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EUROPEAN PARLIAMENT

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Key to symbols used

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

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

Amendments by Parliament:

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

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2013-2014 SESSION

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TEXTS ADOPTED

Tuesday 14 January 2014

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P7_TA(2014)0002

Smart specialisation: networking excellence for a sound Cohesion Policy

European Parliament resolution of 14 January 2014 on smart specialisation: networking excellence for a sound Cohesion Policy (2013/2094(INI))

(2016/C 482/01)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, and in particular Titles XVII, XVIII and XIX thereof,
- having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and repealing Regulation (EC) No 1260/1999⁽¹⁾,
- having regard to Council Decision 2006/702/EC of 6 October 2006 on Community strategic guidelines on cohesion⁽²⁾,
- having regard to its resolution of 5 July 2011 on the Commission's fifth Cohesion Report and the strategy for post-2013 cohesion policy⁽³⁾,
- having regard to its resolution of 23 June 2011 on the state of play and future synergies for increased effectiveness between the ERDF and other structural funds⁽⁴⁾,
- having regard to its resolution of 7 October 2010 on EU cohesion and regional policy after 2013⁽⁵⁾,
- having regard to its resolution of 20 May 2010 on the contribution of the cohesion policy to the achievement of Lisbon and the EU 2020 Objectives⁽⁶⁾,
- having regard to its resolution of 20 May 2010 on the implementation of the synergies of research and innovation earmarked Funds in Regulation (EC) No 1080/2006 concerning the European Regional Development Fund and the Seventh Framework Programme for Research and Development in cities and regions as well as in the Member States and the Union⁽⁷⁾,

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ L 291, 21.10.2006, p. 11.

⁽³⁾ OJ C 33 E, 5.2.2013, p. 21.

⁽⁴⁾ OJ C 390 E, 18.12.2012, p. 27.

⁽⁵⁾ OJ C 371 E, 20.12.2011, p. 39.

⁽⁶⁾ OJ C 161 E, 31.5.2011, p. 120.

⁽⁷⁾ OJ C 161 E, 31.5.2011, p. 104.

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- having regard to the Commission proposal of 6 October 2011 for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1083/2006 (COM(2011)0615),
 - having regard to the Commission proposal of 6 October 2011 for a regulation of the European Parliament and the Council on specific provisions concerning the European Regional Development Fund and the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (COM(2011)0614),
 - having regard to the Commission Communication of 6 October 2010 entitled 'Europe 2020 Flagship Initiative: Innovation Union' (COM(2010)0546),
 - having regard to the Commission Communication of 9 November 2010 entitled 'Conclusions of the fifth report on economic, social and territorial cohesion: the future of cohesion policy' (COM(2010)0642),
 - having regard to the Commission Communication of 6 October 2010 entitled 'Regional policy contributing to smart growth in Europe 2020' (COM(2010)0553),
 - having regard to the Commission Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
 - having regard to the Commission's March 2012 'Guide to Research and Innovation Strategies for Smart Specialisation (RIS3)',
 - having regard to the OECD's December 2012 'Report on innovation driven-growth in regions: the role of smart specialisation',
 - having regard to its study of December 2012 entitled 'Ex-ante conditionalities in cohesion policy', commissioned by the Directorate-General for Internal Policies,
 - having regard to the Commission Communication of 21 March 2013 entitled 'State of the Innovation Union 2012 — Accelerating change' (COM(2013)0149),
 - having regard to the Commission Communication of 13 September 2013 entitled 'Measuring innovation output in Europe: towards a new indicator' (COM(2013)0624),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0462/2013),
- A. whereas, especially during these times of economic, financial and social crisis, the EU must step up its efforts to complete the innovation union and create sustainable economic growth, and whereas, because of the tight budget situation in many Member States and regions as well as at EU level, resources available are limited, and particularly efficient use has therefore to be made of them,
- B. whereas 'Smart specialisation strategy' means the national or regional innovation strategies which set priorities in order to build competitive advantage by developing and matching research and innovation (R&I) own strengths with business needs to address emerging opportunities and market developments in a coherent manner, while avoiding duplication and fragmentation of efforts, and which may take the form of, or be included in a national or a regional R&I strategic policy framework ⁽¹⁾.

⁽¹⁾ Article 2, Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA (2013)0482.

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- C. whereas supporting research, development and innovation (R&D&I) is one of the Cohesion Policy objectives that is subject to obligatory thematic concentration under the European Regional Development Fund (ERDF) for 2014-2020;
- D. whereas for the 2014-2020 programme planning period Member States are required, for the first time, to design an R&I strategy to boost regional innovative capacity and to coordinate R&D&I spending more effectively ⁽¹⁾;
- E. whereas, in the process, regions should focus on a small number of priority areas that take account of their respective strengths and weaknesses, and should drive innovation to promote and renew regional economies in a sustainable manner;
- F. whereas regions should formulate a smart specialisation strategy through a process of critical self-analysis, in close cooperation with civil society and with stakeholders that include research centres, universities and other higher-education establishments, and businesses ⁽²⁾;
- G. whereas the purpose of the strategy is to maximise synergies from all instruments and investment in the R&D&I area — and to boost, in particular, synergies between Horizon 2020 and the Structural Funds — in order to close the innovation gap between regions;
- H. whereas regions should also draw up investment plans for the use of all available regional, national and EU funding for R&D&I, indicating as well how to stimulate private investment and how it should be used in the implementation of the Union's R&D&I priorities in the coming years;
- I. whereas summaries of such strategies, or at least plans for their implementation, should be included in partnership agreements and operational programmes;
- J. whereas the Commission may withhold interim payments of ERDF funding for the thematic objective of strengthening R&D&I if these pre-conditions are not met;
- K. whereas, given the multi-level governance nature of regional policy, regions should be allowed the flexibility of identifying the modalities for fulfilling the ex-ante conditionalities;
- L. whereas the regions should not only become more closely integrated internally, but must also cooperate more closely with each other, in order to become more competitive globally;

General remarks

1. Acknowledges that a smart specialisation strategy is a dynamic, long-term process, the participants in which are on a constant learning curve, and that this process should also continue over the next programme planning period and beyond;
2. Considers that, aside from the need to fulfil the ex-ante-conditionality, developing such a strategy can offer regions significant medium-term and long-term advantages in terms of the effectiveness of their R&D&I, as it entails a coordinated approach and a close look at their potential for innovation;
3. Calls on each region to view such a strategy not only as a statutory obligation but also as a source of opportunity; calls, therefore, on all regions and Member States, in so far as they have not yet done so, to press ahead with formulating their smart specialisation strategies, so as not to risk delays in receiving EU funding for the relevant operational programmes owing to the lack of such a strategy;

⁽¹⁾ Annex V, Table 1, Ex ante conditionalities, Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011) 0615, Texts adopted, P7_TA(2013)0482.

⁽²⁾ See definition of 'smart specialisation strategy', Article 2(2)(2b) (new), Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA(2013)0482.

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4. Recognises the need for information in the regions, and therefore emphasises the importance of the advice and support provided by DG REGIO, DG RTD and other relevant directorates-general, as well as by the platform in Seville⁽¹⁾, and calls on them to step up their activities further; calls on all regions to make greater use of the platform; advocates developing broad-based local campaigns to disseminate information on the smart specialisation strategy in order for stakeholders and civil society to be able to participate;

5. Calls on the Commission to support the regions in establishing the foreseen monitoring system in an effective way, using meaningful indicators, and thereby, in particular, to provide data on which EU-wide and international comparisons can be based;

The 'right' priorities

6. Underscores the fact that the regions differ significantly in their levels of development and have very different strengths and weaknesses; calls, therefore, on the regions to make their own appropriate choice of actions by focusing on strengthening their regionally-based characteristics, potentials and competitive advantages, rather than by simply copying the successful strategies of other regions;

7. Stresses that while regions can strive to pioneer new technologies, in order to tap into new markets, alternatively they can build on — and hence diversify — already existing knowledge, skills and abilities in related activities, should this be where the knowledge transfer is greatest ('related diversity');

8. Emphasises how important it is, in terms of strengthening regional economies, not to focus exclusively on individual areas of competitive advantage but also to create a value chain linking all stages of development and production, from basic research through application-oriented research and technology transfer to specific, usable products and business start-ups;

9. Encourages the regions to invest in cross-sector and cross-technology activities that can generate cross-cutting links throughout the regional economy so that a variety of businesses, as broad as possible, can contribute to as well as benefit from the generation of more growth and jobs; encourages, in this regard, the regions in particular to draw on and foster the potential of all types of SMEs — which per definition are micro, small and medium-sized enterprises⁽²⁾ — as they act as regional drivers of innovation and are therefore of fundamental importance to the economy of each region.

10. Is of the opinion that the regions, when selecting their priorities, should — in addition to strengthening their innovation systems with a view to achieving greater competitiveness and added value — undertake actions that address structural and societal challenges within society, such as unemployment, poverty, energy security and demographic change;

11. Calls on the regions not to focus solely on technology-based innovation, but rather to base their strategies on as broad a notion of innovation as possible; hopes that account will be taken not merely of high-tech but also of low-tech — and, indeed, non-technical — innovation, such as process optimisation and organisational transformation; points specifically to social and environmental innovation in this context; stresses that the aim of innovation strategies should be to stimulate innovative practices;

12. Is aware that setting priorities is a sensitive procedure that regions undertake; believes, therefore, that the introduction of a review system would offer regions the opportunity to rethink their strategies; takes the view that the initial selection of meaningful results-oriented indicators and the quality of the contribution from the actors involved are key factors for the success of the smart specialisation strategy, reducing the risk of errors when priorities are set;

⁽¹⁾ <http://s3platform.jrc.ec.europa.eu/home>

⁽²⁾ Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC).

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Closer involvement of actors within regions

13. Is of the opinion that the quality of cooperation between government and the relevant actors in regions will have a decisive influence on the success of the RIS3 strategy, and will markedly reduce the risk of wrong priority choices being made;

14. Underscores, in this connection, the importance of consulting with businesses, and with SMEs in particular, since a 'vision of innovation' will only be successful if businesses have the appropriate potential to put it into practice;

15. Stresses the need to rethink and, where necessary, expand all the consultation processes and target groups, so as to avoid missing future drivers of innovation; considers it particularly important to involve future entrepreneurs;

16. Makes it clear that, in the process of developing a shared vision, it is, for reasons of ownership and awareness-raising, fundamental that local and regional policy-makers, universities, research and innovation centres and businesses, as well as civil society and social actors, are as closely involved as possible;

17. Highlights the important role that close cooperation inside the knowledge triangle plays in the transfer of knowledge, for example in the framework of the European Institute for Research and Innovation or of regional innovation clusters and centres; underlines, in this regard, the importance of 'investment in people';

18. Calls on public and private stakeholders to use the many opportunities to fund these actions under the ERDF for 2014-2020, including by supporting the establishment of regional innovation incubators and by developing links and synergies between universities, other research and higher educational institutes, innovative and creative entrepreneurs and businesses, and business support providers and investors, as e.g. in the case of creative and cultural industries;

19. Is of the opinion that, for this process, appropriate structures and efficient administration need to be in place, and that administrative authorities and ministries must establish a culture of cooperation between themselves and in dealings with businesses and other actors; calls on regional and national decision-makers and authorities to modernise their internal procedures in line with the needs of the new 'entrepreneurial discovery process' and, in particular, to enter into a more intensive, long-term dialogue with the relevant actors; encourages SMEs, especially in regions with a high share of such enterprises, to collaborate through suitable platforms in order to strengthen their role in the smart specialisation process; recommends that, if necessary, resources available for capacity building should be used to empower administrations and stakeholders further;

20. Considers that all authorities and actors concerned at regional level should, if necessary, be offered high-quality training and seminars focused on issues related to the preparation and implementation of smart specialisation strategies;

Achieving funding programme synergies

21. Welcomes the Commission's and the EU legislative authority's successful efforts to improve the environment for synergies between the European Structural and Investment Funds (ESIF) and other EU programmes, such as COSME and, in particular, Horizon 2020, for instance through harmonised standard rates or combined funding ⁽¹⁾;

22. Urges the regions to make full use of all funding, cooperation and investment opportunities, including upstream and downstream actions ⁽²⁾, in order to promote synergies between ESIFs and Horizon 2020 and, in so doing, to close the innovation gap between regions;

⁽¹⁾ Article 55(8) and Article 57, Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA(2013)0482, Article 17a, Legislative procedure 2011/0401(COD), based on proposal for a regulation COM(2011)0809, Texts adopted, P7_TA(2013)0499, and Article 31, Legislative procedure 2011/0399 (COD), based on proposal for a regulation COM(2011)0810, Texts adopted, P7_TA(2013)0500.

⁽²⁾ Annex I, point 4.3.2., Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA(2013)0482.

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23. Calls, in this regard, on those regions that are lagging behind in terms of building research infrastructure and capacity to foster collaborative arrangements with research establishments of excellence, along the lines of 'teaming/twinning for excellence', in order to build up centres of excellence on their own that, in the future, will benefit the regional economy as a whole;
24. Calls on the regions, within the framework of the strategy, to give in-depth consideration to the question of how to attract investment in the private sector, since there is still considerable scope for boosting the investment potential in R&D&I in this sector;
25. Calls on all regional and national actors in charge of devising and implementing the RIS3 strategy, the European Strategy Forum on Research Infrastructures (ESFRI) road map, the ESIFs and Horizon 2020 to cooperate more closely as regards planning and coordination, and, where necessary, to develop appropriate structures⁽¹⁾ to integrate the various tiers of government action; invites the Member States to exchange best practises on such structures;
26. Calls on DGs REGIO and RTD to persist in their efforts to ensure that programmes are compatible, in order that synergies may be created; underlines that joint support should be provided to national and regional authorities to aid in the design and implementation of their respective strategies; expects DGs REGIO and RTD to step up their cooperation in this regard, in particular by issuing guidance documents for the actors involved;
27. Welcomes all efforts to extend advisory services; is of the opinion that it would be beneficial if potential recipients of Horizon 2020 funding and relevant advisory bodies were to be involved as well in this exchange in an appropriate fashion;

Close cooperation of regions: the external dimension

28. Calls on the regions not only to improve their internal links between education and research institutions, businesses and the administration, but also to build alliances with other regions so as to supplement their own value chain;
29. Stresses out that opportunities will be fostered if close cooperation is established between the Knowledge and Innovation Communities (KIC) partners in the regions and the authorities and organisations involved in designing and delivering the RIS3 strategies as described in Annex IV in COM(2011)0615, 2011/0276(COD), C7-0335/2011, including partnership with regions hosting existing and potential co-location centres, such as Regional Implementation and Innovation Communities (RICs);
30. Considers it vital that regional specialisation strategies help create new European networks of excellence in a range of sectors, thereby helping to boost the European Union's competitiveness and international profile;
31. Is of the opinion that regional cooperation is potentially of huge benefit, because of the knowledge and technology transfer involved, both to the regions themselves, in terms of their local economic strength, and to the EU as a whole; points in this regard to very successful collaborative arrangements such as, for instance, the 'Regions of knowledge' initiative;
32. Notes that many regions shy away from the complex analytical and coordinating efforts required; encourages the regions to make use of the option provided by the legislator whereby up to 15 % of the programme funding can be invested outside the programme area⁽²⁾;
33. Points out that, in border areas, the challenges are often the same on both sides of the border owing to the common territorial features which these areas share; calls on the Commission and the Member States, and on local and regional authorities, to draw up cross-border smart specialisation strategies, and to establish cross-border clusters, making use of EU interregional cooperation funding;

⁽¹⁾ Annex I, point 4.1.2 b, Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA(2013)0482.

⁽²⁾ Article 60(2), legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA(2013)0482.

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34. Welcomes the territorial cooperation options provided for by the common strategic framework ⁽¹⁾; welcomes as well any other small-scale internationalisation action by the regions and by actors working on their behalf;

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35. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

⁽¹⁾ Annex I, point 7.2., Legislative procedure 2011/0276(COD), based on proposal for a regulation COM(2011)0615, Texts adopted, P7_TA(2013)0482.

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P7_TA(2014)0009

Carbon capture and storage technology

European Parliament resolution of 14 January 2014 on implementation report 2013: developing and applying carbon capture and storage technology in Europe (2013/2079(INI))

(2016/C 482/02)

The European Parliament,

- having regard to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 ⁽¹⁾ (the CCS Directive),
 - having regard to the Commission Communication of 27 March 2013 on the Future of Carbon Capture and Storage in Europe (COM(2013)0180),
 - having regard to the Commission Green Paper of 27 March 2013 entitled 'A 2030 framework for climate and energy policies' (COM(2013)0169),
 - having regard to the EU climate and energy package of December 2008,
 - having regard to its resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 ⁽²⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Industry, Research and Energy (A7-0430/2013),
- A. whereas Carbon Capture and Storage (CCS) is a promising technology that may be the only means of achieving significant CO₂ reductions from industrial sources and has the potential to significantly reduce CO₂ emissions from fossil fuel power plants, yet requires investment and industrial-scale demonstration to promote innovation, secure cost reductions, and confirm its environmental safety;
- B. whereas the International Energy Agency predicts that fossil fuels will continue to provide 75 % of the global energy mix by 2030, suggests that CCS is necessary to deliver almost 20 % of the CO₂ reductions needed by 2050, and claims that if CCS is not deployed, an additional 40 % in electricity investment will be needed to prevent a temperature rise in excess of 2 °C;
- C. whereas CCS is the only technology able to provide significant CO₂ reductions from major industrial sectors including steel, cement, and chemicals and oil refineries, and in conjunction with the use of biomass for electricity generation has the potential to promote a net reduction in CO₂ emissions;
- D. whereas based on current usage levels of fossil fuels and future projections for the use of the same, CCS would seem to be essential to achieving the target of keeping the rise in global temperatures below 2 °C;
- E. whereas the development of CCS should be regarded as a strategy that is complementary to the development of renewables in the transition to a low-carbon economy;

⁽¹⁾ OJ L 140, 5.6.2009, p. 114.

