessary interventions, in full cooperation with the Italian national and regional authorities; calls on the Commission to be ready to adopt amendments to programmes and operational programmes to this end as soon as possible after the submission of a request for amendments by a Member State; underlines likewise the possibility of using the European Fund for Rural Development (EAFRD) to sustain the rural areas and agricultural activities that have been impacted by the earthquakes;
16. Underlines, moreover, the importance of optimising the use of existing EU funding to invest in preventing natural disasters and of guaranteeing the consolidation and long-term sustainable development of reconstruction projects, and reiterates the need to simplify the administrative procedures for coordination of the funds; stresses that, after receiving assistance under the EUSF, the Member States concerned should intensify their efforts to develop appropriate risk management strategies and strengthen their disaster prevention mechanisms;

17. Takes note of the activation, on the request of the Italian Government, of the EU’s Copernicus Emergency Management Service, with the aim of providing satellite-based damage assessment for the affected areas; encourages cooperation between international research centres, and welcomes the use of synthetic aperture radar (SAR), which can evaluate and measure centimetre-level ground movements through clouds by day and night, also for purposes of prevention and risk management;

18. Emphasises the importance of public research and development (R&D) in preventing and managing disasters, and calls for increased coordination and cooperation between the R&D institutions of Member States, especially those facing similar risks; calls for enhanced early warning systems in Member States and the creation and strengthening of links between the various early warning systems;

19. Instructs its President to forward this resolution to the Council, the Commission, the Government of Italy, and the regional and local authorities of the areas affected.
Commissioners’ declarations of interests — Guidelines

European Parliament resolution of 1 December 2016 on Commissioners’ declarations of interests — guidelines (2016/2080(INI))
(2018/C 224/24)

The European Parliament,

— having regard to the Treaty on European Union (TEU), and in particular Article 17(3) thereof,

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 245 thereof,

— having regard to Annex XVI of its Rules of Procedure (Guidelines for the approval of the Commission), and in particular paragraph 1(a), third sub-paragraph thereof,

— having regard to its decision of 28 April 2015 concerning the scrutiny of the declarations of financial interests of Commissioners-designate (interpretation of paragraph 1(a) of Annex XVI to its Rules of Procedure) (1),

— having regard to the Framework Agreement on relations between the European Parliament and the European Commission (2), in particular the points corresponding to Section II — Political Responsibility,

— having regard to its resolution of 8 September 2015 on procedures and practices regarding Commissioner hearings, lessons to be taken from the 2014 process (3),

— having regard to the Code of Conduct for European Commissioners of 20 April 2011 (4), and in particular points 1.3, 1.4, 1.5 and 1.6 thereof,

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

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Budgetary Control (A8-0315/2016),

A. whereas, pursuant to paragraph 1(a) of Annex XVI to its Rules of Procedure (Guidelines for the approval of the Commission), Parliament may express its opinion on the allocation of portfolios by the President-elect of the Commission and seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate; whereas Parliament expects to be sent all information relating to the financial interests of the Commissioners-designate and their declarations of interests to be sent for scrutiny to the committee responsible for legal affairs;

B. whereas, pursuant to point 3 under Section II (Political Responsibility) of the Framework Agreement on relations between the European Parliament and the European Commission, the designated Members of the Commission shall ensure full disclosure of all relevant information, in conformity with the obligation of independence to which they are subject under the Treaties; whereas this information shall be disclosed in line with procedures designed to ensure an open, fair and consistent assessment of the entire Commission-designate;

C. whereas, in accordance with its above-mentioned Decision of 28 April 2015, scrutiny of the declaration of financial interests of a Commissioner-designate by the committee responsible for legal affairs consists not only of verifying that the declaration has been duly completed but also of assessing whether the content of the declaration is accurate and if a conflict of interests may be inferred;

(4) C(2011)2904.
D. whereas, pursuant to paragraph 1(a) of Annex XVI to its Rules of Procedure, Parliament shall evaluate Commissioners-designate on the basis of their personal independence, among other things, particularly in the light of the special role of guarantor of the Union interest assigned to the European Commission in the Treaties;

E. whereas, in its above-mentioned resolution of 8 September 2015, Parliament stated that confirmation by the Committee on Legal Affairs of the absence of any conflict of interests is an indispensable precondition for the commissioner hearings, particularly given that the Commission’s political mandate was strengthened in the Treaty of Lisbon;

F. whereas, in its above-mentioned resolution of 8 September 2015, Parliament deemed it important for the Committee on Legal Affairs to issue guidelines in the form of recommendations or an own-initiative report, with a view to facilitating reform of the procedures relating to Commissioners’ declarations of interests, while calling on the Commission to revise its rules relating to Commissioners’ declarations of interests;

G. whereas, pursuant to point 1.3 of the Code of Conduct for Commissioners on selflessness, integrity, transparency, honesty, responsibility and respect for the dignity of Parliament, Commissioners must declare any financial interest or asset which might create a conflict of interests in the performance of their duties, and whereas this also applies to any holdings of the Commissioner’s spouse or partner — as defined by the rules in force (1) — which might result in a conflict of interests;

H. whereas the financial interests for which a declaration is required include any kind of specific financial participation in the capital of a company;

I. whereas, pursuant to point 1.4 of the Code of Conduct for Commissioners, to obviate any risk of a conflict of interests, Commissioners are required to declare the professional activities of their spouses or partners, and whereas this declaration must state the nature of the activity, the title of the position held and, where applicable, the name of the employer;

J. whereas, pursuant to point 1.5 of the Code of Conduct for Commissioners, the declaration of financial interests must be made using a form attached to the code of conduct, and whereas the form must be completed and made available before the hearing of the Commissioner-designate by Parliament and revised during his or her term of office if the information changes, and at least once a year;

K. whereas the information on the form is limited and inadequate, does not include a detailed definition of what constitutes a conflict of interests and therefore does not enable Parliament to properly evaluate fairly and consistently the existence of actual or potential conflicts of interests on the part of Commissioners-designate, or their ability to carry out their mandate in line with the Code of Conduct for Commissioners;

L. whereas, pursuant to point 1.6 of the Code of Conduct for Commissioners, a Commissioner shall not deal with any matter that involves her/his portfolio when she/he has any personal interest, in particular a family or financial interest which could impair her/his independence;

M. whereas the Commission is ultimately responsible for the nature and scope of the information to be included in the declarations of interests of its members; whereas the Commission must therefore accurately provide the degree of transparency necessary for the proper functioning of the procedure to appoint Commissioners-designate;

N. whereas, pursuant to point 5 of the Framework Agreement on relations between the European Parliament and the European Commission, Parliament may ask the President of the Commission to withdraw confidence in an individual Member of the Commission; whereas, pursuant to point 7 of the same, the President of the Commission must inform Parliament if she/he intends to reshuffle the allocation of responsibilities amongst the Members of the Commission so as to enable parliamentary consultation on the matter;

1) Stable non-marital partner, as defined in Regulation (Euratom, ECSC, EEC) No 2278/69 (OJ L 289, 17.11.1969, p. 1) and in Article 1(2)(c) of Annex VII to the Staff Regulations.
O. whereas overall the current Commission Members’ declarations of financial interests can be considered an improvement on the handling of declarations in 2008-2009, but whereas there has been no shortage of episodes which have necessitated a subsequent clarification of certain declarations of interests;

P. whereas it is to be deplored that the Code of Conduct for Commissioners adopted in 2011 fails to address sufficiently several of Parliament’s recommendations for improvements, in particular as regards the declarations of financial interests of Members of the Commission, the post-office employment restrictions and the strengthening of the Ad Hoc Ethical Committee responsible for the assessment of conflicts of interest; whereas, in this context, the positions adopted by Parliament regarding the changes and improvements to the procedure for hearing Commissioners-designate should also be borne in mind;

Q. whereas one of the pillars of European governance is the strengthening of ethics and transparency within the EU institutions in order to improve European citizens’ trust in them, particularly in the light of the more ample political mandate entrusted to the Commission since the Lisbon Treaty;

General observations

1. Notes that the aim of scrutinising Commissioners’ declarations of financial interests is to ensure that the Commissioners-designate are able to fulfill their mandates completely independently and to ensure maximum transparency and accountability on the part of the Commission, in accordance with Article 17(3) TEU, with Article 245 TFEU and with the Code of Conduct for Commissioners; notes, accordingly, that this should not be restricted to the appointment of the new Commission, but should also take place in the event of a vacancy resulting from the resignation, compulsory retirement or death of a Commissioner, the accession of a new Member State or substantial modification of a Commissioner’s portfolio or financial interests;

2. Takes the view that evaluating a possible conflict of interests must be based on conclusive, objective and relevant factors and take into account the portfolio of the Commissioner-designate;

3. Points out that a conflict of interests is defined as ‘any interference situation between a public interest and public and private interests that is likely to affect or that appears likely to affect the independent, impartial and objective exercise of a duty’;

4. Confirms that the Committee on Legal Affairs is competent and responsible for carrying out a substantive analysis of the declarations of financial interests by means of an in-depth examination aimed at assessing whether the content of the declaration made by a Commissioner-designate is accurate and conforms to the criteria and principles laid down in the Treaties and the code of conduct, or whether a conflict of interests may be inferred, and that it must be able to propose to the President of the Commission the replacement of that Commissioner; calls, therefore, on the Commission to provide all factual tools and information to enable the Committee on Legal Affairs to perform a complete and objective analysis;

5. Considers it essential that the Committee on Legal Affairs has enough time to ensure that this detailed assessment is effective;

6. Notes that the Committee on Legal Affairs observes the strictest confidentiality when examining questions relating to the declarations of interests of the Commissioners-designate, but also ensures, in accordance with the principle of transparency, that its conclusions are published as soon as they are available;

7. Considers that beyond the time allocated for questions that the Committee on Legal Affairs wishes to put to the Commissioner-designate, should it note a possible conflict of interests, it should be granted the right to continue with the hearing and obtain the required clarifications;
Procedure for scrutinising declarations of financial interests before the hearings of the Commissioners-designate

8. Considers that confirmation by the Committee on Legal Affairs of the absence of any conflict of interests, based on a substantive analysis of the declaration of financial interests, is an essential precondition for the holding of the hearing by the committee responsible (1);

9. Takes the view, therefore, that in the absence of such confirmation or if the Committee on Legal Affairs identifies a conflict of interests, the procedure for appointing the Commissioner-designate shall be suspended;

10. Considers that the following guidelines should be applied when the declarations of financial interests are scrutinised by the Committee on Legal Affairs:

(a) if, when scrutinising a declaration of financial interests, the Committee of Legal Affairs deems, on the basis of the documents presented, the declaration to be accurate, complete and to contain nothing indicating an actual or potential conflict of interests in connection with the portfolio of the Commissioner-designate, its Chair shall send a letter confirming this fact to the committees responsible for the hearing or to the committees involved in the event of a procedure taking place during a Commissioner’s term of office;

(b) if the Committee on Legal Affairs deems the declaration of interests of a Commissioner-designate to contain information which is incomplete or contradictory, or if there is a need for further information, it shall request, pursuant to the Rules of Procedure (2) and the Framework Agreement on relations between the European Parliament and the Commission (3), the Commissioner-designate to provide this information without undue delay and shall consider and properly analyse this before making its decision; the Committee responsible for Legal Affairs can decide, where appropriate, to invite the Commissioner-designate for a hearing;

(c) if the Committee on Legal Affairs identifies a conflict of interests based on the declaration of financial interests or the supplementary information supplied by the Commissioner-designate, it shall draw up recommendations aimed at resolving the conflict of interests; the recommendations may include renouncing the financial interests in question, changes being made to the portfolio of the Commissioner-designate by the President of the Commission; in more serious cases, if no other recommendation is able to provide for a solution to the conflict of interests, as the last resort, the committee responsible for legal affairs can conclude on the inability of Commissioner-designate to exercise his/her function according to the Treaty and to the Code of Conduct; the President of Parliament shall ask the President of the Commission what further steps the latter intends to take;

Procedure for scrutinising declarations of financial interests during a Commissioner’s term of office

11. Underlines the obligation for all Members of the Commission to ensure that their declarations of interests are immediately updated whenever there is a change in their financial interests, and calls on the Commission to inform Parliament immediately of any changes or of anything causing a conflict of interests or a potential conflict of interests to arise;

12. Considers, therefore, that the declaration of financial interests must include present or past interests or activities from the last two years that are of a property, professional, personal or family nature in line with the offered portfolio; it must also take account of the fact that the interest may pertain to an advantage for the person involved or for a third party, and that it may also be of a moral, material or financial nature;

13. Considers that any change in the financial interests of a Commissioner during her/his term of office or any reshuffling of the allocation of responsibilities between Members of the Commission constitutes a new situation in terms of the possible existence of a conflict of interests; believes, therefore, that this situation should be subject to scrutiny by Parliament in accordance with paragraph 10 of this resolution and with paragraph 2 of Annex XVI (Guidelines for the approval of the Commission) to the Rules of Procedure of the European Parliament;

(1) See the European Parliament resolution of 8 September 2015 on procedures and practices regarding Commissioner hearings, lessons to be taken from the 2014 process.

(2) See paragraph 1(a) of Annex XVI to the Rules of Procedure.

(3) See Section (II)(3) of the Framework Agreement on relations between the European Parliament and the Commission.
14. Notes that, pursuant to the second sub-paragraph of Article 246 TFEU, Parliament shall be consulted in the event of a Commissioner being replaced during her/his term of office; considers that this must include verification of the absence of a conflict of interests, among other things, in line with paragraph 10 of this resolution, and with the provisions set out in Annex XVI (Guidelines for the approval of the Commission) to its Rules of Procedure (1) regarding the competences of the European Parliament in the event of a change in composition of the College of Commissioners or a substantial portfolio change during its terms of office;

15. Considers that, in the event of a conflict of interests being identified during a Commissioner’s term of office and of the President of the Commission not following Parliament’s recommendations for resolving the conflict of interests as set out in paragraph 10 of this resolution, the Committee on Legal Affairs may recommend that Parliament ask the President of the Commission to withdraw confidence in that Commissioner, in accordance with Article 17(6) TEU and, where appropriate, that Parliament calls on the President of the Commission to act in accordance with the second subparagraph of Article 245 TFEU with a view to depriving the Commissioner in question of his right to a pension or other benefits in its stead;

**Code of conduct for Commissioners**

16. Notes that the Code of Conduct for Commissioners adopted on 20 April 2011 regarding impartiality, integrity, transparency, diligence, probity, responsibility and discretion presents improvements over the preceding code adopted in 2004 as regards the declaration of financial interests in that disclosure requirements are extended to Commissioners’ partners and the declaration of interests has to be revised when information changes or, at the least, every year;

17. Points out that the credibility of the declaration of financial interests depends on the accuracy of the form presented to the Commissioner-designate; considers that the current scope of Commissioners’ declarations of interests is too limited and their explanatory content ambiguous; calls, therefore, on the Commission to revise the code of conduct as soon as possible in order to ensure that the declarations of interests provide the Committee on Legal Affairs with accurate information with which it can substantiate its decision unequivocally;

18. Considers that, in order to gain a more complete picture of the financial situation of the declaring Commissioner, the declarations of financial interests referred to in points 1.3 to 1.5 of the Code of Conduct for Commissioners should include all financial interests and activities of the Commissioner-designate and his/her spouse/partner, and should on no account be limited to those likely to constitute a conflict of interest;

19. Considers that the family interests referred to in point 1.6 of the Code of Conduct for Commissioners should be included in the declarations of financial interests; calls, in this regard, on the Commission to establish a fair means of identifying family interests that are liable to create a conflict of interest;

20. Takes the view that, in order to extend and improve the rules on conflicts of interest, the declarations of interests should also include the details of any contractual relation of the Commissioners-designate which might create a conflict of interests in the performance of their duties;

21. Deplores the fact that the code of conduct fails to codify adequately the requirement under Article 245 TFEU that ‘both during and after their term of office, Commissioners will respect the obligations, in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits’;

22. Deplores the failure of the code of conduct to lay down any divestment requirements, despite the fact that such requirements must be standard in any ethics regime; regards it as a priority to regulate this aspect with the utmost despatch;

23. Notes that the code of conduct does not stipulate any concrete time frame for submission of the declaration prior to Parliament’s hearing of the Commissioners-designate: regards this requirement as a fundamental aspect of the revision of the procedure for hearing Commissioners-designate:

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24. Deplores the fact that the Commission does not report regularly on the implementation of the Code of Conduct for Commissioners, in particular as regards their declarations of interests, and considers that the code of conduct should be amended so as to provide for complaints or sanctions with regard to infringements, with the exception of serious misconduct as referred to in Articles 245 and 247 TFEU;

25. Deplores, in particular, the negative response by the President of the Commission to the request of the European Ombudsman to proactively publish its decisions on the authorisation of post-term-of-office activities of former Commissioners, as well as the opinions of the Ad Hoc Ethical Committee; emphasises that the mere publishing of the minutes of Commission meetings is insufficient to offer the Parliament and civil society an insight into the interpretation in practice of 'potential conflicts of interest' and the integrity policies developed in this connection by the Ad Hoc Ethical Committee;

26. Points out that all ex-Commissioners are banned for 18 months from lobbying 'members of the European Commission and their staff for his/her business, client, or employer on matters for which they have been responsible', but are entitled to a very generous transitional allowance after they leave the Commission of between 40 and 65 per cent of their final basic salary for three years;