⁽²⁾ OJ C 251 E, 31.8.2013, p. 75.

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- F. whereas in 2007 EU heads of government aspired to have up to 12 CCS demonstration plants in operation by 2015, but as their financial viability depended on there being a high carbon price these ambitions cannot now be realised;
- G. whereas development of this technology should not serve as an incentive to increase the share of fossil fuel power plants;
- H. whereas the EU is losing its technological lead in CCS and — with only one project still being considered for NER300 funding, and European Energy Programme for Recovery projects having been terminated or suspended — now has no effective policy to promote development of CCS flagship projects;
- I. whereas the general public should always receive a full and clear picture of the advantages of and possible threats from CCS before any projects are developed at commercial scale;

Raising ambitions

1. Recognises that CCS deployment has the potential to allow the EU to meet its 2050 low-carbon aspirations at least cost and that it is necessary in particular for decarbonising high CO₂ emitting industries; believes that it may also contribute to the diversity and security of energy supplies while maintaining and creating employment opportunities; affirms the urgent need to develop a range of full-chain CCS flagship projects so as to identify the best and economically most advantageous solutions, and calls on the Commission to set goals for the achievement of this objective; appreciates that, given the substantial investment required, instruments in addition to the EU emissions trading system (ETS) are needed to foster research and the technical and safe application of CCS;
2. Believes that although CCS might offer part of the solution to reach the goals for limiting greenhouse gas emissions, it would be even better if the Member States could reach these goals without the use of CCS;
3. Calls on the Commission to encourage CCS deployment not only in connection with coal and gas power generation but also in a range of industrial sectors such as chemicals, metallurgy, iron and steel, cement and refineries; insists that the Commission should address the issue of CCS deployment within the 2030 climate and energy framework, and should bring forward proposals for promoting the early construction of CCS flagship projects;
4. Calls on the Commission and the Member States to adopt far-reaching measures to foster international cooperation and to promote the use of technologies for mitigating the effects of climate change, in order to point expanding economies in the direction of developmental alternatives including, for example, CCS, which are less carbon intensive;
5. Believes that the Steel Action Plan should make specific reference to the need to develop CCS flagship projects within this sector;

Leading role of Member States

6. Recognises that CCS deployment cannot take place without support from Member States and private investors, and that the former have an absolute and sovereign right to encourage or prevent its application; notes that while certain Member States have indicated that they do not expect CCS to play a role in their emissions reduction strategies, this should not deter initiatives by those who consider that technology can play an effective role in their transition to a low-carbon economy;
7. Reminds the Commission that Parliament has called for legislation to require every Member State to produce a 2050 low-carbon strategy; suggests that these national roadmaps should be updated at five-yearly intervals; expects them to indicate whether and how CCS is to be deployed by the Member States concerned;

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8. Calls on the Commission to propose that Member States should be required to prepare and publish national low-carbon roadmaps prior to the United Nations Framework Convention on Climate Change conference in 2015;
9. Emphasises that, in the absence of a high carbon price, Member States that wish to promote deployment of CCS have the key role to play in providing a transparent revenue stream and such other financial support as may be necessary to secure the construction and operation of flagship projects, while enabling operators who face high first-mover costs to secure a return on their investment; notes that appropriate regulatory arrangements may also be required if CCS is to be deployed on a commercial basis; recognises the necessity of environmental safety standards being met;

EU regulation and funding

10. Calls on the Commission to consider creating an EU industrial innovation investment fund to support the development of innovative climate-friendly technologies including CCS flagship projects, other innovative low-carbon technologies, and measures to reduce CO₂ emissions from energy-intensive industries and their processes; suggests that this could be financed from the sale of allowances from the EU ETS; underlines that this should not lead to a new demand on the EU budget; recognises that in framing the parameters for the use of such a fund, account should be taken of experience gained from the limitations and inflexibility of the NER300 funding mechanism;
11. Believes that CCS policies and strategies should only be framed on the basis of sound evidence of the positive impact that they will have on the environment, on the stability of EU industry, on employment in the EU and on the affordability of energy prices for the public and for industry;
12. Believes that longer-term CCS support should be derived principally from an appropriate CO₂ price signal; suggests that the Commission should facilitate debate on possible options by carrying out an analysis of systems requiring the purchase of CCS certificates proving the CO₂ emissions avoided, through storage or treatment, in proportion to the CO₂ embedded within the fossil fuels placed on the market;
13. Requests that the Commission prepare guidelines for Member States with regard to the various financial and other mechanisms which they could deploy to support and incentivise CCS development, and to access support funds from within the EU budget;
14. Notes the decision of the European Investment Bank to prohibit lending for the construction of coal power plants that would emit more than 550 g CO₂/kWh; emphasises that without the financial support to develop CCS, the introduction of stringent emissions performance standards will be essential;
15. Suggests that the Commission should consider how use could be made of the EU Coal and Steel Research Fund to support CCS pre-commercial demonstration in these industrial sectors;
16. Appreciates the encouragement given by the Norwegian Government to CCS projects within the EU and expresses the wish that in negotiating the next programming period a request be made for funding support for CCS flagship projects;
17. Requests that the Commission assess the benefits of adopting and developing the Ciuden CCS pilot project in Spain, which has received some EUR 100 million in support funding from EU sources, as a European test facility for capture technologies and inland CO₂ storage;

Transport and storage sites

18. Acknowledges that significant financial savings can be made by establishing CCS clusters of industrial installations served by shared pipelines or other CO₂ transport systems; suggests that plant operators cannot generally be expected to take into account the future requirements of other installations, and that major investments such as trunk pipelines intended eventually to carry CO₂ from multiple sources could be developed through public-private sector partnerships; emphasises that Member States seeking the deployment of CCS may have a direct role to play in ensuring the provision of CCS transport and determining the availability of storage infrastructure;

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19. Calls for closer cooperation with the United States and Canada in the form of an exchange of expertise and good practices in the light of CCS activities undertaken in the context of the US-Canada Clean Energy Dialogue;
20. Insists that new low-carbon technologies should be regarded as complementary and not as being in competition with one another; stresses the fact that both renewable and CCS have roles to play in the future EU energy mix and that the latter should not be to the detriment of achieving the EU's mandatory renewables development target; calls for measures to promote the use of both technologies to be proposed within the 2030 climate and energy framework;
21. Notes that Europe's geology may provide an abundance of potential sites for the permanent sequestration of large quantities of CO₂, not least below the North Sea far from human habitation; supports EU measures and funding to establish a common definition of a storage site's character, identify appropriate storage locations across Europe, develop pilot projects, and prepare sites for commercial-scale storage on the territory of supportive Member States;
22. Calls on the Commission to promote the production of a European atlas of potential CO₂ storage sites;
23. Recognises that Article 6 of the London Protocol has been amended so that it no longer needs to provide a barrier to the cross-border transportation of CO₂ for sequestration; notes, however, that ratification of this change could take many years; calls on the Commission to clarify whether there are circumstances in which it will permit the cross-border transfer of CO₂ prior to ratification of the Protocol;

Storage liabilities

24. Notes the concern of some potential CCS developers that the requirements and liabilities placed upon them for the geological storage of CO₂ in sites approved by Member States are unquantifiable and excessive; recalls, however, the rules on responsibility for the storage of CO₂ laid down in the Directive on the geological storage of CO₂ (the CCS Directive) and the obligations incumbent upon holders of a storage permit;
25. Fully accepts that any accidental release of CO₂ from a storage site must be prevented and the environmental integrity of the project protected in accordance with Article 1 of the CCS Directive; calls on the Commission to offer guidance regarding the degree to which the details of compliance arrangements should be determined in advance through negotiation between potential operators and the competent authorities of the Member States concerned;
26. Points out that the CCS Directive gives Member States wide flexibility to determine the financial security to be provided by CCS operators and the period before which responsibility for a closed storage site is transferred to the competent authority; suggests that Member States that seek to promote CCS development will have to play a more entrepreneurial role and accept a greater share of the responsibilities than presently understood;
27. Calls on the Commission to revise its CCS Directive guidance documents to clarify these points;
28. Suggests that the CCS Directive requirement that in the event of CO₂ leakage operators must surrender allowances does not take into account the costly remedial efforts required; fears that this obligation puts a further obstacle in the way of CCS development; calls on the Commission to propose a revision in its assessment of the CCS Directive;

Capture and storage-ready status

29. Insists that it is no longer acceptable to invest in power plants or industrial installations likely to emit large quantities of CO₂ without regard to how this will be reduced in future;

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30. Highlights that, according to a Eurobarometer survey, the European population remains largely unaware of CCS but that those who are informed are more likely to support it; Calls on the Commission and the Member States to improve communication in order to raise public awareness of CCS, and believes that a wider understanding of CCS is crucial to public acceptance, and thus to the delivery, of CCS;

31. Notes that Member States are permitted to evaluate in different ways the provisions of the CCS Directive requiring an assessment of capture, transport and storage capability to be made prior to the granting of operating licences for power plants;

32. Calls on the Commission to suggest that it can be a condition — in the Member States that have decided to make use of CCS technology — of construction that adequate preparations for the implementation of CCS, or of other measures to reduce CO₂ emissions significantly, be made for all new fossil fuel power plants and high-emission industrial installations above an agreed size, except in the case of electricity demand peak shavers or when a Member State has complied with a legislative requirement to publish a roadmap indicating how it will meet its 2050 CO₂ reduction goals without the use of CCS;

33. Asks the Commission to analyse and submit a report on the level of CCS which would need to be deployed by certain key dates, for example 2030, in order for CCS to make a significant contribution to 2050 emissions reduction targets;

Carbon capture and use

34. Welcomes the various initiatives to make use of CO₂ in ways that reduce overall emissions into the atmosphere and create alternative products such as sustainable transport fuels; calls in particular for the Commission to assess urgently the potential for the secure use of CO₂ to enhance oil and gas recovery within the EU;

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35. Instructs its President to forward this resolution to the Council and the Commission.

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P7_TA(2014)0010

eHealth Action Plan 2012–2020

European Parliament resolution of 14 January 2014 on the eHealth Action Plan 2012-2020 — Innovative healthcare for the 21st century (2013/2061(INI))

(2016/C 482/03)

The European Parliament,

- having regard to the Commission Communication of 6 December 2012 entitled ‘eHealth Action Plan 2012-2020 — Innovative healthcare for the 21st century’ (COM(2012)0736),
 - having regard to the Commission Communication of 30 April 2004 entitled ‘e-Health — making healthcare better for European citizens: an action plan for a European e-Health Area’ (COM(2004)0356),
 - having regard to the Commission Recommendation of 2 July 2008 on cross-border interoperability of electronic health record systems (2008/594/EC),
 - having regard to the Commission Communication of 4 November 2008 entitled ‘Telemedicine for the benefit of patients, healthcare systems and society’ (COM(2008)0689),
 - having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the applications of patients’ rights in cross-border healthcare,
 - having regard to the Commission’s eHealth Strategies Report of January 2011 entitled ‘European countries on their journey towards national eHealth infrastructures’⁽¹⁾,
 - having regard to Rule 48 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 the Internal Market and Consumer Protection, the Committee on Regional Development and the Committee on Women’s Rights and Gender Equality (A7-0443/2013),
- A. whereas equal access to high-quality universal healthcare is internationally recognised — especially within the EU — as a fundamental right;
- B. whereas access to a healthcare system is in many cases restricted as a result of either financial or regional constraints (e. g. in sparsely populated areas), and eHealth systems can play an important role in improving these health inequalities;
- C. whereas the trust of patients in the healthcare services provided to them is crucial in order to guarantee high-quality healthcare;
- D. whereas Article 168 of the Treaty on the Functioning of the European Union stipulates that Union action must complement national policies and be directed towards improving public health, preventing physical and mental illness and diseases and obviating sources of danger to physical and mental health;
- E. whereas, therefore, Union action in the field of eHealth consists of helping all competent authorities at local, regional, national or state level to coordinate their efforts at national and cross-border levels and supporting their actions in fields where EU intervention can provide added value, the aim being to improve the quality of life of citizens;
- F. whereas the economic downturn implies cuts in national healthcare budgets, which implies that solutions must be found to increase the efficiency of healthcare systems and, hence, ensure their sustainability;

⁽¹⁾ http://www.ehealth-strategies.eu/report/eHealth_Strategies_Final_Report_Web.pdf

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- G. whereas eHealth should be a cost-effective and efficient way of providing healthcare to patients while aiming to reducing their medical expenses without placing undue burden on current national healthcare systems;
- H. whereas inequalities resulting from the digital divide will extend to healthcare inequalities if access to high-speed internet connections is not improved as eHealth services are expanded;
- I. whereas the organisational and cultural approaches to the way healthcare is delivered vary from one Member State to another, which is of significant value, in particular for encouraging innovation;
- J. whereas we are facing multiple cross-border health concerns;
- K. whereas there has been an increase in the mobility of the general public within the healthcare systems of their own countries, and whereas it is now more common for some patients to undergo medical treatment outside their country of residence;
- L. whereas article 4(5) of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare stipulates that Union action shall not affect laws and regulations in Member States on the use of languages;
- M. whereas there is little benefit to patients in unnecessarily repeating clinical tests when the results of these already exist in their medical records and can be accessed by healthcare professionals treating them in other places;
- N. whereas information and communication technology (ICT) has developed to such a point that it can be applied in eHealth systems, and whereas this has met with success in various Member States and in countries around the world, entailing numerous benefits at national level, in particular as a means of strengthening patient safety, facilitating a holistic approach to patient care, fostering the development of personalised medicine and increasing the efficiency — and thereby sustainability — of healthcare systems;
- O. whereas, however, further investment in research, development, evaluation and monitoring is required to ensure that eHealth systems (including mobile applications) lead to positive outcomes;
- P. whereas there is a need for ICT specialists, consumers, patients, informal carers, healthcare professionals in general — and doctors in particular — and the public health authorities to work together in this field;
- Q. whereas successful eHealth initiatives and projects like epSOS or the Virtual Physiological Human initiative have demonstrated the great value of eHealth solutions;
- R. whereas importance should be given to databases (such as cloud computing) and to the matter of where and how they are kept, and whereas the security of such databases must be a priority;
- S. whereas priority should be given to legal and data protection considerations relating to eHealth, and, as patients' health data is of an extremely sensitive nature, there is a need to balance data protection with access to data and to establish clarity regarding liability;
- T. whereas there is a need for regulatory frameworks regarding eHealth in all Member States;
- U. whereas EU guidelines for health professionals on how to use patients' data correctly are needed;
- V. whereas it is necessary to foster EU-wide use of standards in the design of eHealth systems, and to make the latter interoperable in the various Member States in order to guarantee their effectiveness on a European, cross-border scale, while also ensuring that standardisation actions only seek to ensure interoperability and do not result in a single player having a monopolistic position;

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- W. whereas not all citizens and healthcare professionals have the opportunity to use IT tools or the skills needed to take advantage of eHealth services;
- X. whereas, as a consequence, and in order to provide all the actors with the necessary knowledge and skills to engage in eHealth,
- professionals involved in healthcare should be given vocational training (including as part of their continuing professional development) in the use of ICTs applied in healthcare systems, and
 - patients and informal carers should be provided with assistance in the use of ICTs applied in healthcare systems;
- Y. whereas, due to longer life expectancy and the gender sensitivity of certain diseases, women are affected by chronic and disabling diseases to a greater extent than men;
- Z. whereas patients with chronic disease need a multidisciplinary approach;
- AA. whereas eHealth solutions have the potential to increase the well-being of — especially chronic — patients because it is easier to treat them at home;
1. Welcomes the Commission Communication entitled 'eHealth Action Plan 2012-2020: Innovative healthcare for the 21st century', which updates the eHealth Action Plan adopted in 2004 by putting in place further actions, especially as regards improving access to health services, reducing health costs and ensuring greater equality among European citizens; urges the Commission to continue working towards the wholesale adoption of eHealth throughout the EU;
 2. Considers that, for all its shortcomings, eHealth has great potential and could be of benefit to the professionals involved in healthcare, to patients and informal carers and to the competent authorities themselves;
 3. Points to the possibilities of eHealth applications that allow for decentralised healthcare policies at regional or local level and for adapting healthcare policies to local needs and differences;
 4. Considers that providing the tools necessary for harnessing public, real-time data will facilitate a better understanding of benefit-risk, the prediction of adverse events and improvements in the efficiency of health technology assessments;
 5. Emphasises that eHealth applications must be accessible to everyone and that, when developing any product or software application, accessibility should be a mandatory condition, in order to prevent any inequality with regard to access;
 6. Recommends that the necessary steps be taken to close the digital gap between the different regions of the Member States and to ensure that having access to and use of eHealth services does not become a source of social or territorial inequality, in order that they benefit all EU citizens equally, reaching patients who are not familiar with ICT technologies as well as those who otherwise would be excluded or underserved by national healthcare systems;
 7. Asks the Commission and the Member States to ensure equal access for women to the field of eHealth, not only as patients but also as caregivers (professional or not), ICT specialists and policymakers; highlights the fact that women are involved at all levels of the health sector throughout their lives;
 8. Calls on the Commission to encourage and promote eHealth services designed for (informal) family carers so as to support them in their often heavy caring tasks and to enable them to provide the best care possible;
 9. Points out that adoption of a 'eHealth culture' by healthcare professionals is paramount, as is the creation of conditions that lead to patients being empowered by and having trust in eHealth;