27. Welcomes the fact that the code of conduct has introduced a provision concerning the reallocation of files between Members of the Commission in the event of potential conflicts of interest, but deplores the fact that:

   (a) there is no detailed definition of what constitutes a conflict of interest;

   (b) the provision is limited to matters within the relevant Commissioner's portfolio and thus ignores the Commissioner's duties as a member of a college;

   (c) there are no criteria for the President to decide on reallocation, nor any binding framework for informing Parliament, nor any procedure in place in the event of a Commissioner failing to notify a conflict of interest or engaging in any activity incompatible with the nature of his or her duties;

28. Calls on the Commission to revise, as a matter of urgency, the 2011 Code of Conduct for Commissioners to take account of the recommendations made by Parliament in its recent resolutions and of the development of the general ethics and transparency standards that apply to all EU institutions; recommends that the Commission modify its Code of Conduct for Commissioners with a view to ensuring:

   (a) that Commissioners declare all their financial interests, including assets and liabilities over EUR 10 000;

   (b) that Commissioners declare all their interests (as shareholders, company board members, advisors and consultants, members of associated foundations, etc.) as regards all the companies in which they have been involved, including close family interests, as well as the changes that took place at the time their candidacy was made known;

   (c) that Commissioners’ dependent and/or direct family members disclose the same information as spouses or partners;

   (d) that Commissioners clarify fully the objectives of organisations with which they and/or their spouse and/or their dependent children are involved, in order to establish whether any conflict of interest exists;

   (e) that Commissioners disclose their membership of any non-governmental organisations, secret societies or associations which conceal their existence that carry out activities intended to interfere with the exercise of the functions of public bodies;

   (f) that Commissioners and their dependent family members disclose their membership of any non-governmental organisations and any donations to NGOs of more than EUR 500;
(g) that the code of conduct be amended, in line with Article 245 TFEU, to extend Commissioners’ post-office employment restriction to a period of at least three years and not shorter than the length of time during which former Commissioners are eligible for a transitional allowance as defined in Regulation No 422/67/EEC;

(h) that the code of conduct include specific divestment requirements;

(i) that Commissioners-designate submit their declarations within a specific time frame and sufficiently well in advance, so that the Ad Hoc Ethical Committee can submit to Parliament its views on potential conflicts of interests well in time for the hearings in Parliament;

(j) that Commissioners meet only representatives of lobby groups that are included in the Transparency Register, which contains information on persons seeking to influence policymaking at the EU institutions;

(k) that Commissioners submit, when nominated, a signed declaration confirming that they will appear before any of Parliament’s committees in relation to the activities involved in their mandate;

(l) that the declaration is published in a format which is compatible with open data so that it can be easily processed via databases;

(m) that the procedure for reallocating files in the event of a conflict of interest is improved in terms of taking into account the Commissioner's duties as a member of the College, of introducing criteria regarding integrity and discretion for the President as regards the decision to reallocate files, of implementing a binding procedure and sanctions for cases in which a Commissioner fails to provide information about a possible conflict of interest, and of introducing a binding procedure for informing Parliament about the aforementioned cases;

(n) that the Commission reports on an annual basis on the implementation of the Code of Conduct for Commissioners and provides for complaint procedures and sanctions in the event not only of serious misconduct but also of infringements of requirements, especially as regards the declaration of financial interests;

(o) that criteria are defined for compliance with Article 245 TFEU, which imposes on Commissioners a ‘duty to behave with honesty and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits’;

(p) that decisions on the authorisation of post-term-of-office activities of former Commissioners, as well as the opinions of the Ad Hoc Ethical Committee, are proactively published;

(q) that the Ad Hoc Ethical Committee is composed of independent experts who have not themselves held the position of Commissioner;

(r) that the Ad Hoc Ethical Committee draws up and publishes an annual report on its activities, which may include any recommendations on the improvement of the Code of Conduct or of its implementation as the ad hoc committee sees fit;

29. Calls on the Commission to begin negotiations with Parliament aimed at making any necessary changes to the Framework Agreement on relations between the European Parliament and the European Commission;

30. Calls on the Committee on Constitutional Affairs to propose any necessary amendments to Parliament’s Rules of Procedure, and in particular to Annex XVI thereof, in order to implement this resolution;

31. Instructs its President to forward this resolution to the Council and the Commission.
Liability, compensation and financial security for offshore oil and gas operations

European Parliament resolution of 1 December 2016 on liability, compensation and financial security for offshore oil and gas operations (2015/2352(INI))

(2018/C 224/25)

The European Parliament,

— having regard to the Commission’s report to the European Parliament and the Council on liability, compensation and financial security for offshore oil and gas operations pursuant to Article 39 of Directive 2013/30/EU (COM(2015)0422),

— having regard to the Commission staff working document entitled ‘Liability, Compensation and Financial Security for Offshore Accidents in the European Economic Area’ and accompanying the Commission report on this matter (SWD(2015)0167),


— having regard to the international and regional acquis on claims for damages from an offshore oil or gas incident and in particular the International Convention on Civil Liability for Oil Pollution Damage (Civil Liability Convention) of 27 November 1992, the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention) of 27 November 1992, the International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunker Oil Pollution Convention) of 23 March 2001, the Nordic Environmental Protection Convention between Denmark, Finland, Norway and Sweden, and the Offshore Protocol to the Barcelona Convention for the protection of the marine environment and the coastal region of the Mediterranean (Offshore Protocol),

— having regard to the judgment of 13 September 2005 of the Court of Justice of the European Union (4),

— having regard to Article 83(2) of the Treaty on the Functioning of the European Union (TFEU),

(3) OJ L 143, 30.4.2004, p. 56.
Thursday 1 December 2016


— having regard to the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (2) (the 2007 Lugano Convention),


— having regard to the final report prepared for the Commission by the consultancy BIO by Deloitte on ‘Civil liability, financial security and compensation claims for offshore oil and gas activities in the European Economic Area’ (4),

— having regard to its resolution of 13 September 2011 on facing the challenges of the safety of offshore oil and gas activities (5),

— having regard to the April 2010 Deepwater Horizon disaster in the Gulf of Mexico,

— having regard to the incidents related to the castor platform off the coast of Castellón and Tarragona provinces in Spain, which include 500 earthquakes that have directly affected thousands of European citizens,

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

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0308/2016),

A. whereas Article 194 TFEU explicitly upholds Member States’ right to determine the conditions for the exploitation of their energy resources, while respecting solidarity and environmental protection;

B. whereas indigenous sources of oil and gas can contribute significantly to Europe’s existing energy needs and are particularly important for energy security and energy diversity;

C. whereas offshore oil and gas operations are progressively taking place in increasingly extreme environments and could potentially have major and devastating consequences for the environment and economy of the sea and coastal areas;

D. whereas although North Sea oil and gas production has been in decline over the past years, the number of offshore facilities is likely to rise in Europe in the future, especially in the Mediterranean and the Black Sea;

E. whereas accidents caused by offshore oil and gas rigs have damaging cross-border consequences, and EU action to prevent and mitigate and to seek to combat the consequences of such accidents is therefore necessary and proportionate;

F. whereas it is important to remember the tragic loss of 167 oil workers who died in the Piper Alpha disaster off the coast of Aberdeen (Scotland) on 6 July 1988;

(5) OJ C 51 E, 22.2.2013, p. 43.
G. whereas a number of studies, including one by the European Parliament Research Service and one by the Joint Research Centre, estimate in the thousands (more precisely, 9,700 between 1990 and 2007), the number of incidents in the EU oil and gas sector; whereas, further, the cumulative impact of these incidents, including those which are only small in scale, has serious and lasting repercussions for the marine environment and should be taken into account in the directive;

H. whereas, in accordance with Article 191 TFEU, all EU action in this area must be underpinned by a high level of protection based inter alia on the precautionary, preventive action, 'polluter pays' and sustainability principles;

I. whereas there has not been a major offshore accident in the EU since 1988 and whereas 73% of oil and gas production in the EU comes from the North Sea Member States, which are already recognised as having the world's best performing offshore safety systems; whereas it is important to underline that the EU has roughly 68,000 kilometres of coastline and that the number of offshore facilities is likely to rise significantly in the future, especially in the Mediterranean and the Black Sea, which makes it a matter of urgency to fully implement and enforce Directive 2013/30/EU and to ensure that a proper legal framework to govern all offshore activities is in place before a serious accident happens; whereas, under Article 191 TFEU, Union environmental policy has to be based on the precautionary principle and the principle of preventive action;

J. whereas liability regimes constitute the principal means through which the 'polluter pays' principle is applied, ensuring that firms are held accountable for any damage caused in the course of business and incentivising them to adopt preventive measures, develop practices and carry out actions that minimise the risks of such damage;

K. whereas, although the OSD makes offshore licensees strictly liable for the prevention and remediation of any environmental damage resulting from their operations (Article 7 read in conjunction with Article 38, extending the scope of the ELD to Member States' continental shelves), it has not enabled a comprehensive EU framework for liability to be put in place;

L. whereas it is of the utmost importance to have effective and adequate compensation mechanisms and prompt and adequate claims handling mechanisms for damage caused by offshore oil and gas operations to victims and to animals and the environment, and also to have sufficient recourses to restore major ecosystems;

M. whereas the OSD has not provided for harmonisation with respect to civil damage from offshore accidents, and the existing international legal framework makes it difficult to make successful transboundary damage claims in civil matters;

N. whereas the OSD sets out preconditions for licensing aimed at ensuring that licensees never find themselves technically or financially unable to deal with the consequences of their offshore operations, and also requiring Member States to establish procedures for the prompt and adequate handling of compensation claims, including for transboundary incidents, and to facilitate the use of sustainable financial instruments (Article 4);

1. Welcomes the adoption of the Offshore Safety Directive 2013/30/EU (OSD), which complements the Environmental Liability Directive 2004/35/EC (ELD) and the Environmental Impact Assessment Directive 2011/92/EU, as well as the ratification of the Offshore Protocol of the Barcelona Convention by the Council, as first steps for the protection of the environment, human activities and the safety of workers; calls on those Member States which have not yet transposed the aforementioned directives into national law to do so as soon as possible; calls also on Member States to guarantee the independence of the competent authorities as provided in Article 8 of the OSD, and calls on the Commission to assess the appropriateness of introducing further harmonised rules on liability, compensation and financial security with a view to preventing any further accidents with cross-border implications;
2. Deplores the fact that under the OSD and ELD, incidents are defined as 'serious' only if they give rise to deaths or serious injuries, with no reference to the consequences for the environment; emphasises that even if it does not give rise to deaths or serious injuries, an incident may have a serious impact on the environment, by virtue of its scale or because it affects, for example, protected areas, protected species or particularly vulnerable habitats.

3. Stresses that the effective application of the 'polluter pays' principle to offshore oil and gas operations should extend not only to the costs of preventing and remediating environmental damage — as currently achieved to a certain extent via the OSD and ELD — but also to the costs of remediating traditional damage claims, in line with the precautionary principle and the principle of sustainable development; calls on the Commission, therefore, to consider the establishment of a legislative compensation mechanism for offshore accidents, along the lines of that provided for in the Petroleum Activities Act in Norway, at least for sectors that may be severely affected, like fisheries and coastal tourism and other sectors of the blue economy; recommends in this context that abuses or incidents that come about following activities carried out by companies should be quantitatively and qualitatively assessed, in such a way as to cover all the secondary effects for communities; also underlines, with regard to environmental liability, the divergences and shortcomings in the transposition and application of the ELD, as outlined also in the Commission's second implementation report; calls on the Commission to ensure that the ELD is implemented in an effective manner and that liability for environmental damage from offshore accidents applies to an adequate extent throughout the EU.

4. Regrets, in this context, that the OSD does not deal with liability for civil damage to either natural or legal persons, be it bodily injury, property damage or economic loss, whether direct or indirect.

5. Also regrets the fact that the way civil liability is handled varies considerably from one Member State to another; stresses that there is no liability in many of the Member States with offshore and gas activities for most third-party claims for compensation for traditional damage caused by an accident, no regime in the vast majority of Member States for compensation payments, and no assurance in many Member States that operators or liable persons would have adequate financial assets to meet claims; stresses, moreover, that there is often uncertainty as to how Member States' legal systems would deal with the diversity of civil claims that could result from offshore oil and gas incidents; believes, therefore, that an European framework is needed, which should be based on the legislation of the most advanced Member States, should cover not only bodily injury and property damage but also pure economic loss, and should ensure effective compensation mechanisms for victims and for sectors that may be severely affected (e.g. fisheries and coastal tourism); calls in this respect on the Commission to assess whether a horizontal European framework of collective redress would be a possible solution, and to pay particular attention to this when drawing up the OSD implementation report.

6. Stresses, in this perspective, that compensatory and remedial claims for traditional damage are further obstructed by civil procedure rules on time limitations, financial costs, non-availability of public interest litigation and mass tort claims, as well as by provisions on evidence, which differ considerably from one Member State to another.

7. Highlights that compensatory regimes must be able to address transboundary claims effectively, rapidly, within a reasonable timeframe and without discrimination between claimants from different EEA countries; recommends that they cover both primary and secondary damage caused in all the affected areas, given that such incidents affect wider areas and may have a long-term impact; stresses the need for neighbouring countries which are not members of the EEA to respect international law.

8. Is of the opinion that strict civil liability rules should be established for offshore accidents in order to facilitate access to justice for victims (both legal and natural persons) of offshore accidents, as this can provide an incentive for the offshore operator to properly manage the risks of operations; believes that financial liability caps should be avoided.
9. Invites the Member States and the Commission to consider the special situation of workers and employees in the offshore oil and gas industry, especially of small and medium-sized enterprises (SMEs); points out that offshore oil and gas incidents may have particularly serious implications for the fisheries and tourism industries, as well as for other sectors that rely on the good condition of the shared marine environment for doing business, since these sectors, which include many SMEs, could suffer significant economic loss in the event of a major offshore accident;

10. Emphasises, therefore, that it is of the utmost importance to update existing liability systems in the Member States in order to ensure that should an incident occur in their waters it would not adversely affect the future of the offshore oil and gas operations of the state in question, nor that of the EU as a whole were it to occur in an area that is largely dependent on tourism for revenue; calls, therefore, on the Commission to revisit the need to introduce common EU standards for remedial and compensatory claim systems;

11. Underlines the need to include the victims of collateral damage linked to prospecting, surveys and the operation of offshore facilities, as well as those likely to be eligible for the compensation envisaged;

12. Notes that the Commission intends to undertake systematic data gathering through the EU Offshore Authorities Group (EUOAG), in order to carry out a more comprehensive analysis of the effectiveness and scope of national liability provisions;

13. Stresses the need for the Commission to perform regular conformity checks both of national legal systems and of enterprises with the relevant liability and compensation provisions in the OSD, including verification of offshore companies' financial statements, and to take action in the event of a breach of conformity, with the aim of preventing serious incidents and limiting their impact on persons and the environment; recommends creating a common mechanism at European level to deal with incidents and abuses;

14. Underlines that a balance needs to be struck between the swift and adequate compensation of victims and the prevention of payouts of illegitimate claims (also known as the 'floodgates' problem), through increased certainty regarding the levels of financial responsibility of many offshore firms and the avoidance of lengthy and expensive proceedings before the courts;

15. Regrets the fact that none of the Member States explicitly sets out a broad range of financial security instruments concerning compensation for claims for traditional damage from offshore oil and gas incidents; underlines in this context that over-reliance on insurance could potentially result in a closed market for financial security instruments, with the corollary potential for a lack of competition and increased costs;

16. Regrets the lack of uptake of financial security instruments in the EU to cover the damage caused by the most costly offshore accidents; notes that one of the reasons may be that the scope of liability for damages may not make such instruments necessary in certain Member States;

17. Calls on the Member States to provide detailed data regarding the uptake of financial instruments and adequate coverage for offshore accidents, including the most costly ones;

18. Considers that all cases of proven liability, as well as the details of penalties applied, should be made public in order to make the true cost of environmental damage transparent to all;

19. Urges the Commission to encourage the Member States to develop financial security instruments concerning compensation for traditional damage claims resulting from incidents linked to general offshore oil and gas activities or to offshore oil and gas transport, including in cases of insolvency; believes that this could limit the externalisation of operators’ liability for accidental pollution to the public purse, which would otherwise be required to bear the compensation costs if the rules remain as they are; considers that in that context, the establishment of a fund based on fees paid by the offshore industry could also be assessed;
20. Considers it necessary to analyse to what extent the introduction of criminal liability at EU level will add a layer of deterrence beyond civil penalties, which will improve protection of the environment and compliance with safety measures; welcomes, therefore, the EU's introduction of the Environmental Crime Directive 2008/99/EC (ECD), harmonising criminal penalties for certain infringements of EU environmental legislation; regrets, however, that the scope of the ECD does not cover all the activities of the OSD; regrets also that the definitions of the criminal offences and of minimum sanctions when it comes to offshore safety breaches are not harmonised in the EU; calls on the Commission to add major oil accidents to the scope of the ECD and to submit to Parliament its first implementation report on the OSD in a timely fashion, and no later than 19 July 2019;

21. Calls on the Commission to draw up the studies necessary to assess the economic risk to which individual Member States and their coastal regions might be exposed, taking into account the economic sectoral orientation of individual regions, the degree of concentration of offshore oil and gas operations in given areas, the operating conditions, climatic factors such as ocean currents and winds, and the environmental standards applied; recommends, therefore, introducing protection mechanisms and safety perimeters in the event that operations close down, and welcomes the building by the industry of four well capping stacks, which can reduce oil spill in case of an offshore accident;