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10. Emphasises, in this respect, the importance of strengthening the role of healthcare professionals, and of patients and patient organisations, in the development and implementation of the eHealth Action Plan;
11. Stresses, in particular, the need to ensure that patients have the possibility of consulting and using information concerning their health, and asks, therefore, the Commission and the Member States to ensure patients' health literacy in order to enable effective implementation of eHealth tools;
12. Asks the Commission and the Member States to pay particular attention to digital literacy and to technical training in order to ensure that eHealth tools, especially telemedicine, are genuinely effective and accessible for the whole population;
13. Considers the proposed cuts to the Connecting Europe facility for broadband and digital services deeply regrettable, especially given the current crisis of competitiveness in the Union; hopes that financing for this area under Horizon 2020 will be maintained; encourages local and regional authorities to make effective use of EU funds to finance eHealth — without thereby reducing funding for traditional health services, such as by closing down community-owned hospitals — and to share health literacy knowledge;
14. Urges the Commission and the Member States to provide the economic, human and material resources necessary to ensure that access to and use of eHealth services will not add to the territorial inequalities already affecting access to existing ICT services;
15. Urges in particular the competent authorities within the Member States to make full use of the EU structural funds to improve internet connectivity and reduce the digital divide;
16. Calls on the Commission to support these efforts through the Digital Agenda for Europe, to facilitate the use of these funds for this purpose, while providing clear guidelines regarding funding in order to directly support the ICT and health sectors, and to engage further with telecom operators to encourage broadband mapping.
17. Calls on the Commission and the Member States to develop new eHealth tools that are accessible to and user-friendly for the elderly and for persons with disabilities;
18. Calls on the Commission to encourage eHealth solutions for isolated women, not only those living in remote areas but also home-bound women lacking the mobility and/or (social) support network they need in order to maintain their health and well-being;
19. Calls on the Commission and the Member States to play a major part in bringing different stakeholders together to share experience and best practices;
20. Calls, in the light of these considerations, for the establishment of a platform for collaboration in research between patients, academia, industry and professionals in order to ensure the delivery of an effective and all-inclusive eHealth policy.
21. Points out that the development of eHealth applications, including the use and re-use of health data, requires measures concerning confidentiality, data protection, liability and reimbursement in order to ensure that sensitive data are protected from hacking, illegal data selling or other forms of abuse; welcomes, in this respect, the Commission's intention to launch a study regarding the legal aspects of eHealth services;
22. Calls on the Commission and the Member States to bring forward guidelines and legislative proposals to fill the legal gaps that currently exist, in particular in the field of responsibilities and liability, and to ensure effective implementation of the eHealth system across the EU;
23. Urges in particular the Commission and the Member States to proceed with guidelines and legislation on the legal and data protection considerations relating to eHealth, in particular legislation enabling secure sharing, processing and analysis of data, in order to balance data protection with data access.
24. Calls on the Commission and the Member States to ensure good governance of operations related to health information on the internet;

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25. Stresses the need for doctors, other professionals involved in healthcare, patients and informal carers to be provided with continuous and specialised assistance and training in eHealth so as to help them develop their digital literacy and, hence, make the most of eHealth services without exacerbating social or territorial inequalities;

26. Believes that assistance and training should prioritise

(1) training in the use of IT tools and digital health training, upgrading the relevant skills for healthcare professionals; to this end, students and junior professionals should be provided with updated curricula on eHealth;

(2) at national and cross-border levels, IT literacy and awareness of eHealth services for patients;

27. Recommends that the opinions of doctors and other professionals involved in healthcare, along with those of patients associations, be taken into account, not only in the development of eHealth applications but also in their evaluation and monitoring;

28. Points to the importance of preserving a human dimension in healthcare, especially in view of the fact that the population is ageing and that it is therefore increasingly difficult to distinguish between medical and social aspects; calls, therefore, on the Commission to make sure that eHealth technologies will not become a substitute for the trusting relationship between patients and their (health)care professionals;

29. Calls on the Member States and the Commission to run eHealth awareness and IT literacy training campaigns (taking into account social and territorial inequalities) aimed at overcoming the lack of knowledge and trust among patients, the general public and healthcare professionals; believes that these campaigns should be tailored to suit each of the social groups targeted, since public information and active public participation are key to the effective development of new healthcare delivery models;

30. Urges the Member States to step up cooperation on eHealth at national and regional level, but also at cross-border level so that countries further advanced in this field can communicate what they have learned to those with less experience;

31. Calls on the Member States to share their experiences, knowledge and good practices, and to work among themselves, with the Commission and with stakeholders, to increase the effectiveness of patient-centred eHealth systems;

32. Stresses that, to this end, the Member States should continue to collaborate by means of electronic platforms that allow them to share good practices regarding eHealth systems and solutions, and that both the Commission and the Member States should support the connection between the different eHealth projects in the EU;

33. Underlines the potential of apps for mobile devices for patients, especially for those with chronic diseases, and encourages the development of helpful, specifically health-oriented apps with medically verified content;

34. Urges the Commission to come forward with an 'mHealth action plan' for mobile devices, which should include guidelines on market surveillance of mHealth apps in order to ensure data protection and the reliability of the provided health information, as well as to guarantee that these apps are developed under appropriate medical scrutiny;

35. Urges the Commission and the Member States to adopt standards for health-related mobile apps so as to ensure that the information transmitted is accurate, and to remedy the lack of legal clarity and transparency regarding the use of the data collected by such apps;

36. Urges the Commission and the Member States to continue working through pilot projects, such as epSOS and 'Renewing health', and/or the Virtual Physiological Human initiative in order to develop pan-European interoperability, and to continue to support innovative solutions for person-centred care, including advanced modelling and simulations, needed to achieve the aims of predictive and personalised medicine;

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37. Stresses that the organisation of healthcare systems falls under the competence of authorities in the Member States; urges, nevertheless, the Commission to continue to work with healthcare professionals, patients' associations, other key stakeholders and the competent authorities when framing its policies and addressing the conflicting priorities in eHealth, keeping in mind that the main priority is the access of patients to an effective and affordable healthcare system;
38. Stresses that eHealth creates new jobs in medicine, research and health-related services, and, in this regard, calls on the Commission to encourage national authorities to make use of EU funds to finance programmes for eHealth and cross-border health threats;
39. Calls on the Member States — given that the eHealth Action Plan is aimed at creating new job opportunities in the research, health, medicine and ICT sectors — to pay particular attention to the gender balance in education, training and recruitment in all these sectors;
40. Urges the Commission and the Member States to work together to develop sustainable funding models for eHealth services within national health budgets, and to consult other stakeholders, such as health insurance funds, national health institutions, healthcare professionals and patients organisations, when doing so;
41. Underlines the fact that innovations in the field of eHealth create business opportunities and contribute to future growth;
42. Stresses the need to step up research into eHealth systems, but to do so in a way that research expenditure does not impact directly on the cost of the service provided;
43. Urges the Commission to dedicate resources within future research and development framework programmes to eHealth;
44. Emphasises the need to guarantee that appropriate support is given to SMEs, in order to ensure a level playing field in the eHealth sector, boost SMEs' market access in this domain and ensure that they contribute to social and territorial cohesion;
45. Calls, therefore, on the Commission to support and facilitate SME eHealth projects by setting guidelines on the eHealth market and improving cooperation between SMEs, on the one hand, and stakeholders, research bodies and health insurance schemes, on the other, to create innovation for healthcare providers.
46. Stresses that, when it comes to SMEs developing ICT tools, there is a need for transparency and competition in order to ensure affordable prices for eHealth tools.
47. Calls on the Commission and the Member States to develop data standards for collecting, sharing and reporting on cross-border, health-related issues;
48. Urges the Commission and the Member States to work together with patients, and with other relevant stakeholders, to pinpoint eHealth tools and models to support the implementation and development of Article 12 of Directive 2011/24/EU, which deals with the development of European reference networks between healthcare providers and centres of expertise;
49. Urges the Commission and the Member States to continue their efforts to implement Article 14 of Directive 2011/24/EU on the application of patients' rights in cross-border healthcare, which is aimed at establishing an eHealth network;
50. Calls on the Commission to allow membership of all regional authorities that are competent for eHealth applications in the eHealth Network set up through Directive 2011/24/EU;
51. Stresses the need of an ethical code of practice for cross-border activities that is without prejudice to the principle of subsidiarity;

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52. Underlines that it is essential for patients to be able to access their own personal health data; stresses that patients, having given prior consent to the use of this data, should always be informed, in a clear and transparent manner, of how it is being processed;
53. Urges the Commission and the Member States to apply the processing standards for health-related personal data laid down in the proposal for a regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data, once that regulation has entered into force;
54. Points to the need to use international standards both in the modelling of information and in its exchange in all Member States, to develop international codes for eHealth professions and to harmonise the relevant definitions;
55. Welcomes, in this respect, the ongoing international collaboration with the WHO and the OECD;
56. Welcomes the EU-US cooperation on eHealth, characterised by on-going collaboration such as that developed in the context of the Memorandum of Understanding on cooperation surrounding health information and communication technologies, and including, notably, the jointly developed EC-HHS roadmap for the development of internationally recognised interoperability standards and interoperability implementation specifications for electronic health information systems;
57. Emphasises the need to ensure the technical standardisation and interoperability of ICT-enabled solutions and of data exchange at all levels of European healthcare systems, while developing guidelines for the EU-wide interoperability of these systems;
58. Stresses the importance of assuring interoperability between software applications used by patients and doctors, respectively, in order to attain better results and improve communication;
59. Welcomes the Commission's intention to propose an eHealth Interoperability Framework by 2015, and sees this as a very important step towards patient empowerment in eHealth; regards it important that this Framework includes the creation of standardised reporting in medical records as well as support for the development of medical devices, including a feature for the automatic electronic storage of medical records;
60. Emphasises the need to ensure that the cultural and linguistic diversity of the European Union is fully respected with regard to the technical standardisation and interoperability of European healthcare systems;
61. Calls for eHealth tools to be developed not only on the basis of technological and financial considerations, but also on their effectiveness and their worth in terms of improving health outcomes and quality of life, stressing that the overriding aim of the development of such tools should be the best interests of the patients, including the elderly and patients with disabilities;
62. Calls on the Member States, when promoting the plan, to stress the importance of the gender balance;
63. Urges the Commission and the Member States to promote a gender-balanced approach to healthcare and medicine and, when implementing the eHealth Action Plan, to take into consideration the specific needs of women and girls as healthcare beneficiaries;
64. Stresses the importance of global surveys in eHealth evidence-building;
65. Recommends that the Member States and the Commission, with the help of the European Institute for Gender Equality (EIGE), collect gender-disaggregated data on initial findings as regards the accessibility and impact of eHealth systems and tools, and calls for steps to be taken to share best practices in eHealth implementation;

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66. Recalls the need for the future eHealth Action Plan to guarantee the following key principles:

- optimising healthcare spending in times of economic crisis;
- strengthening and promoting applications and solutions for market development;
- ensuring the interoperability of healthcare and hospital information systems;

67. Calls on the Commission to publish every other year a progress review as regards the implementation of the eHealth Action Plan in the individual Member States, showing how this tool has been modified in innovative ways to provide citizens with high-quality and efficient healthcare systems, and, in the light of this, to set effective indicators at national and Union levels to measure the progress and impact of the actions planned, paying particular attention to potential discrimination or to access inequalities that could affect consumers and patients.

68. Instructs its President to forward this resolution to the Council and the Commission, to the Committee of the Regions and to the Member States.

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P7_TA(2014)0011

Food crisis, fraud in the food chain and the control thereof

European Parliament resolution of 14 January 2014 on the food crisis, fraud in the food chain and the control thereof (2013/2091(INI))

(2016/C 482/04)

The European Parliament,

- having regard to the five-point action plan ⁽¹⁾ presented by the Commission in March 2013 following the discovery of a vast network of fraudsters passing off horsemeat as beef,
 - having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules,
 - having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety,
 - having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC, and Commission Regulation (EC) No 608/2004,
 - having regard to the proposal for a regulation on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material [and] plant protection products (COM(2013)0265),
 - having regard to the report of the European Court of Auditors of 11 October 2012 on the management of conflicts of interest in four European Union agencies,
 - having regard to Rule 48 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 the Internal Market and Consumer Protection and the Committee on Agriculture and Rural Development (A7-0434/2013),
- A. whereas the general principles of EU food law, in accordance with Regulation (EC) No 178/2002, prohibit the marketing of unsafe food along with fraudulent practices, the adulteration of food, and any other practices which may mislead the consumer;
- B. whereas Regulation (EC) No 1924/2006 on nutrition and health claims made on foods and Regulation (EU) No 1169/2011 on the provision of food information to consumers lay down detailed provisions in relation to the ban on misleading advertising and labelling practices;
- C. whereas the EU regulatory framework in place for food safety and the food chain has provided a high level of food safety for EU consumers until now; whereas the current legislation is, however, still fragile and not always reliable, and therefore there is a need for improvements on the ground;

⁽¹⁾ http://ec.europa.eu/food/food/horsemeat/plan_en.htm.

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- D. whereas, at the same time, recent food fraud cases have damaged consumer trust in the food chain, having a negative impact on the agro-food sector, as these scandals damage the overall image of this key sector of the EU economy; whereas restoring the confidence of consumers of European agri-foods both inside and outside the EU is of paramount importance; whereas it must, however, be stressed that the vast majority of European agri-foods are of excellent quality and therefore deserve international recognition;
- E. whereas transparency is a key component of the approach adopted by the Commission and Member States towards food safety controls;
- F. whereas the agro-food sector is one of the biggest economic sectors in the EU, providing 48 million jobs and worth EUR 715 billion annually;
- G. whereas individual cases of food fraud have a negative impact on the image of the entire agro-food sector;
- H. whereas EU food law is very detailed in the area of food safety and includes controls and tests for residues and other contamination of food and feed, but whereas there is no framework in place specifically to target food fraud, other than the general stipulation that consumers may not be misled;
- I. whereas problems are also found in the implementation of the current legislation and there is a need to have more effective official controls on food of animal origins at each stage of the food chain;
- J. whereas no statistics exist on the incidence of food fraud in the EU, and whereas the Commission has only recently identified food fraud as a new area of action;
- K. whereas recent cases of fraud include, for example, the marketing of horsemeat as beef and the marketing of the meat from horses treated with phenylbutazone as edible horse meat, the marketing of ordinary flour as organic flour, of battery cage eggs as organic eggs, of road salt as food salt, the use of methanol-contaminated alcohol in spirits, the use of dioxin-contaminated fats in animal feed production and the mislabelling of fish species and seafood products;
- L. whereas food fraud generally occurs where the potential for and the temptation of food fraud are high and the risk of getting caught and sanctions are low;
- M. whereas the food supply chain is often long and complex, involving many food-business operators and other parties; whereas consumers are increasingly unaware of how their food is produced and individual food business operators do not always have, and are not required to have, an overview of the entire product chain;
- N. whereas the massive-scale fraud of horsemeat meals throughout Europe is the symptom of an uncontrollable globalised supply system, cut-price agri-food productivism and an incomplete labelling system;
- O. whereas traders and intermediaries in the food chain are not always registered and certified as food business operators; whereas the Commission and the Member States are often uncertain as to how many non-registered traders are active;
- P. whereas following serious incidences of food fraud, convicted fraudulent food business operators are sometimes closed down by national competent authorities; whereas these businesses soon after re-register elsewhere and continue trading as before; whereas information exchange between Member States on convicted fraudulent businesses would improve the monitoring of these businesses in order to prevent them from pursuing new fraudulent activities;

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- Q. whereas responsibility for implementing and enforcing EU food law lies with the Member States and whereas enforcement and control are thus mostly limited to the national level, as a result of which an EU-wide cross-border overview is limited to non-existent;
- R. whereas national authorities tend to focus their controls on food safety and do not prioritise food fraud, often due to a lack of capacity and resources;
- S. whereas the competent authorities of some Member States have specialised police units to combat food fraud; whereas controls in some Member States are partly delegated to private control bodies; whereas in other Member States controls are carried out wholly by the competent authorities;
- T. whereas the Rapid Alert System for Food and Feed is a useful tool for the rapid exchange of information between Member States and the Commission, for example in the recent horsemeat fraud case;
- U. whereas the Commission's Food and Veterinary Office (FVO) is responsible for checking on compliance with EU food safety and quality requirements, and whereas its audits are typically announced in advance and prepared in conjunction with the competent authorities; whereas the number of audits per year is restricted by the FVO's limited capacity; whereas the FVO has indicated that it is not currently equipped or trained to focus on food fraud;
- V. whereas the warnings concerning the increase in the number of horses being slaughtered in some Member States have been completely ignored by the competent authorities, in particular the FVO;
- W. whereas Europol has observed a rise in the number of food fraud cases and expects this trend to continue, along with the growing involvement of criminal organisations in food fraud;
- X. whereas Europol's information system can be used by Member States to share information about cross-border investigations; whereas Europol can only assist Member States with its expertise, analytical tools and databases at their request; whereas in the horsemeat fraud case, Member States were initially reluctant to work with Europol;
- Y. whereas since 2011, Europol has successfully conducted several OPSON operations on counterfeit and substandard food products; whereas in carrying out these operations, Europol cooperates with Interpol, Member State authorities, non-EU countries and private partners;
- Z. whereas labelling the country or place of origin of meat and meat products in itself does not prevent fraud; whereas the origin of a food product partly determines the price of the food product in some cases;
- AA. whereas the conclusion of the free trade agreements currently envisaged by the EU could serve to weaken European food safety legislation;
- AB. whereas a fresh effort must be made to understand fraud in an economic context characterised by the global financial crisis and by social dumping both inside and outside the EU;
- AC. whereas trading practices serve to foster a race to the bottom as regards quality, safety and transparency, and have an impact on the profit margins of the whole sector;
- AD. whereas distribution practices and the use of distribution intermediaries are destabilising production markets by cutting producers' margins;