22. Calls for a tailor-made Arctic environmental impact assessment for all operations taking place in the Arctic region, where the ecosystems are especially fragile and are closely connected to the global biosphere;

23. Asks the Commission and the Member States to consider the possibility of introducing further measures which would effectively safeguard offshore oil and gas operations before a severe accident takes place;

24. Invites the Commission and the Member States, in this context, to continue examining the possibility of an international solution, considering that many oil and gas companies operating in the EU are active across the world and that a global solution would ensure a global level playing field by strengthening controls on extraction companies outside the EU's borders; calls on the Member States to swiftly ratify the Paris Agreement on climate change of December 2015;

25. 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 its previous resolutions on the Democratic Republic of the Congo (DRC), in particular those of 10 March 2016 (1) and of 23 June 2016 (2),

— having regard to the statements by the EU Delegation to the Democratic Republic of the Congo on the situation of human rights in the country, particularly those of 23 November 2016 and 24 August 2016,

— having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the DRC,

— having regard to the EU’s local statements of 25 June 2016 on the human rights situation in the DRC, and of 2 August 2016 and 24 August 2016 on the electoral process in the DRC following the launch of the national dialogue in the DRC,

— having regard to the annual report of the UN High Commissioner for Human Rights, published on 27 July 2015, on the situation of human rights and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,

— having regard to the joint press releases of 16 February 2016 and of 5 June 2016 by the African Union, the United Nations, the European Union and the International Organisation of La Francophonie on the necessity of an inclusive political dialogue in the DRC and their commitment to supporting Congolese actors in their efforts towards the consolidation of democracy in the country,

— having regard to the statement of 15 August 2016 by the spokesperson of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the violence in the DRC,

— having regard to the EU Council Conclusions on the Democratic Republic of the Congo, of 23 May 2016 and 17 October 2016,

— having regard to the UN Security Council resolutions on the DRC, in particular resolutions 2293 (2016) on renewing the DRC sanctions regime and the mandate of the Group of Experts and 2277 (2016), which renewed the mandate of the UN Stabilisation Mission in the DRC (MONUSCO),

— having regard to the UN Security Council Press Statements of 15 July 2016 and 21 September 2016 on the situation in the DRC,

— having regard to the statement of 20 September 2016 by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly calling for calm to resolve the crisis through dialogue and with respect for the Constitution,

— having regard to the Cotonou Partnership Agreement, signed on 23 June 2000 and revised on 25 June 2005 and 22 June 2010,

(2) Texts adopted, P8_TA(2016)0290.
— having regard to the African Charter on Human and Peoples’ Rights of June 1981,

— having regard to the African Charter on Democracy, Elections and Governance,

— having regard to the Constitution of the Democratic Republic of the Congo, adopted on 18 February 2006,

— having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas since 2001 Joseph Kabila has been President of the DRC; whereas President Kabila’s term of office is ending on 20 December 2016, and whereas the mandate of the DRC’s presidency is constitutionally limited to two terms and the next presidential and legislative elections were initially scheduled to be held by the end of 2016;

B. whereas over the past two years President Kabila has been using administrative and technical means to try to delay the election and remain in power beyond the end of his constitutional mandate;

C. whereas a first attempt to amend the Constitution of the DRC in order to allow President Kabila to run for a third term was aborted in 2015 due to strong opposition from, and the mobilisation of, civil society; whereas such attempts have caused growing political tension, unrest and violence across the country, which now seems to have reached an electoral impasse;

D. whereas in November 2015 President Kabila announced the launch of a national dialogue; whereas, subsequently, the African Union appointed former Togolese Prime Minister Edem Kodjo as national political dialogue facilitator; whereas two major opposition groups refused to participate in what they consider to be a non-inclusive and undemocratic dialogue, as well as a delaying tactic;

E. whereas the African Union, the United Nations, the European Union and the International Organisation of La Francophonie have jointly underscored the importance of dialogue and the search for an agreement between political actors that is respectful of democracy and the rule of law, and have urged all Congolese political actors to extend their full cooperation to Edem Kodjo;

F. whereas an agreement was signed on 18 October 2016 between President Kabila and a section of the opposition to postpone the presidential election to April 2018; whereas under the terms of this agreement, President Kabila, who was therefore allowed to remain in power after 2016, placed a new interim Prime Minister, Samy Badibanga, a member of the opposition, in charge of forming a new government;

G. whereas since January 2015, Congolese security and intelligence officials have clamp ed down on peaceful activists and members of the opposition and of civil society who oppose attempts to allow President Kabila to stay in power past his constitutionally mandated two-term limit;

H. whereas human rights groups repeatedly report on the worsening situation of human rights and freedom of expression, assembly and demonstration in the country in the run-up to elections, including the use of excessive force against peaceful demonstrators, journalists, political leaders and others;

I. whereas the ever-increasing level of violence and violations and infringements of human rights and international law, in particular targeted actions and arbitrary arrests, have a negative impact on any efforts to regulate and stabilise the situation in the DRC;

J. whereas, in particular, more than 50 people were reportedly killed during demonstrations on 19 and 20 September 2016 in Kinshasa and many others disappeared; whereas members of the LUCHA and Filimbi movements are still being unlawfully detained; whereas press outlets such as Radio France Internationale (RFI) and Radio Okapi have been shut down or jammed; whereas, according to a report by the UN Joint Human Rights Office, 422 human rights violations by police officers and security forces were reported during the demonstrations held between 19 and 21 September 2016;
K. whereas humanitarian agencies believe that political instability is plunging the country into chaos and causing its population, already weakened by the various past and present crises, to sink into extreme poverty and insecurity, with more than 5 million people currently in need of food assistance;

L. whereas the European Union has stressed that any decision to postpone the elections must be taken within the framework of an inclusive, impartial and transparent political dialogue among Congolese stakeholders before the end of President Kabila’s term in December 2016;

M. whereas the 2014-2020 National Indicative Programme for the DRC, with EUR 620 million in funding under the 11th European Development Fund, prioritises strengthening governance and the rule of law, including reforms of the judiciary, police and army;

1. Deplores the loss of lives during the demonstrations over the last few weeks and expresses its deepest sympathy to the families of the victims and the people of the DRC;

2. Is deeply concerned at the increasingly unstable situation in the DRC in a tense pre-electoral context; reminds the authorities of the DRC, and primarily its President, that it is their responsibility to protect citizens living anywhere in the national territory, and in particular to protect them against abuse and crimes, and to exercise the task of governing with the strictest respect for the rule of law;

3. Deplores the failure of the government and the CENI (Independent National Electoral Commission) to hold the presidential election within the constitutional deadline; reiterates its call for a successful and timely holding of elections, in full accordance with the Congolese Constitution and the African Charter on Democracy, Elections and Governance, and insists on the Congolese Government’s responsibility to guarantee an environment conducive to transparent, credible and inclusive elections as soon as possible;

4. Recalls the commitment made by the DRC under the Cotonou Agreement to respecting democracy, the rule of law and human rights principles, which include freedom of expression and of the media, good governance and transparency in political office; notes that the dialogue pursued with the DRC authorities under Article 8 of the Cotonou Agreement, with the aim of obtaining definitive clarifications on the electoral process, is failing;

5. Urges the EU to take more concrete actions and to immediately launch the procedure under Article 96 of the Cotonou Agreement, and to adopt targeted sanctions, including a visa ban and asset freeze, against the senior officials and armed forces agents responsible for the violent repression of demonstrations and the political impasse which is preventing a peaceful and constitutional transition of power, notably Kalev Mutond, Major General John Numbi, General Ilunga Kampete, Major General Gabriel Amisi Kumba, and General Célestin Kanyama;

6. Urges all political actors to engage in a peaceful and constructive dialogue, to prevent any deepening of the current political crisis and to refrain from further violence and provocations; welcomes the efforts made by the National Episcopal Conference of Congo (Cenco) to forge a wider consensus over a political transition; calls on both the authorities and the opposition to refrain from any action or statement that could further spread unrest; in the meantime, acknowledges that a transitional period is necessary, during which time the presidency can only be exercised under the authority of a transitional council in which the opposition will play a crucial role;

7. Expresses deep concern about the deteriorating human rights situation and the increased restriction of the political space in the DRC, and in particular the instrumentalisation of the judicial system and the violence and intimidation faced by human rights defenders, political opponents and journalists; calls for the immediate and unconditional release of all political prisoners; asks the authorities to immediately lift all restrictions on the media;

8. Remains deeply concerned about the effective role of the CENI, upon which the legitimacy of the electoral process will to a large extent depend; recalls that the electoral commission should be an impartial and inclusive institution with sufficient resources to allow a comprehensive and transparent process;
9. Calls for a full, thorough and transparent investigation into the alleged human rights violations that took place during the protests to identify those responsible and hold them accountable;

10. Calls on the EU Delegation to continue to closely monitor developments in the DRC and to use all appropriate tools and instruments to support human rights defenders and pro-democracy movements; calls on the VP/HR to consider increasing the mediation capacities of the EU Delegation to cooperate with the African Union in order to support a more inclusive political dialogue and prevent the deepening of the political crisis and the further spread of violence;

11. Calls for greater involvement of the African Union in ensuring full respect for the Congolese Constitution; calls for a permanent dialogue among the countries of the Great Lakes region in order to prevent any further destabilisation; welcomes in this regard the holding of the International Conference of the Great Lakes Region to assess the situation in the DRC held in Luanda in October 2016;

12. Recalls that peace and security are preconditions for a successful election and a stable political environment; welcomes, in this regard, the renewal of MONUSCO’s mandate and the strengthening of its powers to protect civilians and uphold human rights in the electoral context;

13. Reiterates its deep concern regarding the alarming humanitarian situation in the DRC; calls for the EU and its Member States to continue their assistance to the people of the DRC with a view to improving the living conditions of the most vulnerable populations and tackling the consequences of displacement, food insecurity and natural disasters;

14. 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 Government and Parliament of the DRC, the African Union, the ACP-EU Council, the Secretary-General of the UN, and the UN Human Rights Council.
Access to energy in developing countries

European Parliament resolution of 1 December 2016 on access to energy in developing countries
(2016/2885(RSP))
(2018/C 224/27)

The European Parliament,

— having regard to the Sustainable Development Goals (SDGs), in particular SDG 7 on access to energy and SDGs 12 and 13 on sustainable consumption and production and on climate change, respectively,

— having regard to the Sustainable Energy for All (SE4ALL) initiative launched by the UN in 2011,

— having regard to the Commission’s ‘Energising Development’ initiative, launched in 2012, to provide access to sustainable energy for an additional 500 million people in developing countries by 2030,

— having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU), which provides that poverty reduction and, in the longer term, poverty eradication is the primary objective of the EU’s development policy,

— having regard to Article 191 of the TFEU and the EU’s climate policy,

— having regard to Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation (1) (DCI), and in particular Annex I thereto, which includes provisions on sustainable energy in geographic programmes, and Annex II thereto, which includes provisions on the sustainable energy component of the DCI’s Global Public Goods and Challenges (GPGC) thematic programme,

— having regard to the relevant programming documents under the DCI and the European Development Fund (EDF), including the National Indicative Programmes (NIPs) that include an energy focal sector, and the Annual Action Programmes (AAPs) implementing these NIPs,

— having regard to the 2014 Africa Clean Energy Corridor initiative, which seeks to promote the accelerated deployment of renewable energy in Africa, and to reduce carbon emissions and dependence on imported fossil fuels,

— having regard to its scrutiny of relevant draft DCI and EDF programming documents before they are approved by the DCI and EDF committees,

— having regard to the 21st Conference of the Parties (COP 21) to the UN Framework Convention on Climate Change (UNFCC) in Paris, in December 2015, and the adoption of the Paris Agreement, the first-ever universal, legally binding global climate deal,

— having regard to the 22nd Conference of the Parties (COP 22) to the UN Framework Convention on Climate Change (UNFCC) held in Marrakech on 7-18 November 2016,

(1) OJ L 77, 15.3.2014, p. 44.
Thursday 1 December 2016

— having regard to the high-level meeting on the renewable energies initiative and the EU-AU partnership held on 21 September 2016 during the session of the United Nations General Assembly in New York and chaired by Idriss Déby, President of the African Union, Alpha Condé, President of the Republic of Guinea, Nkosazana Dlamini-Zuma, President of the Commission of the African Union, and Akinwumi Adesina, President of the African Development Bank, and attended by two representatives of the European Union, Stefano Manservisi, Director-General of the Commission's DG International Cooperation and International Development, and Felice Zaccheo, Deputy Head of Unit C6, Energy and Climate Change, and by Ségolène Royal, French Minister for the Environment, Sustainable Development and Energy.

— having regard to the report of 16 November 2000 of the World Commission on Dams: 'A new framework for decision-making',

— having regard to its resolutions of 27 September 2011 on financing of reinforcement of dam infrastructure in developing countries (1), of 2 February 2012 on EU development cooperation in support of the objective of universal energy access by 2030 (2), and of 12 June 2012 on engaging in energy policy cooperation with partners beyond our borders: A strategic approach to secure, sustainable and competitive energy supply (3).

— having regard to the Special Report No 15/2015 of 6 October 2015 of the EU Court of Auditors on ACP-EU Energy Facility Support for Renewable Energy in East Africa,

— having regard to the question to the Commission on access to energy in developing countries (O-000134/2016 — B8-1809/2016),

— having regard to the motion for a resolution of the Committee on Development,

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

A. whereas sustainable access to affordable, reliable and safe energy is crucial for the satisfaction of basic human needs and rights, including access to clean water, sanitation, a safe and secure environment, health care, heating and education, is essential for virtually all kinds of economic activity, and is a key driver of development; whereas there are also security and geopolitical aspects of access to energy and whereas energy issues can become drivers of conflicts;

B. whereas 1.2 billion people lack access to electricity and for an even higher number this access is unreliable; whereas half of those without access to electricity live in Africa; whereas this number is growing, since the population on this continent is increasing at a faster pace than that at which access to energy is being extended;

C. whereas from an electricity-access point of view sub-Saharan Africa’s situation is the worst worldwide, but as this region’s power sector evolves it is likely that by 2040 sub-Saharan-Africa will consume as much electricity as India and Latin America combined did in 2010;

D. whereas more than 70% of Africa’s total energy consumption comes from renewable sources, but almost all of that is from traditional uses of biomass; whereas huge opportunities for including other sources remain, especially in terms of solar and wind energy;

E. whereas demographic trends in Africa will have a major impact on land-use requirements for crop production, as well as on the need for fuel wood;

F. whereas global deforestation accounts for nearly 20% of all CO₂ emissions; and whereas strong reliance on traditional biomass and inefficient cooking stoves put forest and bush lands at risk in many regions of the African continent;

(3) OJ C 332 E, 15.11.2013, p. 28.
G. whereas 2.3 billion people use traditional biomass such as charcoal for cooking and this often has serious adverse health and environmental implications; whereas women carry a disproportionate share of the burden of using such materials, including collecting firewood, which can be time-consuming and also put their security at risk; whereas using improved cook-stoves reduces the time and effort required for the preparation of meals;

H. whereas Africa is both the continent with the greatest potential for renewable energy on the planet and the one lagging furthest behind in terms of electrification;

I. whereas energy poverty is most widespread in rural areas, but provision of access to energy in the expanding areas of rapidly growing cities is also a massive challenge, given the realities of geography, connectivity and lack of infrastructure, and whereas the poorest countries in Africa are those with the highest energy bills;

J. whereas it is vital to keep developing the still young rural electrification markets until they become mature and self-sustainable and to further support programmes focusing on renewable, energy-efficient, small-scale and decentralised energy solutions;

K. whereas energy poverty also has a gender dimension; whereas the consequences of energy poverty are worse for women;

L. whereas ensuring access to affordable, reliable, sustainable and modern energy for all by 2030 is universal Sustainable Development Goal 7; whereas the honouring of climate action commitments also requires vigorous and judicious efforts in the energy area, and whereas Africa therefore faces a double-edged challenge as it has to drastically increase its citizens’ access to basic power services and at the same time meet its commitments under the climate change agreement;

M. whereas the United Nations Environment Programme report entitled ‘Global Trends in Renewable Energy Investment 2016’ indicates that the annual global investment in new renewable capacity was more than double those in coal and gas power stations in 2015; whereas the 2015 renewable energy market was dominated by solar photovoltaics and wind; and whereas for the first time in 2015, renewables in investments were higher in developing countries than developed nations;

N. whereas the report of the World Commission on Dams of 16 November 2000 concludes that, while large dams have failed to produce as much electricity, provide as much water, or control as much flood damage as was expected, they have had huge social and environmental impacts, and efforts to mitigate these impacts have been largely unsuccessful;

O. whereas the objective of achieving universal access to energy is interwoven with the objective of achieving climate justice;

P. whereas climate justice links human rights and development in order to achieve a human-centred approach, safeguarding the rights of the most vulnerable people and sharing the burdens and benefits of climate change and its impacts equitably and fairly;

Q. whereas inconsistent flows of climate finance and technology transfer in relation to climate change may jeopardise African leaders’ willingness to develop renewable energy to fulfil the industrialisation agenda of the continent;

R. whereas the Paris Agreement underlines the need to promote universal access to sustainable energy in developing countries, in particular in Africa, by strengthening the development of renewable energies;
S. whereas ample evidence and a broad consensus exist that small-scale, decentralised production of renewable energy, and local networks and off-grid solutions are often the most efficient, and that such solutions tend to produce the biggest contributions to general development progress and are best at minimising or avoiding adverse impacts on the environment;

T. whereas local production of renewable energy is emphasised in the DCI regulation and DCI and EDF programmes, and projects in the energy area should be designed so as to reflect the insight of the advantages of decentralised production of renewable energy;

U. whereas EU development assistance in the energy area has risen sharply and such expenditure in the 2014-2020 is planned to reach EUR 3.5 billion; whereas 30 NIPs, half of which are for African countries, include an energy focal sector;

V. whereas the ACP-EU Energy Facility, which was created in June 2005, is aimed at promoting access to modern energy services for the poor in rural and peri-urban areas, with a strong focus on sub-Saharan Africa and renewable energy; whereas the related Special Report No 15/2015 of the EU Court of Auditors made a number of recommendations to the Commission for selecting projects more rigorously, strengthening their monitoring and increasing their sustainability prospects;

W. whereas an EU Electrification Financing Initiative (ElectrIFi) has recently been launched, and whereas other financing arrangements include facilities for combining EU grants with loans or equity from public and private financiers (blending facilities) for different parts of the world, the European Investment Bank's activities in the energy area under its external lending mandate and the EU-Africa Infrastructure Trust Fund's operations in the energy sector;

X. whereas a growing contribution from private investment is necessary for achieving SDG 7; whereas any decision to promote the use of public-private partnerships through blending in developing countries should be based on a thorough assessment of these mechanisms, and on the lessons learned from past experience; whereas grant contributions to already commercially viable projects must in all circumstances be avoided;

Y. whereas it must be a priority to train local specialised and highly specialised staff in order to ensure access to energy in developing countries, and whereas a substantial portion of funding must be devoted to that;

Z. whereas global fossil fuel subsidies are in the order of USD 500 billion per year, cause increases in, rather than reductions of, greenhouse gas emissions, and tend to benefit relatively well-off people more than the poor; whereas these subsidies should be phased out and by doing so, governments can free up considerable funds for much more efficient social policies and for extending access to affordable, reliable, sustainable and modern energy, reducing inequalities and improving quality of life;

1. Recalls that access to energy accelerates development; draws attention to the scale and implications of energy poverty in developing countries and to the EU’s strong involvement in efforts to reduce such poverty; underlines the need for strong and concerted efforts by governments, civil society and other stakeholders in affected countries and by international partners to reduce energy poverty and attain SDG 7, which requires particular efforts in remote rural areas, especially in off-grid energy regions; recalls that climate change and trade policies should be mutually supportive in achieving sustainable development and poverty eradication in line with the Agenda 2030 and with the Paris Agreement;

2. Stresses the strong relationship between energy and potential security issues and considers that energy governance, while also difficult to implement, is essential to economic and human development in developing countries;

3. Points out that electrification is achieved thanks to the support of public authorities, which in turn depends on the sound governance of energy distribution services and on states being able to perform their sovereign functions;
4. Calls for the EU to include a gender dimension in all its energy policies focusing on women with particular needs;

5. Supports the Commission’s ‘Energising Development’ initiative to provide access to sustainable energy for an additional 500 million people in developing countries by 2030 through programme elements such as the creation of a Technical Assistance Facility, drawing upon EU experts to develop technical expertise in developing countries, and to promote capacity building and technology transfer; emphasises the role of energy as an enabler for many other areas, such as health, education, clean water, agriculture, as well as telecommunication and internet connectivity; stresses that the ‘Energising Development’ initiative must be fully aligned with the EU development policy objectives stated in the Lisbon Treaty;

6. Considers that, although brief, the relevant provisions in the DCI regulation, co-decided by Parliament and the Council, represent a sound basis for EU development assistance in the energy area; recalls that these provisions focus on access to energy and emphasise local and regional renewable energy and on ensuring access for poor people in remote regions;

7. Welcomes ElectriFI, which provides a flexible and inclusive structure, allowing the participation of different partners such as the private sector, public institutions and local authorities, which may benefit in equal measure under the same market-based conditions, with due account for the needs and opportunities in each targeted country/region; recalls that the involvement of partners from the local private sector and civil society organisations will be instrumental in enhancing effectiveness and ownership of the actions deployed;

8. Calls on the Commission to regularly report on its website what progress has been made towards achieving the target of its ‘Energising Development’ initiative, to specify what proportion of the total funding for energy in developing countries has gone to renewable energy, remote regions, staff training, the creation of local know-how and skills and to local and off-grid solutions, and to briefly, but as precisely as possible, describe the involvement of different stakeholders in concluded and ongoing actions;

9. Highlights the high potential of renewable energy resources in Africa in terms of solar and wind production for ensuring access to energy for all, especially in rural areas; points out that the price of photovoltaic equipment has a fundamental influence on the actual exploitation of the solar potential in Africa; urges therefore that the EU and its Member States facilitate technology transfer for its deployment in developing countries;

10. Notes that Africa has about 10% of the world’s theoretical hydropower potential; recalls that global warming will affect patterns of precipitation, representing therefore a growing challenge in terms of access to water and food security; recalls also that the World Commission on Dams has indicated that the poor, other vulnerable groups and future generations are likely to bear a disproportionate share of the social and environmental costs of large dam projects without gaining a commensurate share of the economic benefits; reiterates that small hydropower dams are more sustainable and economically viable than large hydropower dams;

11. Recommends that financing agencies (bilateral aid agencies, multilateral development banks, Export Credit Agencies, and the EIB) ensure that any dam option for which financing is approved complies with World Commission on Dams guidelines; stresses, in particular, that any planning of dams should be evaluated according to five values: equity, efficiency, participatory decision-making, sustainability and accountability; recalls, in particular, that where projects affect indigenous and tribal peoples, such processes must be guided by their free, prior and informed consent;

12. Recalls that bioenergy is a complex energy source interconnected to agriculture, forestry, industry and which impacts on the ecosystems and biodiversity; notes, in particular, that the development of biomass for energy poses new threats, i.e. in terms of food security, land tenure security, deforestation and degradation of lands; recalls that the water footprint of bioenergy should also be taken into account, since many parts of Africa are already experiencing water shortage with about one-third of Africa’s productive area already classified as dryland; stresses, therefore, the need to develop, in both the EU and developing countries, stringent and binding environmental and social sustainability criteria for biomass production, in order for energy to fulfil SDG 7;
13. Stresses the need to support highly efficient cooking stoves and the transition to modern cooking fuels in order to counteract the fast depletion of wood resources;

14. Is encouraged by the existence of various initiatives at international level to promote sustainable energy access in developing countries, in particular in Africa, but insists on the need to coordinate them better for greater efficiency; calls for the EU and its Member States to provide support and technical assistance in the implementation of the Action Plan of the Africa Clean Energy Corridor initiative, which seeks to meet half of total electricity demand from clean, indigenous, cost-effective renewable resources by 2030, thereby reducing carbon dioxide emissions; calls for closer cooperation between funding bodies, the private sector and the governments of developing countries so as to speed up achievement of the targets; emphasises the need for maintenance support with sufficient access to spare parts supply and locally trained technical experts;

15. Supports the use of blending where this represents the most efficient use of funds for development assistance in the pursuit of SDG 7, where the focus is on small-scale projects and where participating enterprises are required to practise corporate social responsibility; calls on the Commission to carefully avoid granting funds to any project which would be viable without these funds, even if a private investor applies for them; considers that the development effectiveness principles must also be followed in blending operations and notes that alignment with beneficiary countries’ development plans, broad stakeholder involvement, transparency and accountability, coordination and efficiency as well as measurable and tangible results are important;

16. Calls for the phasing out of fossil fuel subsidies and encourages allocation of these freed-up funds to efficient social policies and to actions for eradicating energy poverty in developing countries;

17. Emphasises that the only ultimate measure of success of the EU’s actions is the size of the contribution they make towards the attainment of universal access to energy, with minimum greenhouse gas emissions, taking into account the principle of Common But Differentiated Responsibility;

18. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the European Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, and the Secretary-General of the African, Caribbean and Pacific Group of States.
Application of the European Order for Payment Procedure

European Parliament resolution of 1 December 2016 on the application of the European Order for Payment Procedure (2016/2011(INI))

(2018/C 224/28)

The European Parliament,

— having regard to the Commission's Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation (COM(2002)0746),


— having regard to the European Implementation Assessment on the European Order for Payment Procedure carried out by the European Parliamentary Research Service,

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

— having regard to the report of the Committee on Legal Affairs (A8-0299/2016),

A. whereas the Commission has submitted its report reviewing the operation of the European Order for Payment Procedure in accordance with Article 32 of Regulation (EC) No 1896/2006;

B. whereas the report is almost two years late and does not include an extended and up-to-date impact assessment for each Member State as required, considering the different legal provisions in all Member States and their interoperability, but only an incomplete statistical table with information dating predominantly from 2012; whereas the European Order for Payment is an optional procedure that can be used in cross-border cases as an alternative to domestic payment orders;

C. whereas this procedure was created to enable the rapid, facilitated and inexpensive recovery of sums arising from debts that are certain, of a fixed amount and due, and uncontested by the defendant; and whereas the operation of this procedure seems largely satisfactory according to statistics, but the procedure is working greatly below its full potential, as it is mainly used in Member States whose legislation includes a similar national procedure;

D. whereas the European Order for Payment Procedure falls into the category of measures in the field of judicial cooperation in civil matters having cross-border implications and needed for the functioning of the internal market;

E. whereas late payments are a key cause of insolvency, which threatens the survival of businesses — and in particular of small and medium-sized enterprises — and results in numerous job losses;

F. whereas concrete measures, including targeted awareness campaigns, should be taken to inform citizens, businesses, legal professionals and other relevant parties of the availability, functioning, application and advantages of the procedure;

G. whereas, in certain Member States in which the European Order for Payment Procedure is not applied in conformity with the current regulation, orders should be issued more quickly, and in any case the 30-day deadline set by the regulation should be respected, bearing in mind that orders can only be enforced where claims are uncontested;

H. whereas the development of the e-Codex system to allow the online submission of applications is to be encouraged, through further measures targeting the more efficient use of the procedure;

I. whereas more Member States should follow the example of France, the Czech Republic, Estonia, Cyprus and Sweden and allow claimants to submit their applications in additional languages and in general to take support measures in order to minimise error-margins resulting from the use of a foreign language;

J. whereas the streamlined nature of the procedure does not mean that it can be misused to enforce unfair contractual terms, since Article 8 of Regulation (EC) No 1896/2006 calls on the court to examine whether the claim is founded on the basis of the information available to it, thus ensuring compatibility with the relevant case law of the Court of Justice on this subject; whereas, moreover, all relevant parties should be informed about rights and procedures;

K. whereas the standard forms need revising and future periodic review in order to update the list of Member States and currencies, and to make better provisions for the payment of interest on claims, including an appropriate description of the interest to be recovered;

L. whereas the Commission should consider proposing the revision of the provisions on the scope of the procedure and on the exceptional review of orders;

1. Welcomes the successful operation in all the Member States of the European Order for Payment Procedure, a procedure applicable in civil and commercial matters relating to uncontested claims whose main objective is to simplify and speed up the procedure for the cross-border recognition and enforcement of creditors' rights in the EU;

2. Deplores the significant delay of almost two years in the submission of the Commission's report reviewing the implementation of Regulation (EC) No 1896/2006;

3. Regrets the lack of an extended impact assessment for each Member State in the Commission's report, as required by Article 32 of Regulation (EC) No 1896/2006; deplores the lack of up-to-date data in this report on the situation in the Member States with regard to the functioning and implementation of the European Order for Payment Procedure; calls on the Commission therefore to produce an extended, updated and detailed impact assessment;

4. Regrets, likewise, that use of the European Order for Payment Procedure varies significantly between Member States; stresses in this connection that, despite the simplified modern procedure offered by EU legislation, the differences in implementation in the Member States and the desirability of choosing national legislation rather than the European Order for Payment Procedure are failing to maximise the results of the implementation of Regulation (EC) No 1896/2006, and European citizens are consequently unable to exercise their rights at cross-border level, posing a risk of a decline in confidence in EU legislation;

5. Points out that members of the public use the procedure most often, and are best informed about it, in Member States with similar instruments at national level;
6. Considers that practical steps need to be taken to further inform citizens, businesses, legal professionals and all other relevant parties of the availability, functioning, application and advantages of the European Order for Payment Procedure in cross-border cases; stresses, further, that assistance is needed for members of the public and in particular for small and medium-sized enterprises to improve their use, understanding and knowledge of existing legal instruments with a view to the enforcement of claims at cross-border level under the relevant EU legislation;

7. Stresses the need for Member States to provide the Commission with accurate, comprehensive and up-to-date data for effective monitoring and evaluation purposes;

8. Encourages the Member States to strive to issue orders within 30 days, and to accept applications in foreign languages where possible, taking into consideration that translation requirements have a negative impact on costs and processing times in respect of the procedure;

9. Fully supports the work being done to allow, in the future, the electronic submission of applications for a European Order for Payment; calls therefore on the Commission, in this connection, to encourage use of the e-CODEX pilot project and to extend it to all Member States, following a Commission study that was conducted regarding the feasibility of electronic applications for European Orders for Payment;

10. Calls on the Commission to adopt updated standard forms as required, in order to make better provision, inter alia, for an appropriate description of the interest to be paid on claims;

11. Considers that a future review of the regulation should look at removing certain exceptions to the scope of the procedure and at revising the provisions on the review of European Orders for Payment;

12. Instructs its President to forward this resolution to the Council and the Commission, and to the parliaments and governments of the Member States.
II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2016)0429

Request for the waiver of the immunity of Jean-François Jalkh

European Parliament decision of 22 November 2016 on the request for waiver of the immunity of Jean-François Jalkh (2016/2115(IMM))

(2018/C 224/29)

The European Parliament,

— having regard to the request for waiver of the immunity of Jean-François Jalkh, forwarded on 14 April 2016 by the French Minister of Justice in connection with a judicial inquiry (file No 14142000183) opened against Mr Jean-François Jalkh at the Nanterre Regional Court in response to an application with joinder filed by the 'Maison des potes — Maison de l'égalité' association on grounds of public incitement to racial or religious discrimination and announced in plenary on 8 June 2016,

— having heard Jean-François Jalkh in accordance with Rule 9(5) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,


— having regard to Article 26 of the Constitution of the French Republic, as amended by Constitutional Law of 4 August 1995 No 95-880,

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A8-0318/2016),

A. whereas the Public Prosecutor at the Versailles Court of Appeal has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jean-François Jalkh, in connection with a legal action concerning an alleged offence;

B. whereas the waiver of immunity of Jean-François Jalkh relates to an alleged offence of public incitement to discrimination on grounds of nationality, race or religion by word of mouth, in written form or by means of images or electronic public communication by a person or persons unknown, an offence provided for in French law, namely in Article 24(8), Article 23(1) and Article 42 of the Law of 29 July 1881 and Article 93(3) of Law No 82-652 of 29 July 1982, the penalties for which are laid down in Article 24(8), (10), (11) and (12) of the Law of 29 July 1881 and Article 131-26(2) and (3) of the Criminal Code;

C. whereas Jean-François Jalkh was accused by the ‘Maison des potes — Maison de l’égalité’ association in an application filed with the Nanterre Regional Court on 22 May 2014;

D. whereas the complaint concerned statements made in a brochure entitled ‘Handbook for Front National local councillors’, published on 19 September 2013 and posted on the official website of the Front National federation on 30 November 2013, that encouraged any National Front candidates elected to the post of local councillor in the elections held on 23 and 30 March 2014 to recommend, at the first sitting of their new local council, that priority should be given to French people (‘priorité nationale’) when allocating social housing; whereas Jean-François Jalkh was the Front National’s publications director and had editorial control over all the federation’s websites;

E. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;

F. whereas Article 26 of the French Constitution provides that no Member of the French Parliament shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the performance of his official duties;

G. whereas the scope of immunity accorded to Members of the French Parliament corresponds in fact to the scope of immunity accorded to Members of the European Parliament under Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union: whereas the Court of Justice has held that for a Member of the European Parliament to enjoy immunity, an opinion must be expressed by the Member in the performance of his duties, thus entail the requirement of a link between the opinion expressed and the parliamentary duties; whereas such link must be direct and obvious;

H. whereas Jean-François Jalkh was not a Member of the European Parliament when the alleged offence took place, namely on 19 September and 30 November 2013, but the allegedly offensive materials were still available for consultation by anyone wishing to access them on 23 June and 2 October 2014;

I. whereas the charges are manifestly unrelated to the position of Jean-François Jalkh as a Member of the European Parliament and concern instead activities of a purely national or regional nature, given that the statements were made to prospective local council members with a view to the local elections to be held on 23 and 30 March 2014 and relate to his position as the Front National’s publications director with editorial control over all the federation’s websites;

J. whereas the alleged actions do not relate to opinions expressed or votes cast by the Member of the European Parliament in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

K. whereas there is no suspicion of any attempt to obstruct the parliamentary work of Jean-François Jalkh (fumus persecutionis) behind the judicial inquiry which was opened following an application by the ‘Maison des potes — Maison de l’égalité’ association submitted before he assumed his seat in the European Parliament;

1. Decides to waive the immunity of Jean-François Jalkh;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Minister of Justice of the French Republic and to Jean-François Jalkh.
Request for the waiver of the immunity of Jean-François Jalkh