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Food fraud: scope and definition

1. Deplores the fact that combating food fraud is a relatively new issue on the European agenda, and that in the past it has never been a key priority for legislation and enforcement at EU and national level;
2. Expresses its concern about the potential impact of food fraud on consumer confidence, food safety, the functioning of the food chain and the stability of agricultural prices, and emphasises the importance of quickly restoring European consumers' confidence;
3. Calls, therefore, on the Commission to give food fraud the full attention it warrants and to take all necessary steps to make the prevention and combating of food fraud an integral part of EU policy;
4. Underlines the need to gain further insight into the scale, incidence and elements of cases of food fraud in the EU; calls on the Commission and the Member States to collect data systematically on fraud cases and to exchange best practices for identifying and combating food fraud;
5. Notes that EU law does not currently provide a definition of food fraud and that Member States adopt different methodologies in the definition thereof; considers a uniform definition to be essential for the development of a European approach to combating food fraud; stresses the need to adopt swiftly a harmonised definition at EU level, based on discussions with Member States, relevant stakeholders and experts, including elements such as non-compliance with food law and/or misleading the consumer (including the omission of product information), intent and potential financial gain and/or competitive advantage;
6. Emphasises the fact that, given the nature of the EU single market, food fraud extends in many cases beyond the borders of Member States and becomes a threat to the health of all European citizens;
7. Notes that recent food fraud cases have exposed different types of food fraud, such as the replacement of key ingredients with cheaper or lower quality alternatives, the incorrect labelling of the animal species used in meat or seafood products, the incorrect labelling of weight, the sale of ordinary foods as organic, the unfair use of quality logos designating origin or animal welfare, the labelling of aquaculture fish as fish caught in the wild or the marketing of an inferior variety of fish under the name of a superior category or a more expensive species, and the counterfeiting and marketing of food past its 'use-by' date;
8. Points out that foods which are often subject to fraudulent activities include olive oil, fish, organic products, grains, honey, coffee, tea, spices, wine, certain fruit juices, milk and meat;
9. Is concerned about signals indicating that the number of cases is rising and that food fraud is a growing trend reflecting a structural weakness within the food chain;

Contributing factors

10. Notes that food fraud generally occurs where the potential financial gain is high, and the risk of getting caught low; considers it untenable that committing food fraud in the EU is lucrative and that the chances of getting caught are relatively low;
11. Points to the complexity and cross-border character of the food chain, in combination with the predominantly national character of controls, sanctions and enforcement, a situation which is believed to increase the risk of food fraud; believes that better traceability of ingredients and products within the whole food chain would help to combat fraud;

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12. Underlines the need to pay great attention to controls on imported goods from third countries and their compliance with EU standards on food and feed safety;

13. Also draws attention to other factors often cited as contributing to food fraud, such as the current economic crisis, the austerity measures affecting control agencies and pressure from the retail sector and others to produce food ever more cheaply;

Lessons learned and recommendations

Institutional framework

14. Welcomes the Commission's decision to set up a food fraud team and acknowledges the efforts made by Europol in the fight against food fraud; encourages the Commission to consider the development of an EU Reference Laboratory (EURL) for food authenticity;

15. Welcomes the Commission's plan to organise a conference on food fraud in 2014 in order to raise awareness among relevant actors;

16. Is convinced that unannounced independent inspections are essential to ensure effective implementation of food safety and labelling standards; believes, therefore, that unannounced inspections should be the norm;

17. Calls on the Commission to enlarge the focus of FVO audits to include food fraud; considers that the FVO and Member States should make use of regular, independent and mandatory unannounced inspections in identifying intentional violations to ensure adherence to the highest standards of food safety; believes that it is important to have a transparent approach to the way in which official controls and inspections are carried out and to make public the reports and outcomes of controls and inspections regarding food operators in order to restore and maintain consumer confidence;

18. Regrets the limited visibility and uptake of FVO reports and audits by the Commission and Member States; calls on the Commission to follow up FVO reports and recommendations more vigorously;

19. Calls on the budgetary authority to increase the capacity and resources of the FVO and of the Commission's food fraud team;

20. Expresses concern at the reduction in funding in the EU for the bodies which carry out these key monitoring tasks;

21. Calls on the Member States and European regions to provide control bodies with sufficient personnel, financial and technical resources;

22. Underlines the fact that efficient controls and inspections should be carried out in such a way that does not create unnecessary administrative burdens for SMEs;

23. Suggests holding an annual hearing of the FVO in its ENVI Committee to discuss completed and future audits before the FVO adopts its work programme for the following year;

24. Calls on the Member States to ensure that the issues raised by the FVO are properly acted on and addressed;

25. Notes that any changes to the process for review and prioritisation of the work programme of the FVO should not change the legal process for the adoption of FVO work programmes;

26. More specifically, urges the Commission and Member States to act on the findings of FVO audits with regard to fraudulent medical treatment records of animals destined for slaughter for export to the EU, and to exclude meat and other animal products from third countries, which cannot be guaranteed to be compliant with EU food safety requirements, from being placed on the EU market;

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27. Notes that Member States often struggle to successfully prosecute fraudulent food business operators operating across EU borders, owing to jurisdiction issues; regrets the fact that Member States do not systematically cooperate with Europol in cross-border cases of food fraud, but work bilaterally;

28. Recognises the importance of whistle-blowers in uncovering fraudulent practices in the food sector; calls on the Member States to create the right conditions to enable whistle-blowers to denounce malicious practices safely and anonymously;

29. Believes that national competent authorities should inform the public, to the extent possible and appropriate, of product recalls and other measures taken by competent authorities in incidences of food fraud;

Legislative framework

30. Considers that official controls should focus not only on food safety issues, but also on preventing fraud and the risk of consumers being misled; welcomes the fact that the Commission's proposal for a review of official controls incorporates extra controls in respect of food fraud where competent authorities have reason to suspect fraudulent behaviour by an operator;

31. Observes that some Member States partly delegate controls to private control bodies; stresses that Member State competent authorities should always supervise control systems and verify, certify and scrutinise all private control systems to ensure that they comply with national and international standards in order to make their findings accessible to public agencies;

32. Rejects any plans to delegate inspection tasks from public authorities to economic operators;

33. Believes that the role of traders and the legislative framework applicable to business-to-business sales should be clarified;

34. Believes that all commercial operators which process, trade or store raw materials, food ingredients or food products in the human food chain, including traders and owners of cold stores, should be registered as food business operators and be subject to controls;

35. Believes that food business operators should be able to tell where the food or ingredients used are sourced from, meaning that each food business operator within the production chain bears their share of the responsibility for the end product;

36. Acknowledges the importance of clear and transparent business-to-business and business-to-consumer labelling and calls on the Commission to review EU food law in this area, to reduce the risk of food fraud;

37. Calls for greater awareness and improved monitoring of business-to-business and business-to-consumer labelling of frozen foods; calls on the Commission to present a proposal on the obligatory labelling of meat and fish which indicates whether the products have been frozen, how many times they have been frozen and for how long;

38. Believes that, even though it is not per se a tool for combating food fraud, labelling the country of origin can help to ensure better traceability along the food supply chain, more stable relationships between meat suppliers and processors, increased diligence when food business operators choose their suppliers and products, and more reliable information for consumers, thus restoring consumer confidence;

39. Recalls that Regulation (EU) No 1169/2011 stipulates that the Commission will adopt, by December 2013, implementing acts regarding the mandatory labelling of the country of origin, the labelling of meat from swine, sheep, goats and poultry, and the voluntary labelling of food following an impact assessment;

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40. Calls on the Commission to come forward swiftly with these implementing acts on the labelling of fresh meat from swine, sheep, goats and poultry, drawing inspiration from the rules already applicable to non-processed beef and veal, ensuring that consumers are informed about animals' places of birth, rearing and slaughter, while taking into account existing national and regional systems for indicating the origin of meat;
41. Recalls, furthermore, that Parliament has previously called for origin labelling for meat in processed foods, and that the Commission is working on a report on mandatory origin labelling for meat used as an ingredient; urges the Commission to present swiftly its report and follow up with legislative proposals making the indication of the origin of meat in processed foods mandatory, while taking into account its impact assessments and avoiding excessive costs and administrative burdens;
42. Calls for the better labelling of processed products which contain fish, in particular as regards the origin of the fish and the fishing techniques used;
43. Calls on the Commission to accelerate its efforts, together with stakeholders and the Member States, to explore the scope and need for the introduction of electronic certification systems in the food chain, which could reduce the likelihood of fraud based on paper certificates;
44. Requests that the Commission establish a centralised European register for horse passports in order to prevent the fraudulent issuing of duplicate passports;
45. Expresses concern at the lack of a European legislative framework governing meat from cloned animals;
46. Calls on the Commission to develop a method of tracing and identifying meat from cloned animals, for example by setting up an international database containing genetic information about cloned animals;

Corporate responsibility

47. Considers it valuable that, in addition to and not replacing the system of official controls for the food sector, the sector itself proactively develops and uses private-sector anti-fraud initiatives such as product integrity checks, self-monitoring, analysis, product-tracing plans, audits and certification, and welcomes current initiatives such as the Global Food Safety Initiative and the Food Fraud Initiative at Michigan State University;
48. Calls on the Commission and the Member States to consider imposing a legal obligation on food business operators to report to competent authorities about the incidence of food fraud cases;
49. Believes that the retail sector has a special responsibility to guarantee the integrity of food products and to demand from its suppliers a safe and secure supply chain; believes that it is the responsibility of retailers to check at least the formal compliance with labelling rules; deplores the pressure on primary producers from retail and other food business operators to produce ever more cheaply, often at the expense of the quality of the foodstuffs or ingredients;
50. Notes that food business operators currently do not always know the source of the ingredients they use; notes, in this connection, that short supply chains (local and regional) can guarantee greater transparency and can replace the long and complicated supply chains which played a major role in the food fraud crisis;
51. Calls on the Commission to put forward legislative proposals, pursuant to Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, for a 'local marketing and direct sales' label to help promote the markets concerned and help farmers in adding value to their produce;

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Enforcement and controls

52. Calls on the Commission, pursuant to Articles 7 and 17 of Regulation (EU) No 1169/2011 on the provision of food information to consumers, to pursue and prevent the marketing of products which remain on the market under a deliberately inaccurate or misleading name, since this is also to be considered a type of food fraud;

53. Is convinced that a change of attitude is needed within the competent authorities, moving from an administrative and veterinary approach towards a policing approach, based on the experience of the Danish Food Administration's 'flying squad' and of the Arma dei Carabinieri and the Guardia di Finanza in Italy; stresses that such an approach is dependent on designated courts being staffed by judges with expertise in food law;

54. Stresses that the carrying-out of controls should be risk-based and include the development of risk profiles and vulnerability assessments for each supply chain and food product, drawing on ongoing academic studies which combine knowledge in the areas of food authenticity and criminology, such as the research being carried out by VU University Amsterdam and the University of Wageningen;

55. Calls on the Commission and Member States to further stimulate European and national research and development programmes to develop and implement technologies and methods used to detect food fraud, such as sensor technology, data analysis and the fingerprinting of products, and to facilitate the commercial availability of tests in the short term; acknowledges the existing European research projects on food integrity and authenticity, such as TRACE and AuthenticFood;

56. Recommends that the FVO and national authorities include in their audits so-called mass balance checks on input, output and waste flows;

57. Urges for the improvement of coordination and communication between the national authorities responsible for investigating food fraud, thereby helping Member States to step up their efforts to combat this problem; calls, therefore, on the Commission, as a matter of urgency, to put in place an electronic system, based on the existing Rapid Alert System for Food and Feed (RASFF) as the Commission has suggested, to enable the rapid exchange of information between Member States and the Commission in cases of food fraud; calls for the publication of annual reports outlining cases of food fraud that have been uncovered, by analogy with the RASFF reports;

58. Calls for the establishment of an anti-food fraud network as a means of improving coordination among the competent European bodies (Europol, Eurojust, FVO), thus preventing and detecting food fraud more effectively;

59. Suggests introducing DNA testing as a standard procedure in spot checks for determining species, especially regarding meat and fish products, and to establish a centralised DNA database to this end;

60. Calls on the Commission to address loopholes in existing food safety and traceability rules related to imports of food from third parties, which bear a higher risk of food fraud;

61. Insists that the free trade agreements negotiated by the EU must not give rise to changes in European food safety and food security legislation or any scaling down of efforts to enforce that legislation;

62. Believes that the outcomes of controls should be made public in a way that is easily accessible to and understandable for consumers, for example in the form of a rating scheme; is convinced that this would help consumers in making decisions and also provide incentives for food business operators to perform well;

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Sanctions

63. Welcomes the Commission proposal to strengthen penalties in order at least to offset the estimated economic advantage sought through the violation, but considers that this is not dissuasive enough; believes that the Member States should set penalties for food fraud which are at least double the estimated amount of the economic advance sought through the fraudulent activity; deems it necessary, as an extra deterrent, that Member States set even higher penalties, including criminal law penalties, for fraudulent cases in which public health is deliberately endangered, or in cases of fraud involving products aimed at vulnerable consumers; proposes, furthermore, that in the event of repeated offences the food business operator's registration be withdrawn;

64. Regrets that the Commission does not have an overview of the different national systems of sanctions for food fraud offences and of the functioning of these sanction regimes based on EU legislation; calls on the Commission to obtain such an overview as soon as possible;

65. Calls for greater account to be taken of animal welfare and for more stringent penalties to be applied if the relevant rules are breached;

66. Calls on the Commission to collect data from the Member States and to report on the different regimes in the Member States as regards the type and level of sanctions for food fraud offences and the functioning of the sanction regimes;

67. Invites the Commission and Member States also to consider other methods which aim to prevent and discourage food fraud, such as naming and shaming through a European register of convicted fraudulent food business operators;

68. Calls for the extension of current traceability regimes and for the systematic implementation of the 'step-free' traceability provided for in basic Regulation (EC) No 178/2002 covering food and feed, food-producing animals, and all other substances destined for this purpose or which can be expected to be used in the production of food or feed; calls for the entire food chain in Europe, including all stages of production, processing and sales and distribution to be transparent and fully open to scrutiny by inspectors in order to ensure that fraudulent food products can be quickly identified;

69. Recommends the introduction of an obligation for all research laboratories and their staff to notify the competent supervisory authorities of the results of all food and feed tests which suggest that fraud may have occurred or are relevant to combating fraud;

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70. Instructs its President to forward this resolution to the Council and the Commission.

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P7_TA(2014)0012

Effective labour inspections as a strategy to improve working conditions**European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe (2013/2112(INI))**

(2016/C 482/05)

The European Parliament,

- having regard to the Treaty on European Union, in particular the preamble and Articles 3 and 6 thereof,
- having regard to the Treaty on the Functioning of the European Union, in particular Articles 6, 9, 145, 151, 152, 153, 154, 156, 159 and 168 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 3, 27, 31, 32 and 33 thereof,
- having regard to the European Social Charter of 3 May 1996, in particular Part I and Part II, Article 3 thereof,
- having regard to the International Labour Organisation (ILO) fundamental labour standards and to its conventions and recommendations on labour administration and labour inspection (Conventions 81 and 129), which are an international benchmark for ensuring that legal provisions concerning working conditions and worker protection are applied,
- having regard to Convention 143 on migrant workers (1975) and the ILO's supplementary provisions on migrant workers, which provide for the adoption of all necessary and appropriate measures to suppress clandestine movements of migrants for employment and the illegal employment of migrants; having regard also to the provisions regarding the application of administrative, civil and penal sanctions in respect of the illegal employment of migrant workers,
- having regard to the Decent Work Agenda of the ILO,
- having regard to the ILO conventions and recommendations in the field of health and safety at the workplace,
- having regard to Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work ⁽¹⁾,
- having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (framework directive) ⁽²⁾ and to its individual directives,
- having regard to Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time ⁽³⁾,
- having regard to the resolution of the Council and the representatives of the Member States, adopted in the Council meeting of 22 April 1999 on a Code of Conduct for improved cooperation between authorities of the Member States concerning the combating of transnational social security benefit and contribution fraud and undeclared work, and concerning the transnational hiring-out of workers ⁽⁴⁾,
- having regard to Council Directive 1999/85/EC of 22 October 1999 amending Directive 77/388/EEC as regards the possibility of applying on an experimental basis a reduced VAT rate on labour-intensive services ⁽⁵⁾,

⁽¹⁾ OJ L 354, 31.12.2008, p. 70.

⁽²⁾ OJ L 183, 29.6.1989, p. 1.