European Parliament decision of 22 November 2016 on the request for waiver of the immunity of Jean-François Jalkh (2016/2107(IMM))

(2018/C 224/30)

The European Parliament,

— having regard to the request for waiver of the immunity of Jean-François Jalkh, forwarded on 14 April 2016 by the French Minister of Justice in connection with a judicial inquiry (file No 1422400530) opened against Mr Jean-François Jalkh at the Paris District Court in response to an application with joinder filed by the Association ‘National Office for Vigilance against Anti-Semitism (BNVCA)’ on grounds of public incitement to discrimination, hatred or violence and announced in plenary on 8 June 2016,

— having heard Jean-François Jalkh in accordance with Rule 9(5) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,


— having regard to Article 26 of the Constitution of the French Republic, as amended by Constitutional Law of 4 August 1995 No 95-880,

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A8-0319/2016),

A. whereas the Public Prosecutor at the Paris Court of Appeal has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jean-François Jalkh, in connection with a legal action concerning an alleged offence;

B. whereas the waiver of immunity of Jean-François Jalkh relates to an alleged offence of incitement to discrimination, hatred or violence in respect of a person or group of persons on account of their origin or membership or non-membership of a particular ethnic group, nation, race or religion, an offence provided for in French law, namely in Article 24(8) and Article 23(1) of the Law of 29 July 1881;

C. whereas Jean-François Jalkh was accused by the Association ‘National Office for Vigilance against Anti-Semitism (BNVCA)’ in an application lodged with the Senior Examining Magistrate in Paris on 12 August 2014;

D. whereas the complaint concerned statements made by Mr Jean-Marie Le Pen during an interview disseminated on the website www.frontnational.com, and then on the blog www.jeannarielepens.com on 6 June 2014 in response to the mention by a member of the audience of the name of the singer Patrick Bruel, who had said that he could no longer perform in towns which had elected mayors belonging to the National Front, in which he said: ‘That does not surprise me. Listen, we’ll put them all in the oven together next time’; whereas Jean-François Jalkh was the publications director of the official website of the National Front;

E. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;

F. whereas Article 26 of the French Constitution provides that no Member of the Parliament shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the performance of his official duties;

G. whereas the scope of immunity accorded to Members of the French Parliament corresponds in fact to the scope of immunity accorded to Members of the European Parliament under Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union; whereas the Court of Justice has held that for a Member of the European Parliament to enjoy immunity an opinion must be expressed by the Member in the performance of his duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties; whereas such link must be direct and obvious;

H. whereas Jean-François Jalkh had not assumed his duties as a Member of the European Parliament when the alleged offence took place, namely on 6 June 2014, assuming them only as of 1 July 2014;

I. whereas the charges are manifestly unrelated to the position of Jean-François Jalkh as a Member of the European Parliament and concern instead activities of a purely national or regional nature, given that the statements related to the local elections in France held on 23 and 30 March 2014 and to his position as the Front National’s publications director with editorial control over the federation’s websites;

J. whereas the alleged actions do not relate to opinions expressed or votes cast by the Member of the European Parliament in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

K. whereas there is no suspicion of any attempt to obstruct the parliamentary work of Jean-François Jalkh (fumus persecutionis) behind the judicial inquiry which was opened following an application by the Association ‘National Office for Vigilance against Anti-Semitism (BNVCA)’;

1. Decides to waive the immunity of Jean-François Jalkh;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Minister of Justice of the French Republic and to Jean-François Jalkh.
III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2016)0428

Agreement on Operational and Strategic Cooperation between Ukraine and Europol *

European Parliament legislative resolution of 22 November 2016 on the draft Council implementing decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between Ukraine and Europol (10345/2016 — C8-0267/2016 — 2016/0811(CNS))

(Consultation)

(2018/C 224/31)

The European Parliament,

— having regard to the Council draft (10345/2016),

— 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 (C8-0267/2016),

— having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) (1), and in particular Article 23(2) thereof,

— having regard to Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol’s relations with partners, including the exchange of personal data and classified information (2), and in particular Articles 5 and 6 thereof,

— having regard to Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements (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 (A8-0342/2016),

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. Calls on the Commission to assess, after the date of application of the new Europol Regulation (1), the provisions contained in the cooperation agreement; calls on the Commission to inform Parliament and the Council of the outcome of that assessment and, if appropriate, to submit a recommendation for an authorisation to open the international renegotiation of the agreement;

5. Instructs its President to forward its position to the Council, the Commission and Europol.

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(11309/1/2016 — C8-0403/2016 — 2012/0236(COD))

(Ordinary legislative procedure: second reading)

(2018/C 224/32)

The European Parliament,
— having regard to the Council position at first reading (11309/1/2016 — C8-0403/2016),
— having regard to the opinion of the European Economic and Social Committee of 13 December 2012 (1),
— having regard to its position at first reading (2) on the Commission proposal to Parliament and the Council (COM(2012)0498),
— 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 (A8-0325/2016),
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.

Access to anti-money-laundering information by tax authorities *


(Special legislative procedure — consultation)

(2018/C 224/33)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2016)0452),

— having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0333/2016),

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A8-0326/2016),

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 - 1 (new)

The role of vehicles, accounts and companies based in tax havens and non-cooperative jurisdictions has emerged as the common denominator in a vast range of operations, generally detected a posteriori, which conceal tax fraud, capital flight and money laundering practices. This fact in itself should call for political and diplomatic action aimed at eliminating offshore centres at a global level.
Text proposed by the Commission

(1) Council Directive 2011/16/EU (11) as amended by Directive 2014/107/EU (12) applies as of 1 January 2016 to 27 Member States and as of 1 January 2017 to Austria. That Directive implements the Global Standard for Automatic Exchange of Financial Account Information in Tax Matters ('Global Standard') within the Union. As such, it ensures that information on Account Holders of Financial Accounts is reported to the Member State where the Account Holder is resident.


Amendment

Recital 1

(1) Council Directive 2011/16/EU (11) as amended by Council Directive 2014/107/EU (12) applies as of 1 January 2016 to 27 Member States and as of 1 January 2017 to Austria. That Directive implements the Global Standard for Automatic Exchange of Financial Account Information in Tax Matters ('Global Standard') within the Union. As such, it ensures that information on Account Holders of Financial Accounts is reported to the Member State where the Account Holder is resident, with the aim of combating tax evasion, tax avoidance and aggressive tax planning.


Amendment 3

Proposal for a directive

Recital 1 a (new)

Amendment

(1a) Combating tax evasion and tax avoidance, including in connection with money laundering, is an absolute priority for the Union.
Amendment 4  
Proposal for a directive  
Recital 3  

(3) To ensure effective monitoring of the application by Financial Institutions of the due diligence procedures set forth in Directive 2011/16/EU, the tax authorities need access to AML information. In the absence of such access, those authorities would not be able to monitor, confirm and audit that the Financial Institutions apply properly Directive 2011/16/EU by identifying correctly and reporting the beneficial owners of intermediary structures.

Amendment 5  
Proposal for a directive  
Recital 3 a (new)  

(3a) The observed link between tax evasion, tax avoidance and money laundering calls for exploiting, to the maximum extent, synergies stemming from domestic, Union and international cooperation between the different authorities involved in fighting these crimes and abuses. Issues such as beneficial ownership transparency or the extent to which entities such as legal professions are subject to the AML framework in third countries are crucial to enhancing the ability of Union authorities to address tax dodging and money laundering.
Amendment 6
Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The Swissleaks, Luxleaks, Panama Papers and Bahamas Leaks revelations, which are individual manifestations of a global phenomenon, have confirmed the paramount need for greater tax transparency and much closer coordination and cooperation between jurisdictions.

Amendment 7
Proposal for a directive
Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) The mandatory automatic exchange of tax information is recognised internationally, at G20, OECD and Union level, as the most effective instrument in the achievement of international tax transparency. In its communication of 5 July 2016 on further measures to enhance transparency against tax evasion and avoidance \(^{(1)}\), the Commission stated that ‘there is a strong case for extending the administrative cooperation between tax authorities even further, to cover beneficial ownership information’ and that ‘the automatic exchange of information on beneficial ownership could potentially be integrated into the binding tax transparency framework already in place in the EU’. Moreover, all Member States are already taking part in a pilot project on the exchange of information concerning final beneficial owners of firms and trusts.

\(^{(1)}\) COM(2016)0451.
Amendment 8
Proposal for a Directive
Recital 4

Text proposed by the Commission

(4) It is therefore necessary to ensure the access by the tax authorities to the AML information, procedures, documents and mechanisms for the performance of their duties in monitoring the proper application of Directive 2011/16/EU.

Amendment

(4) Union rules on the prevention and combating of money laundering have over time incorporated changes in international standards, with the aim of strengthening Member State coordination and responding to the challenges faced at global level, in particular because of the links between money laundering, the funding of terrorism, organised crime and tax evasion and avoidance. It is therefore necessary to ensure direct and facilitated access by the tax authorities to the AML information, procedures, documents and mechanisms for the performance of their duties in monitoring the proper application of Directive 2011/16/EU and for the functioning of all forms of administrative cooperation referred to in that Directive, and to include that information, where relevant, in the automatic exchanges between Member States, and to provide access to the Commission, on a confidential basis.

Amendment 10
Proposal for a Directive
Recital 4 b (new)

Text proposed by the Commission

(4b) In addition, it is important that tax authorities have adequate information and communications technology (ICT) systems in place that can trace money-laundering activities at an early stage. In that regard tax authorities should have adequate ICT and staff resources that can cope with the large amount of AML information to be exchanged between Member States.
Amendment 11
Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Moreover, given that the upgraded information exchange and the information leaks have increased the spontaneous exchange and availability of information, it is very important that Member States investigate and act upon all potential wrongdoing.

Amendment 12
Proposal for a directive
Recital 4 d (new)

Text proposed by the Commission

Amendment

(4d) Since AML information is in many cases of a cross-border nature, it should be included, where relevant, in the automatic exchange between Member States and should be made available on request to the Commission in the framework of its power to enforce state aid rules. Moreover, given the complexity and the need to verify the reliability of this information, such as in the case of data on beneficial ownership, tax authorities should cooperate on cross-border enquiries.

Amendment 13
Proposal for a directive
Recital 4 e (new)

Text proposed by the Commission

Amendment

(4e) An automatic, mandatory and continuous exchange of information in the field of taxation between the various competent authorities is essential in order to ensure maximum transparency and to have a basic instrument for preventing and combating fraudulent behaviour of all kinds.
Amendment 14
Proposal for a directive
Recital 4 f (new)

Text proposed by the Commission

(4f) Given the global character of money laundering activities, international cooperation is key to an effective and efficient fight against such activities.

Amendment 15
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Since the objective of this Directive, namely the efficient administrative cooperation between Member States and its effective monitoring under conditions compatible with the proper functioning of the internal market, cannot be sufficiently achieved by the Member States and can therefore, by reason of the uniformity and effectiveness required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the 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.

Amendment 16
Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The customer due diligence carried out by Financial Institutions under Directive 2011/16/EU has already started and the first exchanges are to be finalised by September 2017. Therefore, in order to ensure that the effective monitoring of the application is not delayed, this Amending Directive should enter into force and be transposed by 1 January 2017.

(7) The customer due diligence carried out by Financial Institutions under Directive 2011/16/EU has already started and the first exchanges are to be finalised by September 2017. Therefore, in order to ensure that the effective monitoring of the application is not delayed, this Amending Directive should enter into force and be transposed by 1 January 2018.
Amendment 17
Proposal for a directive
Article 1 — paragraph 1 — point - 1 (new)
Directive 2011/16/EU
Article 2 — paragraph 1

Present text
Amendment

(-1) In Article 2, paragraph 1 is replaced by the following:

1. This Directive shall apply to all taxes of any kind levied by, or on behalf of, a Member State or the Member State’s territorial or administrative subdivisions, including the local authorities, as well as to virtual currency exchange services and custodial wallet providers.

Amendment 18
Proposal for a directive
Article 1 — paragraph 1 — point - 1 a (new)
Directive 2011/16/EU
Article 8 a (new)

Text proposed by the Commission
Amendment

(-1a) The following article is inserted:

‘Article 8a
The tax authorities of a Member State shall, within three months of their collection, automatically exchange the documents and information referred to in Article 22 of this Directive with any other Member State if the beneficial owner of a firm, or, in the case of a trust, the settlor, one of the trustees, the protector (where relevant), a beneficiary or any other person exercising genuine control over the trust, or, lastly, the holder of an account referred to in Article 32a of Directive (EU) 2015/849 is a taxpayer in that Member State. Access should be provided to the Commission for the completion of its missions, on a confidential basis.’
Amendment 19
Proposal for a directive
Article 1 — paragraph 1
Directive 2011/16/EU
Article 22 — paragraph 1 a

Text proposed by the Commission

(1a) For the purpose of the implementation and enforcement of the laws of the Member States giving effect to this directive, and to ensure the functioning of the administrative cooperation it establishes, Member States shall provide by law for access by tax authorities to the mechanisms, procedures, documents and information referred to in articles 13, 30, 31, 32a and 40 of Directive 2015/849/EU of the European Parliament and of the Council (*).


Amendment

1a. For the purpose of the implementation and enforcement of the laws of the Member States giving effect to this directive, and to ensure the functioning of the administrative cooperation it establishes, Member States shall provide by law for tax authorities’ access to the central registers, mechanisms, procedures, documents and information referred to in Articles 7, 13, 18, 18a, 19, 27, 30, 31, 32a, 40, 44 and 48 of Directive (EU) 2015/849 of the European Parliament and of the Council (*). Such access shall be the result of a mandatory automatic exchange of information. Member States shall further guarantee access to that information by including it in a centralised public register of companies, trusts and other structures whose nature or purpose is similar or equivalent.

Amendment 20
Proposal for a directive
Article 1 — paragraph 1 — point 1a (new)
Directive 2011/16/EU
Article 22 — paragraph 1b (new)

Text proposed by the Commission

(1a) In Article 22, the following paragraph is inserted:

‘1b. For the purpose of the effective use of exchanged data, Member States shall ensure that all information exchanged and obtained shall be investigated in a timely manner, whether that information has been obtained by authorities on request, through spontaneous information exchange by another Member State, or from a public information leak. Should a Member State fail to do this in a timeframe required by national law, it shall publicly communicate the reasons for this failure to the Commission.’

Amendment 21
Proposal for a directive
Article 2 — paragraph 1 — subparagraph 1

Text proposed by the Commission

1. Member States shall adopt and publish, by 31 December 2016 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall adopt and publish, by 31 December 2017 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment 22
Proposal for a directive
Article 2 — paragraph 1 — subparagraph 2

Text proposed by the Commission

They shall apply those provisions from 1 January 2017.

Amendment

They shall apply those provisions from 1 January 2018.
Emissions of certain atmospheric pollutants


(Ordinary legislative procedure: first reading)

(2018/C 224/34)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2013)0920),
— having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0004/2014),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the opinion of the European Economic and Social Committee of 10 July 2014 (1),
— having regard to the opinion of the Committee of the Regions of 7 October 2014 (2),
— having regard to the undertaking given by the Council representative by letter of 30 June 2016 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 the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Agriculture and Rural Development (A8-0249/2015),

1. Adopts its position at first reading hereinafter set out (3);
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(2013)0443


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Directive (EU) 2016/2284.)
The European Parliament,
— having regard to the Commission proposal to Parliament and the Council (COM(2016)0431),
— having regard to Article 294(2) and Article 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0242/2016),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to the Joint Declaration of the European Parliament and of the Council adopted together with Decision No 778/2013/EU of the European Parliament and of the Council of 12 August 2013 providing further macro-financial assistance to Georgia (1),
— having regard to the letter from the Committee on Foreign Affairs and the letter from the Committee on Budgets,
— having regard to the undertaking given by the Council representative by letter of 4 November 2016 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 International Trade (A8-0296/2016),
1. Adopts its position at first reading hereinafter set out;
2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
3. 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;
4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0197


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Decision (EU) 2016/2371.)

In light of the fiscal challenges and extraordinary circumstances Jordan faces as a result of hosting more than 1.3 million Syrians, the Commission will in 2017, if appropriate, submit a new proposal for extending and increasing MFA to Jordan, upon the successful conclusion of the second MFA and provided that the usual preconditions for this type of assistance, including an updated assessment by the Commission of Jordan’s external financing needs, are met. This critical assistance for Jordan would help the country maintain macroeconomic stability while also preserving development gains and continuing with the country’s reform agenda.
Activities and supervision of institutions for occupational retirement provision


(Ordinary legislative procedure — recast)

(2018/C 224/36)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2014)0167),

— having regard to Article 294(2) and Articles 53, 62 and 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0112/2014),

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

— having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Netherlands House of Representatives, 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 10 July 2014 (1),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (2),

— having regard to the letter of 4 September 2014 from the Committee on Legal Affairs to the Committee on Economic and Monetary Affairs in accordance with Rule 104(3) of its Rules of Procedure,

— having regard to the undertaking given by the Council representative by letter of 30 June 2016 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 104 and 59 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Women’s Rights and Gender Equality (A8-0011/2016),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

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)0091


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Directive (EU) 2016/2341.)
Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air

European Parliament legislative resolution of 1 December 2016 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 952/2013 laying down the Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air (COM(2016)0477 — C8-0328/2016 — 2016/0229(COD))

(Ordinary legislative procedure: first reading)

(2018/C 224/37)

The European Parliament,
— having regard to the Commission proposal to Parliament and the Council (COM(2016)0477),
— having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0328/2016),
— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
— having regard to Rule 59 of its Rules of Procedure,
— having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0329/2016),
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.