⁽³⁾ OJ L 299, 18.11.2003, p. 9.

⁽⁴⁾ OJ C 125, 6.5.1999, p. 1.

⁽⁵⁾ OJ L 277, 28.10.1999, p. 34.

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- having regard to Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals ⁽¹⁾,
- having regard to the Commission Communication of 24 October 2007 entitled Stepping up the fight against undeclared work (COM(2007)0628),
- having regard to the Commission Communication of 24 October 2007 on the Outcome of the Public Consultation on the Commission's Green Paper 'Modernising labour law to meet the challenges of the 21st century' (COM(2007)0627),
- having regard to the Commission Communication of 3 March 2010 entitled 'EUROPE 2020 A strategy for smart, sustainable and inclusive growth' (COM(2010)2020), and to its main objective which is to increase employment levels to 75 % by the end of the decade in the European Union,
- having regard to its resolution of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work ⁽²⁾,
- having regard to its resolution of 9 October 2008 on stepping up the fight against undeclared work ⁽³⁾,
- having regard to its resolution of 23 May 2007 on promoting decent work for all ⁽⁴⁾,
- having regard to its resolution of 11 July 2007 on modernising labour law to meet the challenges of the 21st century ⁽⁵⁾,
- having regard to its resolution of 26 October 2006 on implementation of Directive 96/71/EC on the posting of workers ⁽⁶⁾,
- having regard to its resolution of 26 March 2009 on the social responsibility of subcontracting undertakings in production chains ⁽⁷⁾,
- having regard to its resolution of 23 May 2013 on labour conditions and health and safety standards following the recent factory fires and building collapse in Bangladesh ⁽⁸⁾,
- having regard to the Integrated Guidelines for growth and jobs (2008-2010) (COM(2007)0803),
- having regard to the Council Recommendation of 22 December 1995 on harmonising means of combating illegal immigration and illegal employment ⁽⁹⁾,
- having regard to the Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals ⁽¹⁰⁾,
- having regard to the report by the European Foundation for the Improvement of Living and Working Conditions (Eurofound) on tackling undeclared work in the European Union,
- having regard to the Special Eurobarometer on undeclared work,
- having regard to the study 'ICENUW — Implementing Cooperation in a European Network against undeclared work' (2010),

⁽¹⁾ OJ L 168, 30.6.2009, p. 24.

⁽²⁾ OJ C 168 E, 14.6.2013, p. 102.

⁽³⁾ OJ C 9 E, 15.1.2010, p. 1.

⁽⁴⁾ OJ C 102 E, 24.4.2008, p. 321.

⁽⁵⁾ OJ C 175 E, 10.7.2008, p. 401.

⁽⁶⁾ OJ C 313 E, 20.12.2006, p. 452.

⁽⁷⁾ OJ C 117 E, 6.5.2010, p. 176.

⁽⁸⁾ Texts adopted, P7_TA(2013)0230.

⁽⁹⁾ OJ C 5, 10.1.1996, p. 1.

⁽¹⁰⁾ OJ C 304, 14.10.1996, p. 1.

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- having regard to the study ‘CIBELES: Convergence of Inspectorates building a European Level Enforcement System’,
 - having regard to the study on ‘Indirect measurement methods for undeclared work in the EU’ (2010),
 - having regard to the study on ‘Feasibility of establishing a European platform for cooperation between labour inspectorates and other relevant monitoring and enforcement bodies with the aim of preventing and fighting undeclared work’ (2010, Regioplan),
 - having regard to the judgement of the European Court of Justice of 19 December 2012, C-577/10, European Commission v Kingdom of Belgium,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs (A7-0458/2013),
- A. whereas labour inspection plays an important role in protecting employees’ rights, ensuring health and safety at the workplace and combating unsafe working environments, preventing breaches of employment protection rules and promoting fair and socially responsible economic growth, inasmuch as it helps to ensure that wages are actually paid and social security contributions are made, thus increasing tax revenue and the inflow of money to social security systems and ensuring that employees are covered for sickness, accidents at the work place and pensions;
- B. whereas Member States employ a range of models in delivering different specific inspections of the workplace;
- C. whereas there is a growing need for labour inspection in connection with the posting of workers around Europe;
- D. whereas labour inspection plays a key role in ensuring that rights are turned into reality by ensuring that laws are respected, actors know their rights and obligations, and accidents as well as abuse can be prevented;
- E. whereas labour inspections should be stepped up at SMEs and on small construction sites;
- F. whereas the responsibility of multinational companies for the working conditions, livelihood and health of the workers who produce goods and provide services does not end at the shop door or the factory gate, nor can it be guaranteed by agreements on corporate social responsibility (CSR) alone;
- G. whereas the outsourcing of work through subcontracting and temporary agency work often involves less skilled labour, and looser employment relationships, which makes it more difficult to determine who has responsibility for occupational health and safety (OHS);
- H. whereas undeclared work has negative consequences for Member States’ economies and for the financial sustainability of the European social model, undermines the funding and provision of social benefits and public services, and imposes insecurity, vulnerability and poverty on the people concerned, both while they are working and in their old age;
- I. whereas labour inspectors play an essential role in protecting workers’ rights, preventing abuses and promoting economic and social development;
- J. whereas one consequence of the economic crisis has been increasing workloads, placing workers under additional pressure, especially through changes in working hours, and whereas efforts to monitor working conditions must therefore be stepped up;
- K. whereas new types of employment relationship, which are increasingly hard to provide for under the existing regulations, continue to emerge;

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- L. whereas irregularly employed workers suffer from secondary negative consequences such as a lack of access to information, occupational health services and training, and the psychological constraints imposed by the fear of having an accident or being caught, which in return affects the productivity of companies and the economy as a whole, as well as from long-term consequences such as having no right to old-age pension or having very low pension benefits, leading to a higher poverty risk;
- M. whereas undeclared work distorts competition in the single market as it allows certain companies to compete unfairly against others;
- N. whereas the consolidation of a genuine common market is intrinsically linked to the elimination of all forms of social dumping;
- O. whereas undeclared work currently accounts for 18,8 % of GDP in the EU 27 and for over 30 % in certain countries;
- P. whereas, in many Member States, the incidence of undeclared work is still on the increase, inter alia as a result of the crisis;
- Q. whereas measures on whistleblowing are necessary to facilitate the detection of abuse and to ensure the protection of the whistleblower, and whereas the EU and the Member States have a duty to provide full protection for whistleblowers;
- R. whereas 168 000 European citizens die every year from work-related accidents or diseases and 7 million are injured in accidents ⁽¹⁾;
- S. whereas risk prevention is key to reducing the rate of work-related accidents and sickness; whereas good occupational health and safety management has a positive effect at both national and European level and for companies;
- T. whereas inspection systems to a greater or lesser degree lack the staff and funding necessary for conducting labour inspections effectively; whereas, as a result, there is too little strategic human-resources planning for labour inspection authorities in the EU, their staff numbers are steadily declining in many countries and, at the same time, the inspectors' work is becoming ever more complex;
- U. whereas fragmentation of the employment market, combined with uncontrolled and unregulated expansion of certain employment arrangements in some Member States, is depressing pay levels substantially and thereby creating a situation likely to aggravate further the problem of undeclared work;
- V. whereas the sectors in which undeclared work is most prevalent are highly-labour intensive ones, such as construction, security, cleaning and domestic services, and residential and care services, characterised by insecure conditions of employment and remuneration;
- W. whereas there is a close connection between irregular immigration and undeclared work since people resident in Europe illegally are not allowed to take up normal employment and are therefore not covered by any protection system;
- X. whereas workers who do undeclared work have no social security, health or accident insurance, and are thus at increased risk of personal financial loss;
- Y. whereas labour inspection of cross-border services and employment relationships is a matter of cross-border concern, and cross-border access to data is inadequate;
- Z. whereas many workers doing undeclared work find themselves in that situation not of their own volition but because they have been coerced;

⁽¹⁾ EU-OSHA.

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I. Inspection measures at national level

Principles for effective labour inspection

1. Highlights the fact that while labour inspection is a public service task which should only be carried out by independent public bodies, this should not preclude labour inspections being assisted by representatives of the social partners; believes that the independence of OHS services vis-à-vis the employer must be guaranteed; considers, as far as occupational health is concerned, that monitoring, alerts, health expertise and the provision of sound health-related advice can only be handled by independent health and safety professionals; considers it regrettable that the management of OHS is still being carried out, in certain Member States, by employer associations; stresses that the inspection and monitoring of occupational health need to be handled by independent inspectors trained in health and safety;
2. Stresses the importance of drawing up national action plans for strengthening labour inspection mechanisms, and for financing them through the European Structural Funds, in view of the added value of effective labour inspections in underpinning social cohesion and, in general, consolidating justice at the workplace;
3. Points out that labour inspectorates have a vital role to play in prevention and monitoring and also help to enhance expertise and information provision at company level; urges the Member States to increase the staffing levels of, and the resources available to, their labour inspectorates and to meet the target of one inspector for every 10 000 workers, as recommended by the ILO, as well as to impose more severe penalties on firms that fail to comply with their obligations concerning fundamental rights (salaries, working hours and OHS); considers that the penalties in such cases must be effective, proportionate and dissuasive;
4. Points out that all categories of worker, employed or self-employed and irrespective of their status, employment relationship or origin, come under the responsibility of the national inspection authorities and must enjoy the same degree of protection; stresses that attempts to limit the scope of labour inspection may have a negative impact on employees' health and safety, as well as on their rights;
5. Stresses the need to enhance the role of national labour inspectorates, provide training for their senior staff and coordinate their responsibilities so as to meet successfully the new inspection challenges;
6. Considers that labour inspection can be effective only if the relevant authorities are adequately funded and have enough staff; voices its concern at the understaffing of Member States' inspection authorities and the lack of further training, in particular on Europe-wide issues; calls on the Member States to strengthen their inspection systems as this should be an essential part of national plans to respond to the economic crisis; points out that labour inspections play a vital role by verifying that legislation in force is fully implemented as well as by ensuring that especially vulnerable workers are covered and protected;
7. Points to the need for uniform training of labour inspectors and others in this field, with a view to tightening up enforcement of EU labour law;
8. Stresses that the financial reforms being carried out in certain Member States must under no circumstances result in reductions of the manpower, funding, and material and technical infrastructural resources of labour inspectorates;
9. Points out that legal obligations and employee demands appear to be the two main reasons why employers introduce prevention policies ⁽¹⁾;
10. Believes that without adequate risk assessment it is impossible to protect workers properly; believes that SMEs need to be helped to set up risk prevention policies; stresses the positive role played by simple, free and targeted initiatives, such as the Online interactive Risk Assessment (OiRA) developed by the European Agency for Safety and Health at Work (EU-OSHA);

⁽¹⁾ EU-OSHA, Esener survey, 2009.

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11. Reminds the Member States that they have all signed and ratified International Labour Organisation Convention No 81 on labour inspection; calls on them accordingly to enforce the Convention's principles;
12. Stresses that labour inspections are effective also if they are made without notice, are repeated and are targeted randomly; points out that for penalties to be effective they must be set so as to ensure that employers cannot gain from circumventing existing wage agreements or laws and regulations;
13. Points out that labour inspection findings must be accompanied by clear deadlines for action so that abuses can be prevented quickly and victims protected at an early stage;
14. Points out that labour inspectors in the Member States must be authorised to conduct on-site inspections, use smart inspection tools and work in coordination with all relevant authorities, must have an appropriate remit and must work independently;
15. Calls on the Member States, in cases where labour inspectors uncover abuse, or when whistleblowers bring cases of abuse to the attention of labour inspectors, to protect the workers concerned as well as any whistleblowers involved, and to enable them to assert their rights at no cost; points out that measures to that end, such as a direct or collective right of complaint, are effective means of protecting persons affected and whistleblowers; calls on the Member States to adopt measures to protect whistleblowers and their families in order to facilitate the detection of abuse; stresses that it is important that migrant workers in an irregular situation are protected and that this should be one of the areas of concern; reminds the Member States, in this context, of the ILO Migrant Workers (Supplementary Provisions) Convention (No. 143) from 1975;
16. Calls on the Member States to enforce legal provisions with sanctions commensurate with the seriousness of the offence and to sanction dissuasively the non-respect of working conditions; stresses that research has indicated clearly that, in terms of improving working conditions, the highest impact is achieved by strong, well-coordinated prevention measures and inspections at an early stage, inter alia by providing employers with information and advising them or by registering undeclared workers retroactively;
17. Points out that a system of electronic networking of all relevant social security authorities, along the lines of the Belgian 'Crossroads Bank for Social Security' ⁽¹⁾, making it easier for them to exchange data, is a useful tool for giving national labour inspectorates access to data they need in order to make inspections;
18. Highlights that labour inspections face certain challenges as regards inspections where migrant workers and posted workers from the EU and third countries are concerned; stresses that, for labour inspections to be effective, it is important that labour inspections are sufficiently aware of situations with a high risk of non-compliance; points out that national-level electronic systems for the compulsory advance registration of foreign workers by employers could substantially facilitate the task of labour inspection;
19. Points out that there is an important role to be played by the social partners in accordance with national laws and practices in seeking to ensure that the existing rules are observed; calls on the Member States to ensure the involvement of the social partners in the design and formulation of national labour inspection plans and in the labour inspections themselves;
20. Advocates the creation of additional, tripartite, sectoral inspectorates representing government, workers and employers, and, as a pilot initiative, calls for these to be brought into operation in those Member States with the highest levels of undeclared work;
21. Notes that fewer labour inspections are conducted in rural areas; calls on the Member States to ensure that rural regions are properly covered;
22. Points out that it is common that the working conditions of employees on fixed-term contracts are less adequate than those of permanent employees; notes that, in order for contract work to be subject to proper inspection, the rights of inspectors to inspect companies that provide contract labour must be extended, and inspections must cover the observance of rules on rates of pay and working conditions, as well as the application of minimum wages where required by Member

⁽¹⁾ <http://www.ksz.fgov.be/en/international/page/content/websites/international/aboutcbss.html>.

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State law or national collective agreements; insists that the prevention of workplace health and safety problems be accorded the same degree of attention in the private and public sectors; points out that observance of the principle of non-discrimination is compulsory; states that it must be made possible for workers on temporary contracts to find out about their rights, including as regards pay rates, via an on-line service or website;

23. Expresses concern about the situation of seasonal agricultural workers, most of whom are from third countries; believes that labour inspection in this sector is being stepped up; points out that employment in the sector is largely characterised by a mixture of declared and undeclared work;

24. Points out that while workers who provide domestic services often are undeclared, or enjoy fewer rights than other workers, in many instances this situation lies outside the remit of the national inspection authorities; calls on the Member States to ratify ILO Convention No 189 and, in line with this convention, develop and implement measures for labour inspection, enforcement and penalties, with due respect for the special characteristics of domestic work, in accordance with national laws and regulations; stresses that, in compatibility with national laws and regulations, such measures should specify the conditions under which access to household premises may be granted, with due respect for privacy;

25. Draws attention to the specific situation of home workers and teleworkers who, during work at home or outside the regular place of work, may also be the subject of labour law abuses, whereby employers fail to carry out their legal obligations to these workers;

26. Underlines that particular attention should be paid to the transport sector which, owing to its mobile character, may pose additional challenges for labour inspectorates; calls for labour inspectorates to be equipped with adequate means to undertake effective inspections in this sector;

27. Deplores the problematically high incidence of bogus self-employment, particularly in the construction and meat processing sector, including under arrangements for the posting of workers; calls on the Member States to introduce appropriate inspection measures to combat bogus self-employment, for example by laying down criteria to determine what constitutes employment, so that labour inspectors can distinguish between bogus and legitimate self-employment; states that, with a view to preventing bogus self-employment, measures should be taken to allow Member States to introduce more far-reaching requirements or control measures;

Undeclared work

28. Calls on national labour inspectorates and other relevant authorities to draw up action plans to combat undeclared work, covering all forms of abuse pertaining to employment and self-employment; underlines that undeclared work, if not properly dealt with, threatens to undermine the EU's ability to meet its employment targets for more and better jobs, and stronger growth;

29. Expresses great concern at the extreme vulnerability of migrant workers with irregular or unauthorised status, as they risk being exploited in undeclared work of low standards, with low wages and long working hours in unsafe working environments; underlines that any cooperation between labour inspectors and immigration authorities should be limited to identifying abusive employers, and should not give rise to sanctions against, or expulsions of, the migrant workers concerned, as this would actually undermine the efforts to address undeclared work;

30. Considers that where national labour inspectorates are responsible for dealing with migrant and posted workers, training programmes for labour inspectors should include specific modules on such issues as well as on undeclared work and human trafficking, as these issues are strongly linked, and should also contain language modules, where relevant;

31. Considers that penalties will be effective only if employers cannot gain from employing undeclared workers because, in doing so, they would stand to lose substantially more than the cost of taking on registered employees;

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32. Recognises that there is a growing trend towards bogus self-employment, outsourcing and subcontracting, which may lead to an increase in precarious jobs and a further deterioration of the already low protection levels for undeclared workers; believes that systems of general contractor liability could serve as useful tools for increasing compliance with labour standards throughout the whole production process, and that consideration should be given to the introduction of such systems in all Member States, while acknowledging that checks by labour inspectors remain essential;

Employment protection — workplace health and safety

33. Draws attention to the problem of implementing workplace health and safety rules in instances where employees do undeclared work; stresses that the right to health and safety protection in the workplace applies to every employee and to every self-employed person, and that improved implementation of the existing rules will give substance to that right; suggests that the Member States look into the possibility of offering confidential medical check-ups for all workers, conducted free of charge once a year or once per contract, in order to give them basic protection;

34. Advocates stiffer penalties for companies that fail to meet their obligations in relation to employees' basic rights, and considers that such penalties must have a sufficiently deterrent and dissuasive effect to ensure that employers shall by no means profit from circumventing the existing rules on employment and health protection; calls on Member States to consider in their sanction-setting systems to make the level of fine proportionate to the damage as well as to ensure that it is above the profit gained from the circumvention;

35. Points out that the Europe 2020 strategy draws attention to the need for more women on the labour market, and considers that workplace inspectors should have knowledge of the working conditions of both women and men;

36. Calls for these penalties to apply as well to companies found to be blacklisting workers for their activities as trade union or health and safety representatives;

37. Calls for national trade supervisory authorities to be supported in implementing an efficient system of labour protection at company level, especially in small and medium-sized enterprises; urges the Member States to ensure that inspections are more closely geared to identifying practical and feasible solutions to workplace health and safety shortcomings;

38. Endorses the useful work which the Senior Labour Inspectors' Committee (SLIC) is doing to bring national cultures closer together; calls for the committee's resources and powers to be strengthened; calls for closer cooperation between the SLIC and the Luxembourg Advisory Committee; takes the view that the Commission's Advisory Committee on Safety and Health at Work should regularly be updated on developments in the Member States in the field of labour inspectorates and health and safety at work;

39. Takes the view that these health and safety aspects should also be taken into account in the forthcoming EU strategy on safety and health at work; calls on labour inspections to intensify well-targeted prevention and education initiatives aimed at increasing the awareness of health and safety rules and procedures among citizens; calls on the Commission and the Member States to speed up implementation of REACH, in particular the substitution of the most worrying chemicals; considers that work-related diseases should be taken into account in the prioritisation of these substances;

II. EU-level policy recommendations

Swifter, more efficient cross-border exchanges of information

40. Considers effective cooperation between national authorities and the social partners to be important in the effort to end social dumping and ensure that competition in the single market is fair; welcomes the Commission's initiative to create a European Platform for labour inspectors; calls, in this regard, on the Commission to establish a European Platform for labour inspectors on undeclared work within Eurofound, with a remit — as an additional task for the agency — to organise the work of the Platform and facilitate the exchange of experiences and good practices, to provide up-to-date, objective, reliable and comparative information, to enhance cross-border cooperation and to identify and keep a record of letter-box companies and similar operations;

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41. Calls on the Commission, in cooperation with the social partners and relevant national authorities, without prejudice to the principle of subsidiarity, to devote adequate human resources for cross-border matters concerning the abuse of employment protection rules and undeclared work — with a remit including, inter alia, the identification of letter-box companies and the control of transnational service providers — and to develop EU-wide further-training programmes for inspectorates that address challenges such as bogus self-employment and posting, the identification of new ways of circumventing the rules and the organisation of cross-border controls; recommends, in addition, that national inspectorates carry out occasional, joint cross-border inspections, particularly in areas close to border zones;

42. Calls on the Commission to investigate the benefits of introducing, and — if appropriate — to make available, a forgery-proof European social security card or other EU-wide electronic document, on which could be stored all the data needed to verify the bearer's employment relationship, such as details on his or her social security status and working hours, and which would be subject to strict data-protection rules, particularly where privacy-sensitive personal data is processed; stresses, therefore, the importance of carefully examining, before and during the development of such a card, the impact it would have on privacy;

43. Calls on the Commission to carry out a pilot project for a European early-warning system aimed at signalling breaches of employment protection rules and instances of undeclared work that would promote the rapid exchange of information between Member States, and that would be accompanied by a blacklist so that breaches of employment protection rules could more effectively be nipped in the bud; points out that such an early-warning system could be modelled on the existing European consumer-protection early-warning system (RAPEX); stresses that breaches of the rules must be documented accurately, through a systematic recording of inspection findings, so that targeted action can be taken against abuses;

44. Considers that increased cooperation, and sharing of information, among Member States in combating undeclared work can offer significant European added value; emphasises that this would underpin EU legal initiatives on undeclared employment in a useful way, promote the exchange of best practices and improve coordination between labour inspectorates from different countries;

45. Points out that in certain cross-border situations the right of national inspection authorities to carry out inspections within non-national companies has been severely restricted, and that this has endangered both the protection of the worker and the level playing field; calls for employee posting information, such as A1 posting certificates, not to be retroactive, and for them to be entered into an EU-wide register that should complement existing national registers and be made available to authorities throughout the EU in order to facilitate the control, at national level, of employment relationships among posted workers on a multilingual basis; states that, in this connection, more efficient cross-border exchange of information between the various competent authorities is of major importance; calls on the Commission and the Member States to ensure that labour inspections can make full use of their right to non-discriminatory independent inspections in cross-border situations, regardless of the place of establishment of the company;

46. Points out, in connection with the enforcement directive on the posting of workers, that documents must be translated, irrespective of their length, where this is called for during an inspection;

New legal initiatives at EU level

47. Highlights the lack of emphasis, in existing social security and employment directives, on improved implementation and on the role of labour inspectorates; considers that the existing directives need to be thoroughly reviewed and revised, where necessary, and that the matter of enforcement must be addressed in a better way in European labour law; welcomes, in this context, the Commission's proposed minimum standards of inspection in directives relating to certain groups of workers; stresses that the role of labour inspectorates, and of the social partners, needs to be taken into account in social security- and employment-related matters in such a way as to permit effective protection;

48. Calls on the Member States and the Commission to promote the voluntary introduction of higher labour standards by companies through the establishment of a system of free-of-charge 'social labels' that are recognised at national or EU level;

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49. Points out that in some Member States there are children under 14 years of age that have jobs; considers that the role of labour inspectors must be strengthened and that campaigns against child labour must be stepped up; calls on the Commission to put in place specific EU-level control and monitoring campaigns focusing on the working conditions of young persons, in particular young migrants;

50. Calls on the Commission and the Member States to ensure that procedural rights and enforcement rights, such as those indicated in the proposal for a directive on measures on facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, are available to all workers;

51. Considers it important, in relation to mobile workers, that national labour inspectorates — and, where applicable, employee organisations — should be able to conduct inspections in every instance in which they deem it needful to do so; observes that the Member States must ensure that effective checks and monitoring mechanisms are introduced in their territory in order to control and monitor compliance with the provisions and rules laid down in relevant directives;

52. Calls on the Commission to design and provide the Member States with guidelines on best practices, and to facilitate cooperation and the exchange of information among them, so that they are able to scrutinise and control the activities of temporary work agencies more effectively; stresses that the Member States should increase their comprehensive inspections of temporary work agencies, and should consider introducing measures whereby such companies could be made subject to certification and reporting obligations;

53. Calls on the Commission, without prejudice to the principle of subsidiarity, to propose a green book underpinning the role of labour inspectors and laying down EU labour-inspection standards and uniform training requirements in this area, while taking into account the differences between national labour markets;

54. Calls on the Commission to identify better ways of tackling instances of social dumping in the EU and to propose appropriate instruments in this regard;

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

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P7_TA(2014)0013

Financial participation of employees in companies' proceeds**European Parliament resolution of 14 January 2014 on financial participation of employees in companies' proceeds (2013/2127(INI))**

(2016/C 482/06)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 3(3) thereof,
- having regard to the Commission Communication of 3 March 2010 entitled 'Europe 2020: a strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission Communication of 12 December 2012 entitled 'Action Plan: European company law and corporate governance — a modern legal framework for more engaged shareholders and sustainable companies' (COM(2012)0740),
- having regard to the Commission Communication of 5 July 2002 on a framework for the promotion of employee financial participation (COM(2002)0364) and Parliament's resolution of 5 June 2003 thereon ⁽¹⁾,
- having regard to the opinion of the European Economic and Social Committee (EESC) of 21 October 2010 on Employee financial participation in Europe ⁽²⁾,
- having regard to the study requested by Parliament's Committee on Employment and Social Affairs on 'Employee financial participation in companies' proceeds' ⁽³⁾, which was published in September 2012,
- having regard to the PEPPER IV Report, entitled 'Benchmarking of employee participation in profits and enterprise results in the member and candidate Countries of the European Union', which was published in October 2009 by the Free University of Berlin,
- having regard to the PEPPER III Report, entitled 'Promotion of employee participation in profits and enterprise results in the New Member and Candidate Countries of the European Union', which was published in June 2006 by the Free University of Berlin,
- having regard to the Commission's PEPPER II Report of 8 January 1997 entitled 'Promotion of participation by employed persons in profits and enterprise results (including equity participation) in Member States' (COM(1996)0697),
- having regard to the PEPPER I Report, entitled 'Promotion of employee participation in profits and enterprise results', which was published in March 1991 by the Commission and the European University Institute,
- having regard to the Commission's pilot project on the Promotion of employee ownership and participation ⁽⁴⁾,
- having regard to the Report of 18 December 2003 of the high-level group of independent experts on transnational obstacles to the growth of employee financial participation in transnational enterprises,

⁽¹⁾ OJ C 68 E, 18.3.2004, p. 429.

⁽²⁾ OJ C 51, 17.2.2011, p. 1.

⁽³⁾ IP/A/EMPL/ST/2011-02 — PE 475.098.

⁽⁴⁾ MARKT/2013/019/F 2013/S 077-128533

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- having regard to the Commission Communication of 3 October 2012, entitled ‘Single Market Act II– Together for new growth’, (COM(2012)0573),
 - having regard to the Commission Communication of 14 March 2006 ‘Implementing the Lisbon Community Programme for Growth and Jobs: Transfer of Businesses — Continuity through a new beginning’ (COM(2006)0117),
 - having regard to its resolution of 15 January 2013 on information and consultation of workers, anticipation and management of restructuring ⁽¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Economic and Monetary Affairs (A7-0465/2013),
- A. whereas employee financial participation (EFP) schemes can offer direct financial benefits above and beyond agreed basic remuneration structures through:
- sharing in ownership, which offers employees the right to enjoy the benefits of the company’s success whilst participating in the responsibility for and risks attached to strategic decisions;
 - sharing in profits, whether in the form of cash, shares or benefits, which can reward success or exceptional performance, supplement workers’ incomes and boost their spending power, with a possible direct economic spill-over into the local economy;
- B. whereas employees face a double risk when the employer is affected by a crisis: on the one hand, the risk of losing their job and income and, on the other, the risk of losing capital invested in the company;
- C. whereas there are three main EFP models for a company to choose from: profit sharing (cash-based, deferred or in shares), individual employee share ownership (employee shares or stock options) and employee stock ownership plans (ESOPs); whereas EFP can be in the form of shares or cash;
- D. whereas the most appropriate EFP model will often depend on the size and status of the company, notably whether it is listed or unlisted;
- E. whereas EFP, particularly in the form of ESOPs or partial ownership, can act as a shock absorber, allowing bonuses or other forms of supplementary pay or reward to be managed in trusts by third parties, spreading the investment risk among the company’s principal shareholders and ensuring that workers have a portfolio of saved shares;
- F. whereas financial participation by employees in their undertaking entails a number of potential risks for workers; whereas financial participation should not be used to avoid compliance with labour law, or as a means of reducing acquired social and labour rights or applying pressure to increase labour market flexibility;
- G. whereas if employees obtain from their company’s owners a priority buy-out right, and are thus able to take over companies in financial difficulty, they may seek to safeguard their own jobs and this procedure may reduce uncertainty about their continued employment when there is the possibility of buyouts by other companies; whereas employee ownership may address company succession problems, as a company is often closed down or sold off for possible rationalisation or closure when succession is not possible; whereas this procedure may be helpful in particular for SMEs and micro enterprises in securing the continuation of sustainable commercial operations; whereas these advantages can only be secured in combination with the participation of workers;

⁽¹⁾ Texts adopted, P7_TA(2013)0005.

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- H. whereas the ESOP is an example of an effective employee buy-out model for non-listed companies where an intermediate entity is used to acquire the shares on behalf of the employees; whereas employees are not exposed to additional risk as the acquisition is financed by a profit-share, or a loan which is repaid by profit-shares, which is additional to the employees' salaries;
- I. whereas the Spanish *sociedades laborales* concept is a best-practice example of an EFP scheme for micro-enterprises; whereas it also allows the unemployed to choose to receive their unemployment benefits as a lump sum in order to start a new company or to recapitalise an existing one;
- J. whereas EFP reduces short-termism, promotes sustainability and long-termism in strategic decision-making by managers and may increase employees' interest in long-term commitment and in seeking innovative solutions in the production process; whereas EFP can thus bring stability, development and growth while reducing risks of over-expansion leading to job losses; considers that these effects can be enhanced by stable and functioning of worker involvement institutions;
- K. whereas financial participation schemes encourage investment in training, as they increase the likelihood of companies retaining skilled workers in the long term;
- L. whereas workers' financial participation in their company's proceeds and, where appropriate, the associated participation of workers in decision making, can contribute to improvements in employees' job satisfaction and overall performance and motivation; whereas it can also encourage employees to develop a sense of ownership and a better understanding of their company as well as enhance mutual respect between employers and employees;
- M. whereas encouraging employees to develop a sense of ownership and responsibility increases their feeling of inclusion and the likelihood that their employers will engage with them and understand their concerns, perspectives and ideas;
- N. whereas the establishment of EFPs can help to boost productivity, improve performance, support the alignment of employees' and shareholders' interests and attract and retain key personnel;
- O. whereas employee participation in management through voting rights, the right to be present or other forms of governance can improve management and the flow of information and help employees to have a better understanding of the situation when their company faces challenges and a greater ability to access rewards when the company is doing well;
- P. whereas in EFP models that use an intermediate entity, this entity can exercise voting rights or other forms of governance on behalf of employees, allowing for collective representation;
- Q. whereas EFP schemes can play a significant role in additionally involving workers in information, consultation and decision-making processes during restructuring;
- R. whereas EFP is affected by national taxation rules, and whereas it is not appropriate to develop a comprehensive 'one size fits all' model for EFP at EU level; whereas EFP must be carefully decided upon by the individual company and its workers, taking due account of the wider national and sectoral context; whereas a set of basic guidelines could achieve public confidence and help EFP deliver on its objectives;
- S. whereas EFP may not be suitable for all companies or employees and therefore very careful consideration should be undertaken before undertaking such a scheme;

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Obstacles to EFP uptake in the EU

1. Calls on the Member States to consider the transnational obstacles facing both companies offering schemes to employees in several Member States, and employees, for whom double taxation may represent an infringement of the right to freedom of movement;
2. Points out the differences between the Member States as regards compulsory social security contributions on income for financial participation;
3. Emphasises that in some cases it might be useful to bring about the gradual convergence of existing financial participation schemes and the related national legislation so as to enable employers in future to offer schemes in the same or a similar form in all Member States where they have employees;
4. Insists that the lack of information about existing financial participation schemes could be offset by increasing the quantity of information lending itself to comparison at international level, which would reduce costs for both larger companies and SMEs, enabling them to offer employee participation schemes that meet their particular needs;
5. Highlights the lack of national legislative measures favouring the development of EFP schemes; notes, in this connection, the differences between EU-15⁽¹⁾ and EU-13⁽²⁾ countries as regards their levels of participation in EFP schemes; recognises the link between the introduction of legislative measures at national level in favour of EFP schemes and the number of employees participating in such schemes;⁽³⁾

Taxation issues

6. Stresses that further transparency is needed in national employee ownership schemes and especially in calculating the effective tax burden across the EU-28 in order to prevent double taxation and discrimination;
7. Notes that a framework for a European model of employee ownership should not override national taxation rules;
8. Calls on the Member States to provide tax incentives, in line with best practice principles, when promoting employee ownership schemes;
9. Points out that precisely targeted tax incentives could increase employee financial ownership in various Member States and even add to economic growth;
10. Is of the view, therefore, that the Commission should present guidelines on the taxation of EFP;

Recommendations

11. Calls on the Commission and on Member States to consider appropriate measures to encourage companies, acting voluntarily, to develop and offer EFP schemes, open to all employees on a non-discriminatory basis, taking into account the specific situation of SMEs and micro-enterprises; calls on the Member States to step up exchanges of best practice in this regard;
12. Is of the view that Employee Financial Participation (EFP) can also be a form of bonus for the employee, through capital participation or specific bonds, depending on the financial product used and the type of company in question;
13. Believes that any measure relating to the financial participation of employees in company income should be sustainable in the long term and be based on the principles of voluntary participation, equality among workers and due diligence, especially for SMEs; emphasises the fact that, despite the EU's recognition of the utility of EFP schemes, this area is not a Union competence;

⁽¹⁾ Member States which joined the Union before 1995.

⁽²⁾ Member States which joined the Union after 1995.

⁽³⁾ 'Employee financial participation in companies' proceeds' (PE 475.098), p. 36.