Position of the European Parliament adopted at first reading on 1 December 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council amending Regulation (EU) No 952/2013 laying down the Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air

(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2016/2339.)
P8_T A(2016)0458

Date of application: Key information documents for packaged retail and insurance-based investment products ***I


(Ordinary legislative procedure: first reading)

(2018/C 224/38)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2016)0709),

— 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 (C8-0457/2016),

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

— having regard to its resolution of 14 September 2016 on the Commission Delegated Regulation of 30 June 2016 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents (C(2016)03999 — 2016/2816(DEA)), and in particular paragraph 4 thereof (1),

— after consulting the European Central Bank,

— after consulting the European Economic and Social Committee,

— having regard to the undertaking given by the Council representative by letter of 23 November 2016 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 (A8-0356/2016),

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;

Thursday 1 December 2016

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0355


(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2016/2340.)
The European Parliament,

— having regard to the draft Council decision (12092/2015),
— having regard to the draft Agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver (12091/2015),
— having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218 (6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0253/2016),
— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2) and Rule 108(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0334/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Kiribati.
The European Parliament,
— having regard to the draft Council decision (09785/2016),
— having regard to the draft agreement between the European Union and Solomon Islands on the short-stay visa waiver (09783/2016),
— having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218 (6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0422/2016),
— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0336/2016),
1. Gives its consent to conclusion of the agreement;
2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Solomon Islands.
EU-Micronesia Agreement on the short-stay visa waiver ***

European Parliament legislative resolution of 1 December 2016 on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federated States of Micronesia on the short-stay visa waiver (09780/2016 — C8-0388/2016 — 2016/0098(NLE))

(Consent)

(2018/C 224/41)

The European Parliament,

— having regard to the draft Council decision (09780/2016),
— having regard to the draft agreement between the European Union and the Federated States of Micronesia on the short-stay visa waiver (09779/2016),
— having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218 (6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0388/2016),
— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0337/2016),

1. Gives its consent to conclusion of the agreement;
2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Federated States of Micronesia.
EU-Tuvalu Agreement on the short-stay visa waiver ***

European Parliament legislative resolution of 1 December 2016 on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and Tuvalu on the short-stay visa waiver (09764/2016– C8-0268/2016 — 2016/0100(NLE))

(Consent)

(2018/C 224/42)

The European Parliament,

— having regard to the draft Council decision (09764/2016),

— having regard to the draft Agreement between the European Union and Tuvalu on the short-stay visa waiver (09760/2016),

— having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218 (6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0268/2016),

— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2) and Rule 108(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0333/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Tuvalu.
The European Parliament,
— having regard to the draft Council decision (09775/2016),
— having regard to the draft agreement between the European Union and the Republic of the Marshall Islands on the short-stay visa waiver (09774/2016),
— having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218 (6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0252/2016),
— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0335/2016),
1. Gives its consent to conclusion of the agreement;
2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of the Marshall Islands.
US-EU Agreement on the protection of personal information relating to criminal offenses ***

European Parliament legislative resolution of 1 December 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offenses (08523/2016 — C8-0329/2016 — 2016/0126(NLE))

(Consent)

(2018/C 224/44)

The European Parliament,

— having regard to the draft Council decision (08523/2016),
— having regard to the draft agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offenses (08557/2016),
— having regard to the request for consent submitted by the Council in accordance with Article 16 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C8-0329/2016),
— having regard to the letter from the Committee on Foreign Affairs,
— having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Legal Affairs (A8-0354/2016),

1. Gives its consent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United States of America.
EU-Ghana Stepping Stone Economic Partnership Agreement ***

European Parliament legislative resolution of 1 December 2016 on the draft Council decision on the conclusion of the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part (12396/2016 — C8-0406/2016 — 2008/0137(NLE))

(Consent)

(2018/C 224/45)

The European Parliament,

— having regard to the draft Council decision (12396/2016),
— having regard to the draft stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part (12130/2008),
— having regard to the request for consent submitted by the Council in accordance with Article 207(3), Article 207(4), first subparagraph and Article 209(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C8-0406/2016),
— having regard to its resolution of 25 March 2009 on the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part (1),
— having regard to Rule 99 (1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
— having regard to the recommendation of the Committee on International Trade (A8-0328/2016),

1. Gives its consent to conclusion of the agreement;
2. Instructs its President to forward its position to the Council, the Commission, and the governments and parliaments of the Member States and of Ghana.

(1) OJ C 117 E, 6.5.2010, p. 112.
The European Parliament,
— having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0624 — C8-0399/2016),
— 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 (1), and in particular Article 13 thereof,
— 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 (2), and in particular point 14 thereof,
— having regard to the general budget of the European Union for the financial year 2016, as definitively adopted on 25 November 2015 (3),
— having regard to Draft amending budget No 4/2016, which the Commission proposed on 30 September 2016 (COM(2016)0623),
— having regard to the position adopted by the Council on 8 November 2016 on Draft amending budget No 4/2016 (13583/2016 — C8-0459/2016),
— having regard to its position on Draft amending budget No 4/2016, adopted on 1 December 2016 (4),
— having regard to the report of the Committee on Budgets (A8-0347/2016),
A. whereas the Commission proposed, together with Draft amending budget No 4/2016, to mobilise the Contingency Margin for 2016 for an amount of EUR 240.1 million so as to complement the commitment appropriations related to expenditure in heading 3 'Security and citizenship' in the general budget of the European Union for the financial year 2016:
1. Approves the decision annexed to this resolution;
2. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the Official Journal of the European Union;
3. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the Contingency Margin in 2016

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/339.)
Draft amending budget No 4/2016: Update of appropriations to reflect the latest developments on migration and security issues, reduction of payment and commitment appropriations

European Parliament resolution of 1 December 2016 on the Council position on Draft amending budget No 4/2016 of the European Union for the financial year 2016: Update of appropriations to reflect the latest developments on migration and security issues, reduction of payment and commitment appropriations as a result of the Global Transfer, extension of EFSI, modification of the staff establishment plan of Frontex and update of revenue appropriations (Own resources) (13583/2016 — C8-0459/2016 — 2016/2257(BUD))

(2018/C 224/47)

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 the general budget of the European Union for the financial year 2016, as definitively adopted on 25 November 2015 (2),


— 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),


— having regard to Draft amending budget No 4/2016, which the Commission adopted on 30 September 2016 (COM(2016)0623),

— having regard to the position on Draft amending budget No 4/2016 which the Council adopted on 8 November 2016 and forwarded to Parliament on the same day (13583/2016 — C8-0459/2016),

— having regard to the letter from the Committee on Regional Development,

— having regard to the letter from the Committee on Civil Liberties, Justice and Home Affairs,

— having regard to Rule 88 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0350/2016),

A. whereas Draft amending budget No 4/2016 (DAB 4/2016) decreases the level of payment appropriations by EUR 7,284.3 million, mostly in budget lines under subheading 1b Economic, social and territorial cohesion, and therefore reduces national contributions accordingly;

B. whereas DAB 4/2016 increases the level of commitment appropriations under heading 3 Security and Citizenship by EUR 50 million for the emergency support instrument within the Union, EUR 130 million for the Asylum, Migration and Integration Fund (AMIF), and EUR 70 million for the Internal Security Fund (ISF), thus requiring the mobilisation of the Contingency Margin for a total amount of EUR 240.1 million, after taking into account a redeployment of EUR 9.9 million;

C. whereas DAB 4/2016 frontloads the provisioning of the European Fund for Strategic Investments (EFSI) with a redeployment of EUR 73.9 million in commitment appropriations from the energy strand of the Connecting Europe Facility (CEF-Energy), to be compensated in 2018;

D. whereas DAB 4/2016 amends the establishment plan of Frontex in view of the entry into force of Regulation (EU) 2016/1624 of the European Parliament and of the Council (1);

E. whereas, with a reduction of EUR 14.7 million across several budget lines under heading 2 Sustainable Growth: natural resources, the net impact of DAB 4/2016 on the expenditure side of the 2016 budget is an increase of EUR 225.4 million in commitment appropriations;

F. whereas, on the revenue side, DAB 4/2016 also includes adjustments linked to the revision of the forecast of Traditional Own Resources (i.e. customs duties and sugar sector levies), value-added tax (VAT) and gross national income (GNI) bases, and the budgeting of the relevant UK corrections and their financing;

1. Expresses serious concerns over the payment surplus of EUR 7,284.3 million, which is the result of major delays in the implementation of EU programmes under shared management and paves the way for an important accumulation of payment requests towards the end of the current MFF; recalls the Commission’s conclusion that, according to the present forecasts, updated payment needs until 2020 can only be accommodated with the current ceilings if the Global Margin for Payments is fully used (and, as a precautionary measure, removed of its annual caps) and if payments for special instruments are counted over and above the ceilings; calls, therefore, for a definitive and unequivocal settlement of the latter issue as part of the MFF revision;

2. Agrees with the reinforcements in heading 3 via the mobilisation of the Contingency Margin, as well as the frontloading of the reinforcement of the Frontex establishment plan; welcomes in particular the partial replenishment of the AMIF, but is concerned by the fact that, despite a high rate of budgetary execution based on Member States’ national programmes, only a few relocations of refugees have actually taken place to date;

3. Agrees with the frontloading of EFSI provided the redeployment from CEF is duly compensated in 2018; clarifies that this frontloading does not pre-empt the final financing plan of the new proposal for a prolongation of EFSI which is to be decided in accordance with the ordinary legislative procedure;

4. Notes with concern the expected shortfall of revenues, estimated at EUR 1.8 billion, due to the depreciation of the British Pound against the Euro; takes note of the Commission’s intention to use the revenues provided by additional fines in order to cover that shortfall;

5. Approves the Council position on Draft Amending budget No 4/2016;

6. Instructs its President to declare that Amending budget No 4/2016 has been definitively adopted and arrange for its publication in the Official Journal of the European Union;

7. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.
Draft amending budget No 5/2016: Implementation of the Own Resources Decision


(2018/C 224/48)

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 the general budget of the European Union for the financial year 2016, as definitively adopted on 25 November 2015 (2),


— 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),


— having regard to Draft amending budget No 5/2016, which the Commission adopted on 7 October 2016 (COM(2016)0660),

— having regard to the position on Draft amending budget No 5/2016 which the Council adopted on 8 November 2016 and forwarded to Parliament on the same day (13584/2016 — C8-0462/2016),

— having regard to Rules 88 and 91 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0348/2016),

A. whereas Draft amending budget No 5/2016 results from the completion of the ratification process and the entry into force of Decision 2014/335/EU, Euratom, which contains limited changes such as the reduction of the collection costs of Traditional Own Resources, a new reduced rate of call of the VAT-based resource for some Member States, and gross reductions in GNI-based contributions for some Member States;

B. whereas Draft amending budget No 5/2016 aims at incorporating in the revenue side of the 2016 Union budget the impact of adjustments to the own resources stemming from the implementation of Decision 2014/335/EU, Euratom, with retroactive effect for the financial years 2014, 2015 and 2016;

C. whereas Draft amending budget No 5/2016 leads, therefore, to the modification of the individual contributions of all Member States, but affects neither the overall revenue nor expenditure side of the Union budget;

1. Approves the Council position on Draft amending budget No 5/2016;

2. Instructs its President to declare that Amending budget No 5/2016 has been definitively adopted and arrange for its publication in the Official Journal of the European Union;

3. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.
Mobilisation of the EU Solidarity Fund to provide assistance to Germany


(2018/C 224/49)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0681 — C8-0423/2016),


— 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 (2), and in particular Article 10 thereof,

— 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 (3), and in particular point 11 thereof,

— having regard to the letter from the Committee on Regional Development,

— having regard to the report of the Committee on Budgets (A8-0352/2016),

1. Approves the decision annexed to this resolution;

2. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the Official Journal of the European Union;

3. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Union Solidarity Fund to provide assistance to Germany

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/340.)
Draft amending budget No 6/2016 accompanying the proposal to mobilise the EU Solidarity Fund to provide assistance to Germany

European Parliament resolution of 1 December 2016 on the Council position on Draft amending budget No 6/2016 of the European Union for the financial year 2016 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Germany (13852/2016 — C8-0473/2016 — 2016/2268(BUD))

(2018/C 224/50)

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 the general budget of the European Union for the financial year 2016, as definitively adopted on 25 November 2015 (2),

— 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),


— having regard to the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Germany, which the Commission adopted on 19 October 2016 (COM(2016)0681),

— having regard to Draft amending budget No 6/2016, which the Commission adopted on 19 October 2016 (COM(2016)0680),

— having regard to the position on Draft amending budget No 6/2016 which the Council adopted on 15 November 2016 and forwarded to Parliament on the same day (13852/2016 — C8-0473/2016),

— having regard to Rules 88 and 91 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A8-0349/2016),

A. whereas Draft amending budget No 6/2016 covers the proposed mobilisation of the European Union Solidarity Fund in relation to floods that occurred in Germany in May and June 2016:

B. whereas the Commission consequently proposes to amend the 2016 budget and increase the budget article 13 06 01 ‘Assistance to Member States in the event of a major natural disaster with serious repercussions on living conditions, the natural environment or the economy’ by EUR 31 475 125 both in commitment and in payment appropriations;

C. whereas the European Union Solidarity Fund is a special instrument as defined in the MFF Regulation, and the corresponding commitment and payments appropriations are to be budgeted over and above the MFF ceilings;

1. Approves the Council position on Draft amending budget No 6/2016;

2. Instructs its President to declare that Amending budget No 6/2016 has been definitively adopted and arrange for its publication in the Official Journal of the European Union;

3. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors and the national parliaments.
Mobilisation of the Contingency Margin in 2017


The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0678 — C8-0420/2016),

— 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 (1), and in particular Article 13 thereof,

— 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 (2), and in particular point 14 thereof,

— having regard to the draft general budget of the European Union for the financial year 2017, which the Commission adopted on 18 July 2016 (COM(2016)0300), as amended by Letter of amendment No 1/2017 (COM(2016)0679),

— having regard to the position on the draft general budget of the European Union for the financial year 2017, which the Council adopted on 12 September 2016 and forwarded to Parliament on 14 September 2016 (11900/2016 — C8-0373/2016),

— having regard to its position of 26 October 2016 on the 2017 draft general budget (3),

— having regard to the joint text approved by the Conciliation Committee on 17 November 2016 (14635/2016 — C8-0470/2016),

— having regard to the report of the Committee on Budgets and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0346/2016),

A. whereas having examined all possibilities for financing additional and unforeseen commitment needs, the Commission proposed in its Draft Budget to mobilise the Contingency Margin for an amount of EUR 1 164.4 million so as to complement the commitment appropriations related to expenditure in heading 3 in the general budget of the European Union for the financial year 2017, over and above the commitment ceiling of EUR 2 578 million in current prices;

B. whereas additional financial needs are likely to arise in 2017, in relation to the internal security crises and the current humanitarian, migratory and refugee challenges; acknowledges that these needs could significantly exceed the funding available under heading 3; recalls that no more margin is available under the ceiling of heading 3; therefore, requests the Commission to clarify if and how additional funds could be possibly mobilised using the Contingency Margin to respond to possible additional financial needs for heading 3 during the course of 2017;

C. whereas the Commission revised this mobilisation proposal in the framework of Letter of amendment No 1/2017 so as to also cover expenditure under heading 4;

D. whereas the Conciliation Committee convened for the 2016 budget agreed to the mobilisation of the Contingency Margin at a level of EUR 1 906.2 million for heading 3 and heading 4 and to offset EUR 575.0 million against the unallocated margin under heading 2 Sustainable Growth: Natural Resources in 2016, EUR 507.3 million in 2017, EUR 570.0 million in 2018 and EUR 253.9 million in 2019 against the unallocated margins under heading 5 Administration;

1. Approves the decision annexed to this resolution;

2. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the Official Journal of the European Union;

3. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the mobilisation of the Contingency Margin in 2017

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/344.)
Mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the ongoing migration, refugee and security crisis


(2018/C 224/52)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0313 — C8-0246/2016),

— 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 (1), and in particular Article 11 thereof,


— 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 (3), and in particular point 12 thereof,

— having regard to the draft general budget of the European Union for the financial year 2017, which the Commission adopted on 18 July 2016 (COM(2016)0300), as amended by Letter of amendment No 1/2017 (COM(2016)0679),

— having regard to the position on the draft general budget of the European Union for the financial year 2017, which the Council adopted on 12 September 2016 and forwarded to Parliament on 14 September 2016 (11900/2016 — C8-0373/2016),

— having regard to its position of 26 October 2016 on the 2017 draft general budget (4),

— having regard to the joint text approved by the Conciliation Committee on 17 November 2016 (14635/2016 — C8-0470/2016),

— having regard to the report of the Committee on Budgets and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0351/2016).

A. whereas after having examined all possibilities for re-allocating commitment appropriations under heading 3, it appears necessary to mobilise the Flexibility Instrument for commitment appropriations;

B. whereas the Commission had proposed to mobilise the Flexibility Instrument to complement the financing in the general budget of the Union for the financial year 2017 beyond the ceiling of heading 3 by the amount of EUR 530 million to finance measures in the field of migration, refugees and security:

(2) OJ L 103, 22.4.2015, p. 1.
C. whereas the total amount of the Flexibility Instrument for the financial year 2017 is therefore fully exhausted:

1. Notes that the 2017 ceilings for heading 3 do not allow for an adequate financing of urgent measures in the field of migration, refugees and security;

2. Agrees therefore with the mobilisation of the Flexibility Instrument for an amount of EUR 530 million in commitment appropriations;

3. Agrees furthermore to the proposed allocation of the corresponding payment appropriations of EUR 238.3 million in 2017, EUR 91 million in 2018, EUR 141.9 million in 2019 and EUR 58.8 million in 2020;

4. Reiterates that the mobilisation of this instrument, as provided for in Article 11 of the MFF Regulation, shows, once more, the crucial need for the Union budget to be more flexible and reiterates its position expressed in the framework of the MFF mid-term review/revision that the annual amount of the Flexibility Instrument be increased to EUR 2 billion;

5. Reiterates its long-standing view that, without prejudice to the possibility for payment appropriations to be mobilised for specific budget lines through the Flexibility Instrument without prior mobilisations in commitments, the payments stemming from commitments previously mobilised through the Flexibility Instrument can only be counted over and above the ceilings;

6. Approves the decision annexed to this resolution;

7. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the Official Journal of the European Union;

8. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the ongoing migration, refugee and security crisis

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/342.)
Mobilisation of the EU Solidarity Fund to provide for payment of advances in the 2017 budget


The European Parliament,
— having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0312 — C8-0245/2016),
— 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 (2), and in particular Article 10 thereof,
— 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 (3), and in particular point 11 thereof,
— having regard to the results of the trilogue of 17 November 2016,
— having regard to the report of the Committee on Budgets (A8-0323/2016),
A. whereas, in line with Regulation (EU) No 661/2014 of the European Parliament and of the Council (4), an amount of EUR 50 000 000 is made available for the payment of advances through appropriations in the general budget of the Union
1. Approves the decision annexed to this resolution;
2. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the Official Journal of the European Union;
3. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Union Solidarity Fund to provide for the payment of advances in the general budget of the Union for 2017

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2017/343.)
2017 budgetary procedure: joint text

European Parliament legislative resolution of 1 December 2016 on the joint text on the draft general budget of the European Union for the financial year 2017 approved by the Conciliation Committee under the budgetary procedure (14635/2016 — C8-0470/2016 — 2016/2047(BUD))

(2018/C 224/54)

The European Parliament,

— having regard to the joint text approved by the Conciliation Committee and the relevant Parliament, Council and Commission statements (14635/2016 — C8-0470/2016),

— having regard to the draft general budget of the European Union for the financial year 2017, which the Commission adopted on 18 July 2016 (COM(2016)0300),

— having regard to the position on the draft general budget of the European Union for the financial year 2017, which the Council adopted on 12 September 2016 and forwarded to Parliament on 14 September 2016 (11900/2016 — C8-0373/2016),

— having regard to Letter of amendment No 1/2017 to the draft general budget of the European Union for the financial year 2017, which the Commission presented on 17 October 2016,

— having regard to its resolution of 26 October 2016 on the Council position on the draft general budget of the European Union for the financial year 2017 (1) and to the budget amendments contained therein,

— 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 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union (2),


— 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 (5),

— having regard to Rule 90 and Rule 91 of its Rules of Procedure,

— having regard to the report of its delegation to the Conciliation Committee (A8-0353/2016),

(1) Texts adopted of that date, P8_TA(2016)0411.
1. Approves the joint text agreed by the Conciliation Committee, which consists of the following documents taken together:

— list of budget lines not modified, compared to the draft budget or the Council's position;
— summary figures by financial framework headings;
— line by line figures on all budget items;
— a consolidated document showing the figures and final text of all lines modified during the conciliation;

2. Confirms the joint statements by Parliament, the Council and the Commission annexed to this resolution;

3. Notes that Parliament's level of staffing was one of the major issues of this conciliation; recalls that based on the Gentlemen's Agreement, each branch of the budgetary authority has sole competence for its own section of the budget, recalls also its political decision to exempt the political groups from the 5% staff reduction target, as underlined it its resolutions on the budgets 2014, 2015, 2016 and 2017; will evaluate the consequences of budgetary decisions on the functioning of the institution;

4. Instructs its President to declare that the European Union's general budget for the financial year 2017 has been definitively adopted and to arrange for its publication in the Official Journal of the European Union;

5. Instructs its President to forward this legislative resolution to the Council, the Commission, the other institutions and bodies concerned and the national parliaments.
These joint conclusions cover the following sections:

1. Budget 2017


3. Joint statements

Summary overview

A. Budget 2017

According to the elements for joint conclusions:

— The overall level of commitment appropriations in the 2017 budget is set at EUR 157 857.8 million. Overall, this leaves a margin below the MFF ceilings for 2017 of EUR 1 100,1 million in commitment appropriations.

— The overall level of payment appropriations in the 2017 budget is set at EUR 134 490,4 million.

— The Flexibility Instrument for 2017 is mobilised in commitment appropriations for an amount of EUR 530 million for heading 3 Security and Citizenship.

— The Global margin for commitments is mobilised at a level of EUR 1 439,1 million for heading 1a Competitiveness for Growth and Jobs.

— The Contingency margin is mobilised at a level of EUR 1 906,2 million for heading 3 and heading 4. It is offset for EUR 575,0 million against the unallocated margin under heading 2 Sustainable Growth: Natural Resources in 2017 and for EUR 507,3 million in 2017, EUR 570,0 million in 2018 and EUR 253,9 million in 2019 against the unallocated margins under heading 5 Administration.

— The 2017 payment appropriations related to the mobilisation of the Flexibility Instrument in 2014, 2015 and 2016 are estimated by the Commission at EUR 981,1 million.

B. Budget 2016

According to the elements for joint conclusions:

— Draft Amending Budget 4/2016 and the accompanying mobilisation of the Contingency margin are accepted, as proposed by the Commission.

— Draft Amending Budget 5/2016 is accepted as proposed by the Commission.

— Draft Amending Budget 6/2016 and the related mobilisation of the European Union Solidarity Fund are accepted as proposed by the Commission.
1. Budget 2017

1.1. ‘Closed’ lines

Unless stated otherwise below in these conclusions, all budget lines not amended by either Council or Parliament, and those for which Parliament accepted Council’s amendments during their respective reading, are confirmed.

For the other budget lines, the Conciliation Committee has agreed on the conclusions included in sections 1.2 to 1.8 below.

1.2. Horizontal issues

Decentralised agencies

The EU contribution (in commitment and payment appropriations) and the number of posts for all decentralised agencies are set at the level proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017 with the exception of:

— The European Police Office (EUROPOL, budget article 18 02 04) for which 10 additional posts are allocated with additional appropriations of EUR 675 000 in commitment and payment appropriations.

— The European Union’s Judicial Cooperation Unit (EUROJUST, budget article 33 03 04) for which 10 additional posts are allocated with additional appropriations of EUR 675 000 in commitment and payment appropriations.

— The European Banking Authority (EBA, budget article 12 02 04) for which commitment and payment appropriations are reduced by EUR 500 000.

— The European Asylum Support Office (EASO, budget article 18 03 02) for which the commitment and payment appropriations are increased by EUR 3 000 000.

— The European Medicines Agency (EMA, budget item 17 03 12 01) for which the commitment and payment appropriations are reduced by EUR 8 350 000.

Executive agencies

The EU contribution (in commitment and payment appropriations) and the number of posts for executive agencies are set at the level proposed by the Commission in the Draft Budget 2017.

Pilot Projects/Preparatory Actions

A comprehensive package of 78 pilot projects/preparatory actions (PP/PA), for a total amount of EUR 76.9 million in commitment appropriations is agreed, as proposed by the Parliament in addition to the preparatory action proposed by the Commission in the Draft budget 2017.

When a pilot project or a preparatory action appears to be covered by an existing legal basis, the Commission may propose the transfer of appropriations to the corresponding legal basis in order to facilitate the implementation of the action.

This package fully respects the ceilings for pilot projects and preparatory actions set in the Financial Regulation.

1.3. Expenditure headings of the financial framework — commitment appropriations

After taking into account the above conclusions on ‘closed’ budget lines, agencies and pilot projects and preparatory actions, the Conciliation Committee has agreed on the following:
### Heading 1a — Competitiveness for Growth and Jobs

Commitment appropriations of the following lines are set at the level proposed by the Commission in the Draft Budget 2017, as amended by amending letter 1/2017:

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 02 02</td>
<td>Improving access to finance for small and middle-sized enterprises (SMEs) in the form of equity and debt</td>
<td>167 030 000</td>
<td>217 030 000</td>
<td>50 000 000</td>
</tr>
<tr>
<td>06 02 01 03</td>
<td>Optimising the integration and interconnection of transport modes and enhancing interoperability</td>
<td>360 321 493</td>
<td>410 321 493</td>
<td>50 000 000</td>
</tr>
<tr>
<td>08 02 01 01</td>
<td>Strengthening frontier research in ERC — European Research Council</td>
<td>1 736 471 644</td>
<td>1 753 136 644</td>
<td>16 665 000</td>
</tr>
<tr>
<td>08 02 04</td>
<td>Spreading excellence and widening participation</td>
<td>123 492 850</td>
<td>140 157 850</td>
<td>16 665 000</td>
</tr>
<tr>
<td>09 04 02 01</td>
<td>Leadership in information and communications technology</td>
<td>779 380 777</td>
<td>796 050 777</td>
<td>16 670 000</td>
</tr>
<tr>
<td>15 02 01 01</td>
<td>Promoting excellence and cooperation in the European education and training area and its relevance to the labour market</td>
<td>1 701 963 700</td>
<td>1 725 463 700</td>
<td>23 500 000</td>
</tr>
<tr>
<td>15 02 01 02</td>
<td>Promoting excellence and cooperation in the European Youth Area and the participation of young people in European democratic life</td>
<td>201 400 000</td>
<td>227 900 000</td>
<td>26 500 000</td>
</tr>
</tbody>
</table>

| Total       |                                                                      |           |             | 200 000 000 (1) |

(1) These amounts are part of the overall increase for heading 1a until 2020 in the framework of the Mid-term review/revision of the MFF.

The Council and the Parliament confirm that the agreed increases in heading 1a as part of the budget 2017 fully respect earlier agreements, and are without prejudice to ongoing legislative procedures.
All other commitment appropriations of heading 1a are set at the level proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017, integrating the adjustments agreed in the Conciliation Committee and included in the table below. A specific budget article is created for the 'Special events' as foreseen in the Parliament’s reading.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017 (incl. AL1)</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 02 01 01</td>
<td>Further integration of the internal energy market and the interoperability of electricity and gas networks across borders</td>
<td>217 403 954</td>
<td>206 508 927</td>
<td>- 10 895 027</td>
</tr>
<tr>
<td>32 02 01 02</td>
<td>Enhancing Union security of energy supply</td>
<td>217 403 954</td>
<td>207 441 809</td>
<td>- 9 962 145</td>
</tr>
<tr>
<td>32 02 01 03</td>
<td>Contributing to sustainable development and protection of the environment</td>
<td>217 404 002</td>
<td>206 509 070</td>
<td>- 10 894 932</td>
</tr>
<tr>
<td>32 02 01 04</td>
<td>Creating an environment more conducive to private investment for energy projects</td>
<td>85 227 000</td>
<td>77 291 975</td>
<td>- 7 935 025</td>
</tr>
<tr>
<td>15 02 10</td>
<td>Special annual events</td>
<td>6 000 000</td>
<td>6 000 000</td>
<td>0</td>
</tr>
<tr>
<td>04 03 02 01</td>
<td>PROGRESS — Supporting the development, implementation, monitoring and evaluation of Union employment and social policy and legislation on working conditions</td>
<td>60 000 000</td>
<td>65 000 000</td>
<td>5 000 000</td>
</tr>
<tr>
<td>04 03 02 02</td>
<td>EURES — Promoting workers’ voluntary geographical mobility and boosting employment opportunities</td>
<td>22 578 000</td>
<td>23 578 000</td>
<td>1 000 000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>- 27 687 129</td>
</tr>
</tbody>
</table>

As a consequence, and after taking into account agencies, pilot projects and preparatory actions, the agreed level of commitments is set at EUR 21 312,2 million, leaving a margin of EUR 51,9 million under the expenditure ceiling of heading 1a and the use of the Global Margin for Commitments for an amount of EUR 1 439,1 million.

**Heading 1b — Economic, social and territorial Cohesion**

Commitment appropriations are set at the level proposed in the Draft Budget 2017.

Taking into account pilot projects and preparatory actions, the agreed level of commitments is set at EUR 53 586,6 million, leaving a margin of EUR 0,4 million under the expenditure ceiling of heading 1b.
**Heading 2 — Sustainable Growth: Natural Resources**

Commitment appropriations are set at the level proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017, including the additional reduction of EUR 325,0 million arising from increased EAGF assigned revenue communicated by the Commission on 7 November 2016. As a consequence, the Conciliation Committee has agreed on the following:

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017 (incl. AL1)</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>05 03 01 10</td>
<td>Basic payment scheme (BPS)</td>
<td>15 621 000 000</td>
<td>15 296 000 000</td>
<td>- 325 000 000</td>
</tr>
</tbody>
</table>

Taking into account agencies, pilot projects and preparatory actions, the agreed level of commitments is set at EUR 58 584,4 million, leaving a margin of EUR 1 031,6 million under the expenditure ceiling of heading 2, taking into account that EUR 575,0 million are used to offset the mobilisation of the Contingency margin.

**Heading 3 — Security and Citizenship**

Commitment appropriations are set at the level proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017 but with the adjustments agreed by the Conciliation Committee, detailed in the following table:

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017 (incl. AL1)</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>09 05 05</td>
<td>Multimedia actions</td>
<td>19 573 000</td>
<td>22 573 000</td>
<td>3 000 000</td>
</tr>
<tr>
<td>15 04 02</td>
<td>Culture sub-programme — supporting cross-border actions and promoting trans-national circulation and mobility</td>
<td>54 350 000</td>
<td>55 350 000</td>
<td>1 000 000</td>
</tr>
</tbody>
</table>

| Total       | | | | 4 000 000 |

The budget remark of article 09 05 05 will be modified through the addition of the following sentence: ‘Where appropriate, the procurement and grant procedures may include the conclusion of framework partnerships, with a view to promoting a stable financing framework for the pan-European networks funded under this appropriation.’

The budget remark of article 15 04 02 will be modified through the addition of the following sentence: ‘This appropriation may also finance the preparation of the European year for Cultural Heritage.’

As a consequence, and after taking into account agencies, pilot projects and preparatory actions, the agreed level of commitments is set at EUR 4 284,0 million, with no margin left under the expenditure ceiling of heading 3, the mobilisation of EUR 530 million through the Flexibility Instrument and the use of the Contingency Margin for an amount of EUR 1 176,0 million.
Commitment appropriations are set at the level proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017, but with the adjustments agreed by the Conciliation Committee, detailed in the following table:

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017 (incl. AL1)</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 03 02</td>
<td>Macro-financial assistance</td>
<td>30 828 000</td>
<td>45 828 000</td>
<td>15 000 000</td>
</tr>
<tr>
<td>01 03 08</td>
<td>Provisioning of the EFSD Guarantee Fund</td>
<td>275 000 000</td>
<td>p.m.</td>
<td>-275 000 000</td>
</tr>
<tr>
<td>13 07 01</td>
<td>Financial support for encouraging the economic development of the Turkish Cypriot community</td>
<td>31 836 240</td>
<td>34 836 240</td>
<td>3 000 000</td>
</tr>
<tr>
<td>19 03 01 05</td>
<td>Emergency measures</td>
<td>69 480 000</td>
<td>62 850 000</td>
<td>-6 630 000</td>
</tr>
<tr>
<td>21 02 07 05</td>
<td>Migration and asylum</td>
<td>448 273 912</td>
<td>404 973 912</td>
<td>-43 300 000</td>
</tr>
<tr>
<td>22 04 01 04</td>
<td>Support to peace process and financial assistance to Palestine and to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA)</td>
<td>282 219 939</td>
<td>310 100 000</td>
<td>27 880 061</td>
</tr>
<tr>
<td>22 04 01 03</td>
<td>Mediterranean countries — Confidence building, security and the prevention and settlement of conflicts</td>
<td>340 360 500</td>
<td>332 480 439</td>
<td>-7 880 061</td>
</tr>
<tr>
<td>22 04 02 02</td>
<td>Eastern Partnership — Poverty reduction and sustainable development</td>
<td>313 825 583</td>
<td>322 125 583</td>
<td>8 300 000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>-278 630 000</strong></td>
</tr>
</tbody>
</table>

However, for budget item 19 03 01 07 European Union Special Representatives (EUSR) the appropriations are set at the level of the Draft Budget 2017.

As a consequence, and after taking into account agencies, pilot projects and preparatory actions, the agreed level of commitments is set at EUR 10 162.1 million, with no margin left under the expenditure ceiling of heading 4 and the use of the Contingency Margin for an amount of EUR 730.1 million.
Heading 5 — Administration

The number of posts in the establishment plans of the Institutions and the appropriations proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017 are agreed by the Conciliation Committee with the following exceptions:

— The Parliament for which its reading is approved with the exception that the increase of 76 posts for the political groups is fully offset by a compensatory decrease in the posts of the establishment plan in the Parliament’s administration, in the budgetary neutral manner. Moreover, the Conciliation Committee agrees to integrate in the Budget 2017 the impact of the automatic salary update to be applied from 1 July 2016 (EUR 8 717 000).