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14. Calls on the Commission and on Member States to engage social partners, in accordance with national law and practices, employee ownership organisations and stakeholders more closely in dialogue between policy makers, employers and workers' representatives, at the respective levels while respecting the autonomy of social partners in collective bargaining, so that existing examples of best practice can be taken into account in the development of policies to facilitate the implementation of EFP by businesses;

15. Anticipates the results of the pilot project, notably the development of a Virtual EFP Centre and the CETREPS Effective Tax Rate Calculator; asks the Commission to offer ideas to Member States on participation mechanisms in light of this pilot project;

16. Views with interest a potential opt-in 29th regime as an optional single legal framework open to employers throughout the EU, which would respect areas of Member State competence on fiscal and labour law, in terms of:

- (a) a set of simple, elementary and basic supportive models developed from best-practice examples for each type and size of company,
- (b) a market-based approach where only companies finding the single regime useful would use it,
- (c) allowing differences in Member States' legal culture in that the national regimes continue to exist in parallel,
- (d) improving transparency and access to information to facilitate equal implementation in different Member States,
- (e) the applicability at national and/or EU level when needed and not being restricted to cross-border companies, taking into account tax issues as well as financial risk for employees ⁽¹⁾;

17. Believes that, an impact assessment on a 29th regime would help to assess possibilities of how to create a level playing field and to avoid hampering the internationalisation of enterprises;

18. Points out that employee ownership fosters much-needed social cohesion and serves as an important addition to sustainable corporate governance; stresses, nonetheless, the need to take precautions when promoting ownership schemes so as not to substitute wages with profit-sharing systems;

19. Asks the Commission and the relevant stakeholders, therefore, to continue to advocate adherence to the 'building-block approach';

20. Encourages the Commission to present an independent impact assessment on such a '29th regime' for EFP, anticipates the inclusion of information thereon in the Commission's interim report;

21. Calls on the Commission, following the publication of the independent impact assessment and in cooperation with employee ownership organisations, the Member States and, where appropriate, the social partners, to consider developing a set of basic guidelines for successful EFP schemes encompassing the following elements:

- (a) objective-led: companies should determine the objectives of an EFP scheme in order to select the model that is most appropriate for them and to have the best chance of achieving the desired outcome; before the introduction, EFP schemes should be subject to consultation by the workers or their representatives; collective agreements must not be undermined by agreements on EFP schemes;
- (b) flexible in operation and voluntary: EFP operates differently in different sectors, companies of different sizes and types, and different Member States; the decision to develop and implement an EFP scheme should therefore be made at company level in the light of existing national law and practice, and taking into account the company's financial situation;

⁽¹⁾ 'Employee financial participation in companies' proceeds' (PE 475.098), p. 16.

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- (c) additional/complementary to contractual remuneration: any EFP model should be an addition to a worker's basic pay and contractual rights, not a substitute for these rights;
- (d) voluntary for employees: EFP is a means by which employees are offered a choice about how to benefit from a closer financial relationship with their employer; ultimately this has to be both optional for an individual worker to opt in and out of, but equally available to the whole workforce, including part-time workers, of a company on a non-discriminatory basis in order to achieve genuine inclusion;
- (e) negotiated by social partners: where national practices and traditions include social partners at company level, EFP schemes should be negotiated by the relevant social partners, on a local 'plant-by-plant' or company-wide basis to be tailored to the specific conditions and circumstances of the company and its workforce; such schemes should not discriminate against employees for belonging to a trade union or on any other ground for discrimination listed in Article 10 TFEU;
- (f) clear information: such information must be given to employees on the risks and rights attached to opting into an EFP scheme, including any vesting period: the decision to join an EFP scheme should be based on the informed consent of an employee, given in the full knowledge of their entitlements, obligations and the underlying risks as well as taxation effects when joining a scheme and the conditions which apply when they leave the company or the scheme under any circumstances;
- (g) involvement in governance: an employer should, depending on the scheme, invite a worker or workers to become directly involved in the governance of a company; where this is the case, rights and responsibilities should be clearly and jointly defined;
- (h) if sharing in ownership is the model agreed, collective ownership of shares — e.g. in a trust — is preferable; within this model, shares should be allocated in such a way that existing pay differences are not increased;
- (i) it is imperative that insurance be taken out to protect worker participation from the insolvency of the undertaking;
- (j) the impact on gender equality should always be considered when EFP schemes are agreed upon;
- (k) transparency: information about the economic situation of the company concerned and information about the attached risks should be available to the workers concerned at all times;

22. Notes that, as indicated before the financial crisis, remuneration policies that encourage excessively risky behaviour by employees can undermine the sound and efficient management of credit institutions and investment funds and other undertakings in the financial sector;

23. Encourages social partners to continue working together to develop new opportunities and innovations for EFP at the relevant levels;

24. Believes that, in order to promote financial participation for the purpose of creating a new form of company financing and enabling employees to be more connected to the company that employs them, employers should be given the opportunity to offer employees share capital subscriptions or specific debt securities (bonds); takes the view that the capital subscriptions should be voluntary for the employees, acting either as individuals or as a group, as well as for the company;

25. Acknowledges that business succession, additional funding, staff retention and other problems characteristic of SMEs can be alleviated by employee share ownership plans; is of the opinion that employee ownership schemes in small and micro enterprises can be combined with labour market measures, such as unemployment benefits, and thus help to reinstate the unemployed;

26. Notes that there is a lack of information and education about possible employee ownership schemes, especially among SMEs; calls on the Commission and the Member States in this regard to better organise information campaigns and to encourage the cross-border transferability of best practice schemes among Member States.

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27. Encourages Member States, in cooperation with social partners, employee ownership organisations and the Commission, to use existing single information portals — one stop shops — accessible to employers and employees, or to develop new ones, in order to explain the benefits and advantages as well as risks of EFP, the national incentives available and the different models which exist, with a view to allowing employers and workers to make informed judgements concerning EFP schemes and find the best option for agreements at company level and better assessing the options available to them and the challenges of entering into an EFP scheme; suggests that these single information portals should be attached to or included in existing competent bodies or authorities at national level;

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28. Instructs its President to forward this resolution to the Council and the Commission.

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P7_TA(2014)0014

Social protection for all, including self-employed workers

European Parliament resolution of 14 January 2014 on social protection for all, including self-employed workers (2013/2111(INI))

(2016/C 482/07)

The European Parliament,

- having regard to Articles 3(3) and 6(3) of the Treaty on European Union (TEU),
- having regard to Articles 9, 53 and 151 to 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 5, 15, 16, 27, 31, 34 and 35 of the Charter of Fundamental Rights of the European Union,
- having regard to Articles 1, 2, 3, 4, 11, 12, 13, 19 and 23 of the (Revised) European Social Charter,
- having regard to the International Labour Organisation (ILO) Convention No 102 (1952) concerning Minimum Standards of Social Security,
- having regard to ILO Convention No 117 (1962) on Social Policy (basic aims and standards),
- having regard to the ILO Convention No 121 (1964) concerning Benefits in the Case of Employment Injury; Convention No 128 (1967) concerning Invalidity, Old-Age and Survivors' Benefits; Convention No 130 (1969) concerning Medical Care and Sickness Benefits; Convention No 168 (1988) concerning Employment Promotion and Protection against Unemployment; and Convention No 183 (2000) concerning the revision of the Maternity Protection Convention,
- having regard to the 2012 ILO recommendation concerning National Floors of Social Protection,
- having regard to the ILO World Social Security Report (2010/11) on 'Providing coverage in times of crisis and beyond' ⁽¹⁾,
- having regard to the ILO report of November 2003 on 'Social protection: A life cycle continuum investment for social justice, poverty reduction and development' ⁽²⁾,
- having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾,
- having regard to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC ⁽⁴⁾,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽⁵⁾,
- having regard to the Council Recommendation of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems (92/441/EEC) ⁽⁶⁾,

⁽¹⁾ http://www.ilo.org/global/publications/books/WCMS_142209/lang-en/index.htm

⁽²⁾ <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf>

⁽³⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 180, 15.7.2010, p. 1.

⁽⁵⁾ OJ L 303, 2.12.2000, p. 16.

⁽⁶⁾ OJ L 245, 26.8.1992, p. 46.

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- having regard to the Council Recommendation of 27 July 1992 on the convergence of social protection objectives and policies (92/442/EEC) ⁽¹⁾,
- having regard to the Council Conclusions of 17 December 1999 on the strengthening of cooperation for modernising and improving social protection ⁽²⁾,
- having regard to the report of the Social Protection Committee of 10 February 2011 entitled ‘SPC Assessment of the social dimension of the Europe 2020 Strategy’ ⁽³⁾,
- having regard to the Commission communication of 3 March 2010 entitled ‘Europe 2020: a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to the Commission communication of 16 February 2012 entitled ‘White Paper — an Agenda for Adequate, Safe and Sustainable Pensions’ (COM(2012)0055),
- having regard to the Commission Review of 8 January 2013 on ‘Employment and Social Developments in Europe 2012’ ⁽⁴⁾,
- having regard to the Commission communication of 20 August 2012 entitled ‘Social Protection in European Union Development Cooperation’ (COM(2012)0446),
- having regard to the Commission Green Paper of 22 November 2006 on modernising labour law to meet the challenges of the 21st century (COM(2006)0708),
- having regard to the opinion of the European Economic and Social Committee of 29 April 2010 on ‘New trends in self-employed work: the specific case of economically dependent self-employed work’ ⁽⁵⁾,
- having regard to the opinion of European Economic and Social Committee of 21 March 2013 on ‘Abuse of the status of self-employed’ ⁽⁶⁾,
- having regard to the Commission communication of 3 October 2008 on a Commission recommendation on the active inclusion of people excluded from the labour market (COM(2008)0639) and its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market ⁽⁷⁾,
- having regard to the Commission communication of 14 October 2009 (COM(2009)0545) and its resolution of 20 May 2010 on the long-term sustainability of public finances for a recovering economy ⁽⁸⁾,
- having regard to its resolution of 6 July 2010 on atypical contracts, secured professional paths, flexicurity and new forms of social dialogue ⁽⁹⁾,
- having regard to its resolution of 15 March 2006 on social protection and social inclusion ⁽¹⁰⁾,
- having regard to its resolution of 20 October 2010 on the role of minimum income in combating poverty and promoting an inclusive society in Europe ⁽¹¹⁾,
- having regard to its resolution of 11 September 2013 on tackling youth unemployment: possible ways out ⁽¹²⁾,

⁽¹⁾ OJ L 245, 26.8.1992, p. 49.

⁽²⁾ OJ C 8, 12.1.2000, p. 7.

⁽³⁾ <http://register.consilium.europa.eu/pdf/en/11/st06/st06624-ad01.en11.pdf>

⁽⁴⁾ <http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=7315>

⁽⁵⁾ OJ C 18, 19.1.2011, p. 44.

⁽⁶⁾ OJ C 161, 6.6.2013, p. 14.

⁽⁷⁾ OJ C 212 E, 5.8.2010, p. 23.

⁽⁸⁾ OJ C 161 E, 31.5.2011, p. 112.

⁽⁹⁾ OJ C 351 E, 2.12.2011, p. 39.

⁽¹⁰⁾ OJ C 291 E, 30.11.2006, p. 304.

⁽¹¹⁾ OJ C 70 E, 8.3.2012, p. 8.

⁽¹²⁾ Texts adopted, P7_TA(2013)0365.

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- having regard to its resolution of 9 October 2008 on stepping up the fight against undeclared work⁽¹⁾,
 - having regard to its resolution of 23 May 2007 on promoting decent work for all⁽²⁾,
 - having regard to its resolution of 11 July 2007 on modernising labour law to meet the challenges of the 21st century⁽³⁾,
 - having regard to its resolution of 5 July 2011 on the future of social services of general interest⁽⁴⁾,
 - having regard its resolution of 15 November 2011 on the European Platform against poverty and social exclusion⁽⁵⁾,
 - having regard its resolution of 21 May 2013 on an Agenda for Adequate, Safe and Sustainable Pensions⁽⁶⁾,
 - having regard to its resolution of 12 June 2013 on the Commission communication entitled ‘Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020’⁽⁷⁾,
 - having regard to the study by the Committee on Employment and Social Affairs of May 2013 on ‘Social protection rights of economically dependent self-employed workers’⁽⁸⁾,
 - having regard to the European Foundation for the Improvement of Living and Working Conditions (Eurofound) customised report of 2013 on ‘Self-employed or not self-employed? Working conditions of “economically dependent workers”’⁽⁹⁾,
 - having regard to the Eurofound report of 2 March 2009 on “Self-employed workers: industrial relations and working conditions”⁽¹⁰⁾,
 - having regard to the Eurofound comparative report of April 2013 on “Social partners” involvement in unemployment benefit regimes in Europe’⁽¹¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and to the opinion of the Committee on Women’s Rights and Gender Equality (A7-0459/2013),
- A. whereas access to social security is a fundamental right which, in accordance with Community law, national laws and practices, is a key element of the European social model; whereas the International Labour Organisation (ILO) has adopted recommendations on ‘national floors of social protection’ with the aim of safeguarding the right of every individual to social security and a decent standard of living;
- B. whereas social security is a national competence, coordinated at EU level;
- C. whereas social protection facilitates adaptation to changes in the labour market, combats poverty and social exclusion, secures labour market integration and invests in human resources; whereas social security has a stabilising effect on the economy and an anticyclical function which can boost domestic demand and consumption;

⁽¹⁾ OJ C 9 E, 15.1.2010, p. 1.

⁽²⁾ OJ C 102 E, 24.4.2008, p. 321.

⁽³⁾ OJ C 175 E, 10.7.2008, p. 401.

⁽⁴⁾ OJ C 33 E, 5.2.2013, p. 65.

⁽⁵⁾ OJ C 153 E, 31.5.2013, p. 57.

⁽⁶⁾ Texts adopted, P7_TA(2013)0204.

⁽⁷⁾ Texts adopted, P7_TA(2013)0266.

⁽⁸⁾ <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=92570>

⁽⁹⁾ <http://www.eurofound.europa.eu/publications/htmlfiles/ef1366.htm>

⁽¹⁰⁾ <http://www.eurofound.europa.eu/comparative/tn0801018s/tn0801018s.htm>

⁽¹¹⁾ http://www.eurofound.europa.eu/eiro/studies/tn1206018s/tn1206018s_3.htm

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- D. whereas, to tackle the crisis, certain Member States have made severe cuts in public expenditure at the same time as demand for social protection has increased in response to the rise in unemployment; whereas national budget allocations for social security cover have been further stretched as contributions have fallen in the wake of wide-scale job losses or wage cuts, thus placing the European social model at a real risk;
- E. whereas social protection coverage in certain Member States is inadequate and could be improved; whereas cases of vulnerable workers being abused in the EU still exist;
- F. whereas while most traditional social protection models, in particular social security and labour law systems, are designed to safeguard the social and employment rights of people in employment, there is a risk that with the new forms of employment which are emerging and with an increasing number of self-employed workers, new groups of workers may be faced with decreased social protection;
- G. whereas women who choose to become entrepreneurs cite, more often than men, a better work-life balance and/or economic necessity as the main motivation for their decision;
- H. whereas self-employed women are in the minority among self-employed workers, but are more likely to fall into poverty;
- I. whereas a lack of access to adequate pension rights, sick pay, paid leave and other forms of social security for the self-employed aggravates the gender pay gap for self-employed women, especially following retirement;
- J. whereas an increasing number of those who are self-employed or faced with little or badly paid work, in particular women, are falling below the poverty line but are not officially registered as unemployed;
- K. whereas it could be useful to lay down a clear definition of bogus self-employment and to prevent abuses in this regard so as to avoid violations of workers' social rights, distortions of competition and the risk of social dumping;
- L. whereas false self-employment is basically a form of partial contribution evasion that is difficult to detect and undermines the sustainability and adequacy of pension schemes, depriving them of vital resources;
- M. whereas the particularly high unemployment levels in many Member States, compounded by the constant pressure to reduce (unit) labour costs are leading to national labour market trends and practices which encourage the further development and growth of false self-employment;
- N. whereas, given that the working conditions of those self-employed people who are not economically independent are not radically different from those of salaried workers, their social security and employment rights ought to resemble more closely those of salaried workers where appropriate;
- O. whereas there is a lack of reliable, accurate and comparable information and data on the situation, working conditions and social security arrangements for combining work and care as regards the self-employed;
- P. whereas in 2012, self-employment represented more than 15 % of total employment in the EU, while in some cases it is not the preferred option of the person concerned, but rather a necessity owing to a lack of other job opportunities or sufficiently flexible working arrangements to combine work and care for dependents; whereas in many Member States it is difficult for the self-employed to acquire sufficient pension rights, thereby increasing the risk of future poverty for those concerned; whereas economically dependent self-employed workers are rarely organised in or represented by trade unions, even if they are more likely to be victims of working time and other abuses;