— The Council for which its reading is approved with integration in the Budget 2017 of the impact of the automatic salary update to be applied from 1 July 2016 (EUR 3 301 000).

— The Court of Auditors for which the reductions compared to the Draft Budget 2017 included in Parliament’s reading are approved.

— The European External Action Service (EEAS) for which EUR 560 250 (budget item 1200) are allocated to the contractual agent line with the same amount being reduced on budget item 3003 Buildings and associated costs. The budget remark of item 1200 will be modified by adding the sentence: ‘These appropriations also cover the cost of contract agents involved in strategic communication activities’. Moreover, the following budget lines in the section of the EEAS are adjusted to remove the transfer of the double-hatted EUSRs proposed in the Amending Letter 1.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>3001</td>
<td>External staff and outside services</td>
<td>- 3 645 000</td>
</tr>
<tr>
<td>3002</td>
<td>Other expenditure related to staff</td>
<td>- 1 980 000</td>
</tr>
<tr>
<td>3003</td>
<td>Buildings and associated costs</td>
<td>- 3 636 000</td>
</tr>
<tr>
<td>3004</td>
<td>Other administrative expenditure</td>
<td>- 815 000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>- 10 076 000</strong></td>
</tr>
</tbody>
</table>

As a consequence, taking into account pilot projects and preparatory actions, the agreed level of commitments is set at EUR 9 394,5 million, leaving a margin of EUR 16,2 million under the expenditure ceiling of heading 5, after the use of EUR 507,3 million of the margin to offset the mobilisation of the Contingency margin.

Special instruments

Commitment appropriations for special instruments are set at the level proposed by the Commission in the Draft Budget 2017 except for the reserve for the European Union Solidarity Fund (budget article 40 02 44) which is suppressed.
Offsetting of the Contingency margin in 2018 and 2019

The total use of the Contingency margin in 2017 is EUR 1 176.0 million for heading 3 and EUR 730.1 million for heading 4 for a total amount of EUR 1 906.2 million. Offsetting is made for EUR 575.0 million against the unallocated margin under heading 2 in 2017 and for EUR 507.3 million in 2017, EUR 570.0 million in 2018 and EUR 253.9 million in 2019 against the unallocated margins under heading 5. The decision on the mobilisation of the contingency margin for 2017 adopted together with the Amending Letter 1/2017 will be adjusted accordingly.

1.4. Payment appropriations

The overall level of payment appropriations in the 2017 Budget is set at the level of the Draft Budget, as amended by Amending Letter 1/2017 with the following adjustments agreed by the Conciliation Committee:

1. First, account is taken of the agreed level of commitment appropriations for non-differentiated expenditure, for which the level of payment appropriations is equal to the level of commitment appropriations. This includes the reduction of agricultural expenditure by –EUR 325 million and the adjustments of the administrative expenditure for Sections I, II, III, IV, V, VI, VII, IX and X (EUR 13.4 million), and decentralised agencies (for which the EU contribution in payment appropriations is set at the level proposed in section 1.2 above). The combined effect is a decrease of -EUR 332.3 million;

2. The payment appropriations for all new pilot projects and preparatory actions proposed by the Parliament are set at 50% of the corresponding commitment appropriations, or at the level proposed by Parliament if lower. In the case of extension of existing pilot projects and preparatory actions the level of payment appropriations is the one defined in the Draft Budget plus 50% of the corresponding new commitment appropriations, or at the level proposed by Parliament if lower. The combined effect is an increase of EUR 35.2 million;

3. The payment appropriations for the ‘special events’ (budget article 15 02 10) is the amount stated in Parliament’s reading (EUR 6 million);

4. The payment appropriations (budget article 01 03 08 Provisioning of the EFSD Guarantee Fund) is set at ‘p.m.’;

5. The adjustments on the following budget lines are agreed as a result of the evolution in commitments for differentiated appropriations:

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017 (incl. AL1)</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 03 02</td>
<td>Macro-financial assistance</td>
<td>30 828 000</td>
<td>45 828 000</td>
<td>15 000 000</td>
</tr>
<tr>
<td>04 03 02 01</td>
<td>PROGRESS — Supporting the development, implementation, monitoring and evaluation of Union employment and social policy and legislation on working conditions</td>
<td>38 000 000</td>
<td>41 167 000</td>
<td>3 167 000</td>
</tr>
<tr>
<td>Budget line</td>
<td>Name</td>
<td>DB 2017 (incl. AL1)</td>
<td>Budget 2017</td>
<td>Difference</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-------------</td>
<td>------------</td>
</tr>
<tr>
<td>04 03 02 02</td>
<td>EURES — Promoting workers’ voluntary geographical mobility and boosting employment opportunities</td>
<td>17 000 000</td>
<td>17 753 000</td>
<td>753 000</td>
</tr>
<tr>
<td>09 05 05</td>
<td>Multimedia actions</td>
<td>23 997 455</td>
<td>26 997 455</td>
<td>3 000 000</td>
</tr>
<tr>
<td>13 07 01</td>
<td>Financial support for encouraging the economic development of the Turkish Cypriot community</td>
<td>36 031 865</td>
<td>39 031 865</td>
<td>3 000 000</td>
</tr>
<tr>
<td>15 04 02</td>
<td>Culture sub-programme — supporting cross-border actions and promoting transnational circulation and mobility</td>
<td>43 430 071</td>
<td>44 229 071</td>
<td>799 000</td>
</tr>
<tr>
<td>22 04 01 04</td>
<td>Support to peace process and financial assistance to Palestine and to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA)</td>
<td>280 000 000</td>
<td>307 661 000</td>
<td>27 661 000</td>
</tr>
<tr>
<td>22 04 02 02</td>
<td>Eastern Partnership — Poverty reduction and sustainable development</td>
<td>167 700 000</td>
<td>172 135 000</td>
<td>4 435 000</td>
</tr>
<tr>
<td>19 03 01 05</td>
<td>Emergency measures</td>
<td>33 212 812</td>
<td>30 043 812</td>
<td>- 3 169 000</td>
</tr>
<tr>
<td>21 02 07 05</td>
<td>Migration and asylum</td>
<td>155 000 000</td>
<td>115 722 000</td>
<td>- 39 278 000</td>
</tr>
<tr>
<td>22 04 01 03</td>
<td>Mediterranean countries — Confidence building, security and the prevention and settlement of conflicts</td>
<td>138 000 000</td>
<td>134 805 000</td>
<td>- 3 195 000</td>
</tr>
<tr>
<td>32 02 01 01</td>
<td>Further integration of the internal energy market and the interoperability of electricity and gas networks across borders</td>
<td>34 765 600</td>
<td>33 023 600</td>
<td>- 1 742 000</td>
</tr>
<tr>
<td>32 02 01 02</td>
<td>Enhancing Union security of energy supply</td>
<td>26 032 000</td>
<td>24 839 000</td>
<td>- 1 193 000</td>
</tr>
<tr>
<td>32 02 01 03</td>
<td>Contributing to sustainable development and protection of the environment</td>
<td>26 531 000</td>
<td>25 201 000</td>
<td>- 1 330 000</td>
</tr>
<tr>
<td>Budget line</td>
<td>Name</td>
<td>DB 2017 (incl. AL1)</td>
<td>Budget 2017</td>
<td>Difference</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-------------</td>
<td>------------</td>
</tr>
<tr>
<td>32 02 01 04</td>
<td>Creating an environment more conducive to private investment for energy projects</td>
<td>31 200 000</td>
<td>28 295 000</td>
<td>- 2 905 000</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>5 003 000</strong></td>
</tr>
</tbody>
</table>

6. The payment appropriations for the European Globalisation Adjustment Fund (budget article 40 02 43) is set at zero (a reduction by –EUR 30 million) as the payment appropriations available from assigned revenue are estimated to be enough to cover the whole year 2017.

7. The reserve for the European Union Solidarity Fund (budget article 40 02 44) is suppressed.

8. Additional reductions in payments are made on the following lines:

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
<th>DB 2017 (incl. AL1)</th>
<th>Budget 2017</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>04 02 62</td>
<td>European Social Fund (ESF) — More developed regions — Investment for growth and jobs goal</td>
<td>2 508 475 000</td>
<td>2 490 475 000</td>
<td>- 18 000 000</td>
</tr>
<tr>
<td>13 03 61</td>
<td>European Regional Development Fund (ERDF) — Transition regions — Investment for growth and jobs goal</td>
<td>2 214 431 000</td>
<td>2 204 431 000</td>
<td>- 10 000 000</td>
</tr>
<tr>
<td>13 03 62</td>
<td>European Regional Development Fund (ERDF) — More developed regions — Investment for growth and jobs goal</td>
<td>3 068 052 000</td>
<td>3 043 052 000</td>
<td>- 25 000 000</td>
</tr>
<tr>
<td>13 03 64 01</td>
<td>European Regional Development Fund (ERDF) — European territorial cooperation</td>
<td>884 299 000</td>
<td>783 299 000</td>
<td>- 101 000 000</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>- 154 000 000</strong></td>
</tr>
</tbody>
</table>

These actions will provide a level of payment appropriations of EUR 134 490.4 million, a reduction of –EUR 931.4 million in comparison with the Draft Budget, as amended by Amending Letter 1/2017.
1.5. Reserve

There are no reserves in addition to those of the Draft Budget, as amended by Amending Letter 1/2017, except for:

— Budget item 13 01 04 04 Support expenditure for Structural Reform Support Programme (SRSP) and budget article 13 08 01 Structural Reform Support Programme (SRSP) — Operational technical assistance transferred from H1b (ESF, ERDF and CF) for which the full amounts in commitment and payment appropriations are placed in reserve pending the adoption of the legal base for the Structural Reform Support Programme.

— Budget article 13 08 02 Structural Reform Support Programme (SRSP) — Operational technical assistance transferred from H2 (EAFRD) for which the full amount in commitment and payment appropriations is placed in reserve pending the adoption of the legal base for the Structural Reform Support Programme.

— Budget item 18 02 01 03 Setting up new IT systems to support the management of migration flows across the external borders of the Union for which EUR 40 000 000 in commitment and EUR 28 000 000 in payment appropriations are placed in reserve pending the conclusion of the legislative procedure establishing the Entry/Exit System.

1.6. Budget remarks

Unless otherwise specifically addressed in previous paragraphs, amendments introduced by the European Parliament or the Council to the text of budgetary remarks are agreed, with the exception of those on budget lines listed in the table below for which the text of budget remarks as proposed in the Draft Budget, amended by Amending Letter 1/2017 and the EAGF update is approved.

This is with the understanding that amendments introduced by the European Parliament or the Council cannot modify or extend the scope of an existing legal base, or impinge on the administrative autonomy of institutions, and that the action can be covered by available resources.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>04 03 02 03</td>
<td>Microfinance and Social Entrepreneurship — Increasing access to, and the availability of, financing for legal and physical persons, especially those furthest from the labour market, and social enterprises</td>
</tr>
<tr>
<td>05 02 11 99</td>
<td>Other measures (other plant products/measures)</td>
</tr>
<tr>
<td>05 04 60</td>
<td>European Agricultural Fund for Rural Development — EAFRD (2014 to 2020)</td>
</tr>
<tr>
<td>05 04 60 02</td>
<td>Operational technical assistance</td>
</tr>
<tr>
<td>18 04 01 01</td>
<td>Europe for citizens — Strengthening remembrance and enhancing capacity for civic participation at the Union level</td>
</tr>
</tbody>
</table>
1.7. **New budget lines**

The budget nomenclature proposed by the Commission in the Draft Budget, as amended by Amending Letter 1/2017, with the inclusion of pilot projects and preparatory actions, and the new budget article for Special Annual Events (15 02 10), is agreed.

1.8. **Revenue**

The Commission's proposal in Amending Letter 1/2017 concerning the inclusion in the Budget of revenue from fines for an amount of EUR 1 billion is agreed.

2. **Budget 2016**

Draft Amending Budget (DAB) 4/2016 and the accompanying mobilisation of the Contingency margin are approved as proposed by the Commission.

Draft Amending Budget (DAB) 5/2016 is approved as proposed by the Commission.

Draft Amending Budget (DAB) 6/2016 and the related mobilisation of the European Union Solidarity Fund are approved as proposed by the Commission.

3. **Joint Statements**

3.1. **Joint statement by the European Parliament, Council and Commission on the Youth Employment Initiative**

The European Parliament, the Council and the Commission recall that reducing youth unemployment remains a high and shared political priority, and to this end they reaffirm their determination to make the best possible use of budgetary resources available to tackle it, and in particular through the Youth Employment Initiative (YEI).

They recall that, in accordance with Article 14(1) of Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (MFF Regulation), ‘Margins left available below the MFF ceilings for commitment appropriations for the years 2014-2017 shall constitute a Global MFF Margin for commitments, to be made available over and above the ceilings established in the MFF for the years 2016 to 2020 for policy objectives related to growth and employment, in particular youth employment’.

The Council and the European Parliament invite the Commission to propose an amending budget in 2017 in order to provide EUR 500 million (1) for the YEI in 2017 financed by the Global margin for commitments, as soon as the technical adjustment foreseen by article 6 of the MFF Regulation is adopted.

The Council and the European Parliament undertake to process rapidly the draft amending budget for 2017 put forward by the Commission.

3.2. **Joint statement by the European Parliament, Council and Commission on the payment appropriations**

The European Parliament and the Council recall the need to ensure, in the light of implementation, an orderly progression of payments in relation to the appropriations for commitments so as to avoid any abnormal level of unpaid invoices at year-end.

The European Parliament and the Council calls on the Commission to continue monitoring closely and actively the implementation of the 2014-2020 programmes. To that end, they invite the Commission to present in a timely manner, updated figures concerning the state of implementation and estimates regarding payment appropriations requirements in 2017.

(1) This amount is part of the overall increase for YEI until 2020 in the framework of the Mid-term review/revision of the MFF.
The Council and the European Parliament will take any necessary decisions in due time for duly justified needs to prevent the accumulation of an excessive amount of unpaid bills and to ensure that payment claims are duly reimbursed.

3.3. Joint statement by the European Parliament, Council and Commission on the 5% staff reduction

The European Parliament, the Council and the Commission recall the agreement to progressively render 5% of the staff as in the establishment plan on 1 January 2013, to be applied to all institutions, bodies and agencies, as stated in Point 27 of the Interinstitutional Agreement of 2 December 2013 on budgetary discipline, on cooperation in budgetary matters and on sound financial management.

The three institutions recall that the target year for the full implementation of the 5% reduction of staff is 2017. They agree that appropriate follow-up measures will be taken to take stock of the situation with a view to ensuring that all efforts are deployed to avoid any additional delays in implementing the 5% staff reduction target for all institutions, bodies and agencies.

The three institutions welcome the Commission’s overview of consolidated data on all external staff employed by the institutions, presented in the draft budget, in line with point (b) of Article 38(3) of the Financial Regulation. They invite the Commission to continue providing this information when presenting its draft budgets for future years.

The Council and the Parliament underline that achieving the 5% staff reduction target should contribute to savings in the institutions’ administrative expenditure. With that in mind, they invite the Commission to start assessing the outcome of the exercise in order to draw lessons for the future.

3.4. Joint statement by the European Parliament, Council and Commission on the European Fund for Sustainable Development

In order to address the root causes of migration, the Commission launched the European Fund for Sustainable Development (EFSD) based on the establishment of an EFSD Guarantee and an EFSD Guarantee Fund. The Commission proposes to endow the EFSD Guarantee Fund with EUR 750 million over the period 2017–2020, of which EUR 400 million from the European Development Fund (EDF) over the four years, EUR 100 million from the ENI over 2017–2020 (of which EUR 25 million in 2017), and EUR 250 million of commitment (and payment) appropriations in 2017.

The Council and the European Parliament invite the Commission to request the necessary appropriations in an amending budget in 2017 in order to provide the financing of the EFSD from the EU budget as soon as the legal base is adopted.

The Council and the European Parliament undertake to process rapidly the draft amending budget for 2017 put forward by the Commission.

3.5. Joint statement on EU Trust Funds and the Facility for Refugees in Turkey

The Parliament, the Council and the Commission agree that the establishment of Trust Funds and of the Facility for Refugees in Turkey should be transparent and clear, consistent with the principle of unity of the Union budget, with the prerogatives of the budgetary authority, and with the objectives of existing legal bases.

They undertake to address, as appropriate, those issues as part of the revision of the Financial Regulation in order to strike the right balance between flexibility and accountability.
The Commission undertakes to:

— regularly inform the budgetary authority on ongoing and planned Trust Funds’ financing (including Member States’ contributions) and operations;

— present, as of 2017, a Working Document accompanying the Draft Budget for the following financial year;

— propose measures for proper involvement of the European Parliament.

3.6. Joint statement by the European Parliament, Council and Commission on agriculture

The budget 2017 includes a series of emergency measures to assist farmers in facing the market difficulties experienced recently. The Commission confirms that the margin under heading 2 is sufficient to address possible unforeseen needs. It undertakes to monitor the market situation regularly and to present if needed the appropriate measures to address needs which cannot be covered by the appropriations authorised in the budget. In such a case, the European Parliament and the Council commit to process the relevant budgetary proposals as soon as possible.