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Social security for all

1. Stresses that it is necessary to constantly optimise and modernise social protection systems at Member States level in order to ensure sound, sustainable and adequate social protection for all, based on the principles of universal access and non-discrimination, as well as the capacity to respond in a flexible manner to demographic changes and labour market developments;
2. Calls on the Member States to ensure responsible and sustainable long-term financing of social security systems, particularly in periods of economic crisis, as well as to develop the preventive arm of social security systems and place greater emphasis on activating measures, while not overlooking the fact that one of the most important aspects of social investments is the fact that they enable the reconciliation of social and economic goals and may contribute in the long term to retaining and developing the economy; considers, in this connection, that social investments should be viewed as just that — investments, rather than expenditure;
3. Draws attention to the fact that in some Member States ageing populations, low birth rates and changing labour markets may increase the urgency of the need for reforming social security systems, including pensions, so as to guarantee their sustainability; emphasises the fact that women more frequently take career breaks and assume part-time employment than men for the purpose of caring for children and other dependents, which may have a negative impact on their pensions and place them at a greater risk of poverty; calls on the Member States, in this connection, to view these career-break periods as insured periods when establishing and calculating pension entitlements; stresses that reforms should involve social partners, in accordance with national law and practices, as well as relevant stakeholders, and be properly communicated to citizens;
4. Calls on the Member States to ensure national social protection which will safeguard a decent income established by each country and guarantee access to basic social benefits, particularly in the event of illness, unemployment, maternity, disability and retirement, etc., in order to combat poverty and social exclusion in the Member States; encourages the Member States to draw up strategies for the development of social security in line with the ILO proposals;
5. Emphasises the fact that effective social protection of a sufficiently high quality should be based on measures to promote participation in employment, which contributes to the improvement of health and safety at work and the enhancement of productivity, which is a major competitive advantage; stresses that lowering the level of social protection should not be seen as a solution paving the way to increased levels of employment;
6. Calls on the Commission and the Member States to ensure that all workers and self-employed persons have access to lifelong learning by redistributing existing EU and national funding from workers with permanent contracts only to all workers — including the self-employed — irrespective of their contract type;
7. Calls on the Member States to make greater efforts to implement structural reforms and measures in order to create jobs for young people and ensure that young workers are not discriminated against through the restriction of their social security entitlements; calls also on the Member States, in cooperation with the Commission, to ensure adequate social protection for young people in traineeship and apprenticeship schemes designed to provide them with work experience;
8. Stresses that older people are not an economic and social burden but, on the contrary, their experience acquired over a lifetime and their knowledge are an asset; suggests that, in the context of intergenerational solidarity, employees over 60 should be encouraged to remain available on the labour market with a view to transmitting their knowledge and experience to successive generations;
9. Calls on the Member States to ensure the availability of affordable childcare and education facilities and to ensure access for self-employed workers to public services and relevant tax and social advantages in the area of childcare;
10. Calls on the Member States to facilitate the possibility for all workers, including self-employed workers and any spouses or partners who participate in their activities, to combine work and care responsibilities, including by speeding up the application of Articles 7 and 8 of Directive 2010/41/EU of 7 July 2010, and by providing workers at their request with flexibility regarding working hours, teleworking and part-time work for the purpose of caring for minors and dependants;

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11. Highlights the need to provide further training and retraining opportunities to employees, the self-employed and those moving from employment to self-employment; calls on the Member States, in this connection, to remove obstacles to further training and retraining, and to promote lifelong learning for all;
12. Calls on the Member States to promote and facilitate self-organisation among self-employed persons, especially women, in order to increase their ability to defend their collective interests;
13. Calls on the Member States to guarantee adequate social security also for the most vulnerable groups such as the unemployed, the disabled, single-parent families, young families, the young, the elderly and pensioners; calls also on the Member States to ensure that social services are made more accessible for all members of vulnerable social groups and persons with long-term care needs, particularly in rural areas and disadvantaged regions;
14. Calls on the Member States and the Commission, according to their competences, to take steps to combat all forms of discrimination in the labour market, including that against women, and to adopt social protection measures to ensure that women's pay and welfare entitlements, including pensions, are not lower than those of men doing the same job, to safeguard their maternity entitlements, to take measures to prevent the unfair dismissal of employees during pregnancy and to protect women and men with care responsibilities from unfair dismissal; calls also on the Council to speed up the adoption of the directive concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, workers who have recently given birth and women who are breastfeeding;
15. Stresses that Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity requires the Member States to tackle all obstacles that prevent women and their spouses or partners recognised under national law from benefiting from the social protection to which they are entitled under that law;
16. Calls on the Member States to take effective action in response to cases involving a lack of social protection in small and very small family enterprises for employed family members, including their spouses (partners), as a result of their unclear and informal terms of employment or them being self-employed;
17. Encourages the Member States to take practical steps to combat poverty and social exclusion, by providing an appropriate minimum income and a social security system, taking into account marginalised communities and those at risk of poverty, in accordance with their own national practices, including provisions set out in collective agreements or national legislation;
18. Calls on Member States to step up their efforts to combat undeclared employment and precarious work, including false part-time jobs, and to ensure that all workers enjoy appropriate social protection; deplores, furthermore, the abuse of non-standard employment contracts in order to avoid having to comply with employment and social protection obligations;
19. Calls on the Member States to improve administrative cooperation between the different institutions (labour inspectorates, tax offices, municipal authorities and social security services) at national and EU level, as a means of facilitating the implementation of Union labour law provisions, reducing undeclared work and resolving more effectively the problems caused by disparities between labour market regulatory provisions in the different Member States;
20. Calls on the Commission to review legislation and monitor the implementation and coordination of social security systems, where necessary in respect of the subsidiarity principle, and draws Member States' attention to the fact that EU migrant workers working in another Member State should not be subjected to discriminatory social protection rules; believes that all EU migrant workers should enjoy adequate social security entitlements and cover when working in another Member State; workers posted in connection with the free movement of services must, prior to their posting, be informed by their employer of pay and working conditions in accordance with Directive 96/71/EC;

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21. Invites the Commission and the Member States to strike an appropriate balance between labour market security and flexibility, for example through the global implementation of flexicurity principles, and address labour market segmentation by providing adequate social cover for those in transition or employed under temporary or part-time contracts, while at the same time ensuring access to training opportunities; points out that failure to ensure flexicurity would detract from the sustainability of social security systems, the quality of benefits, workforce earnings and productivity, the real economy and social cohesion, and, as a result, would undermine the EU 2020 Strategy for maintaining and increasing employment levels;

22. Calls on the Commission to conduct an EU-wide study into whether, as a result of recent changes made to Member State labour laws with a view to making the labour market more flexible, employees' social security cover has not been diminished and the principle of flexibility with security has not been infringed;

23. Strongly supports the proposed establishment of a scoreboard of key employment and social indicators, which could be a first step in identifying concrete benchmarks;

24. Urges the Commission to include in its proposals, where appropriate, the four targets set in the ILO Decent Work Agenda, and to consider the targets set in the ILO Social Protection Floors Recommendation in the annual growth review, so that all workers in Europe may enjoy social protection;

Social security cover for self-employed workers

25. Stresses that self-employment needs to be recognised as a form of work which helps to create jobs and reduce unemployment, and that the expansion of self-employment should go hand-in-hand with appropriate social protection for the self-employed as defined in the Member States' national legislation;

26. Calls on Member States to facilitate the combination of work and care responsibilities by providing workers with flexibility with regard to working hours and place of work in order to avoid a situation whereby they have no options for flexibility other than to resort to dependent self-employment;

27. Emphasises the need for more detailed, up-to-date statistics to be made available for the purpose of analysing the economic significance of self-employed workers and the various categories of self-employment; calls also for the inclusion of questions concerning self-employment in the European Union labour force survey;

28. Draws attention to the fact that the absence of a clear national definition of self-employment increases the risk of false self-employment among EU workers and can hamper their access to adequate social security; notes that the different statuses attributed to self-employed workers among the Member States require solutions leading to better coordination of social security for self-employed workers so as not to restrict the free movement of workers;

29. Calls on the Commission to promote exchanges between Member States in order to provide guidance on the different forms of atypical employment and self-employment, so as to assist Member States to properly apply the relevant labour laws and social protection measures to workers so employed; considers it necessary also for Member States to clearly identify false self-employment and sanction employers if such cases are identified and proven; stresses, however, that it should remain the legal responsibility of the host Member State in whose territory the work is carried out to determine employment status;

30. Calls on European social partners, the Commission and the Member States to study the issue of dependent self-employment and find practical solutions thereto, particularly in those sectors where cross-border activities play an important role and among vulnerable groups such as domestic and low-paid workers;

31. Urges Member States to ensure that self-employment does not become a means of preventing workers from benefiting from social and job security or a means for employers to circumvent labour and social security law; requests also that self-employed workers should not be grouped with employed workers, so as to preserve the advantages of self-employment and economic activity of this kind, and to help develop a spirit of entrepreneurship and service quality;

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32. Calls on Member States to develop, where necessary, social protection in relation to retirement, disability, maternity/paternity leave and unemployment so that social protection provisions for self-employed workers are better adapted to the needs of those workers;

33. Calls on Member States to promote and support group insurance for occupational accidents and illness; calls on Member States to ensure access to collective and solidarity-based insurance and pension schemes for the self-employed;

34. Calls on Member States to make information available to all citizens regarding their rights to social protection and also to provide appropriate information to those wishing to become self-employed workers on the changes to their social protection and the labour law applicable to them arising from such a change in status, as well as changes in other rights and obligations linked to their economic activity; calls also on the Commission to make information available to the self-employed and mobile workers regarding their rights and obligations in connection with migration, immigration and cross-border work;

35. Calls on the Member States and the Commission to involve social partners, in accordance with national practises, in a process of developing and modernising social protection and to develop the social dialogue at EU and national level; calls also on social partners to place issues linked to the labour rights and social protection of self-employed workers on the agenda, in order to introduce adequate social protection framework provisions for the self-employed, based on reciprocity and the principle of non-discrimination, and analyse if and how self-employed workers should be included in collective bargaining, including specific strategies on how to include the concerns of self-employed workers in cases where national law does not allow for trade union representation of self-employed workers; encourages social partners to exchange good practices among trade unions and professional associations on services provided to the self-employed, fighting bogus self-employment, and organising own-account self-employed workers;

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

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P7_TA(2014)0015

New Cohesion Policy programming period

European Parliament resolution of 14 January 2014 on EU Member States preparedness to an effective and timely start of the new Cohesion Policy Programming period (2013/2095(INI))

(2016/C 482/08)

The European Parliament,

- having regard to Articles 174 et seq. of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund ⁽¹⁾,
- having regard to the amended Commission proposal for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund (COM(2013)0246),
- having regard to its resolution of 5 July 2011 on the Commission's fifth Cohesion Report and the strategy for post-2013 cohesion policy ⁽²⁾,
- having regard to its resolution of 7 October 2010 on EU cohesion and regional policy after 2013 ⁽³⁾,
- having regard to its resolution of 23 June 2011 on the state of play and future synergies for increased effectiveness between the ERDF and other structural funds ⁽⁴⁾,
- having regard to its resolution of 7 October 2010 on the future of the European Social Fund ⁽⁵⁾,
- having regard to its resolution of 14 December 2010 on good governance with regards to the EU regional policy: procedures of assistance and control by the European Commission ⁽⁶⁾,
- having regard to its resolution of 27 September 2011 on absorption of Structural and Cohesion Funds: lessons learnt for the future cohesion policy of the EU ⁽⁷⁾,
- having regard to the Commission Communication of 26 January 2011 entitled 'Regional policy contributing to sustainable growth in Europe 2020' (COM(2011)0017) and the accompanying staff working document (SEC(2011)0092),
- having regard to the Commission's eighth progress report on economic, social and territorial cohesion of 26 June 2013 (COM(2013)0463),
- having regard to the Commission report of 18 April 2013 entitled 'Cohesion policy: Strategic report 2013 on programme implementation 2007-2013' (COM(2013)0210) and the accompanying staff working document (SWD(2013)0129),

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ C 33 E, 5.2.2013, p. 21.

⁽³⁾ OJ C 371 E, 20.12.2011, p. 39.

⁽⁴⁾ OJ C 390 E, 18.12.2012, p. 27.

⁽⁵⁾ OJ C 371 E, 20.12.2011, p. 41.

⁽⁶⁾ OJ C 169 E, 15.6.2012, p. 23.

⁽⁷⁾ OJ C 56 E, 26.2.2013, p. 22.

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- having regard to the Commission staff working document of 24 April 2012 entitled ‘The partnership principle in the implementation of the Common Strategic Framework Funds — elements for a European Code of Conduct on Partnership’ (SWD(2012)0106),
 - having regard to the Commission staff working document of 14 March 2012 entitled ‘Elements for a Common Strategic Framework 2014 to 2020 — the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund’ (SWD(2012)0061, Parts I and II),
 - having regard to the opinion of the Economic and Social Committee of 16 June 2011 on the role and priorities of cohesion policy within the EU 2020 strategy (CESE 994/2011 — ECO/291),
 - having regard to the opinion of the Economic and Social Committee of 12 December 2012 on the partnership principle in the implementation of the Common Strategic Framework Funds — elements for a European Code of Conduct on Partnership (CESE 1396/2012 — ECO/330),
 - having regard to the opinion of the Economic and Social Committee of 22 May 2013 on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020 (CESE 1557/2013 — SOC/481),
 - having regard to the resolution of the Committee of the Regions of 31 January — 1 February 2013 on ‘Legislative package on Cohesion Policy post-2013’ (2013/C 62/01),
 - having regard to the draft opinion of the Committee of the Regions of 7-9 October 2013 on recommendations for better spending (COTER-V-040),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Budgets (A7-0007/2014),
- A. whereas Member States are in the process of preparing their Partnership Agreements (PAs) and Operational Programmes (OPs) for the new programming period 2014-2020;
- B. whereas the final agreement on the legal framework for the European Structural and Investment Funds is expected to be reached before the end of 2013;
- C. whereas the Common Provisions Regulation (CPR) sets out common rules for five European Union Funds: the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development, and the European Maritime and Fisheries Fund;
- D. whereas cohesion policy is aimed at reducing the disparities that exist between EU regions by focusing funding on strengthening economic, social and territorial cohesion;
- E. whereas cohesion policy contributes to the achievement of the Europe 2020 targets for smart, sustainable and inclusive growth;
- F. whereas cohesion policy, which constitutes the main policy for the development of the EU, contributes to overcoming the economic crisis for most of the Member States;
- G. whereas every possible effort must be made to ensure that the delivery and implementation of programmes pertaining to the cohesion policy for 2014-2020 are simplified as much as possible for all authorities and beneficiaries;

Ensuring an effective and timely start to the new Cohesion Policy Programming period

1. Recognises that cohesion policy funding has successfully invested billions of euros in creating new jobs, supporting innovative businesses and developing transport links throughout the EU over recent years;

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2. Highlights, however, the fact that disparities still exist, and are in some cases widening, between EU regions, and that continued investment of EU funding at local and regional level is vitally important to ensure that support continues to reach areas that are in need of economic, social and environmental regeneration;
3. Highlights the fact that cohesion policy must, inter alia, tackle the growing youth unemployment in the European Union;
4. Stresses that in the current economic, financial and social crisis, cohesion policy funding in a number of Member States represents a key source of public investment and that this is a situation that may require flexibility on the part of the Member States concerned in order to relaunch its economies; highlights, in this connection, the importance of ensuring that Member States and regions are in a position to begin implementing the new round of cohesion policy funding as soon as possible at the start of 2014;
5. Welcomes the adoption of both the MFF for 2014-2020 and the legal framework for cohesion policy; stresses that a satisfactory outcome has been achieved with a view to ensuring the swift and effective launch of the new cohesion policy;
6. Points out that the backlog of outstanding commitments (or RAL, from the French 'reste à liquider') amounted to two-thirds of cohesion policy funding by the end of the MFF for 2007-2013; stresses the need to find a reliable means of reducing the risk of the implementation of EU programmes being blocked owing to a lack of payments; draws attention to the fact that the N+3 rule, while essential for securing the implementation of projects supported by the cohesion policy, will have an impact on the accumulation of the RAL in coming years, in particular in the event of delays in the launch of the new programmes;
7. Notes also that, in addition to an effective and timely start to the new cohesion policy programming period, ensuring the quality of PAs and OPs must be of paramount importance to ensure that funds are used to their full potential in the long term;
8. Underscores its position on the importance of a compulsory review and revision of the next MFF by the end of 2016, in order to allow the next Commission and Parliament to reassess the EU's political priorities, to adapt it, if necessary, to new challenges and to take full account of the latest macroeconomic projections;

The Common Provisions Regulation

9. Welcomes the improvements made to the regulation that will introduce a stronger and more integrated approach to cohesion policy funding through the Common Strategic Framework; recognises that this it is vital to ensuring that projects have a greater impact and produce tangible results; calls on the Member States to introduce even more measures simplifying the bureaucracy and administration of the programmes; believes that this should lead to smooth implementation of these programmes and efficient drawing of the funds;
10. Welcomes the proposals to introduce simplification measures throughout the CPR with a view to reducing administrative burdens; considers that making the process simpler for applicants, beneficiaries and managing authorities will bring added value to EU funding;
11. Recognises that cohesion policy can make a vital contribution to delivering Europe 2020 targets and therefore highlights the importance of aligning cohesion policy with Europe 2020 goals through thematic concentration on a limited number of objectives; stresses that this approach leaves sufficient flexibility to address local and regional needs;
12. Underlines the importance of the Smart Specialisation Strategy as a way of complementing the goals of the Europe 2020 growth strategy by focusing on identifying and maximising areas of competitive strength, sharing best practice and integrating research, innovation and education through EU-wide partnerships;
13. Highlights the fact that, while conditionality measures already exist in cohesion policy, the next programming period will be aimed at enhancing the effectiveness of funding by making funding conditional on compliance with certain criteria; takes the view that cohesion policy is a policy in support of cohesion between regions that should not serve as a guarantee for other EU policies aimed at macroeconomic reforms in the Member States;

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14. Points out that adapting to the changes introduced by the CPR could cause some delay in the preparation of PAs and OPs;

Progress in Member States

15. Highlights the fact that it is clear that Member States are at very different stages in their preparations; recognises that, while some Member States are making good progress and have submitted their draft PAs to the Commission for approval, others are further behind in the process;

16. Points out that, on the whole, those newer Member States (EU12) which experienced part of the 2000-2006 programmes and all of the 2007-2013 programmes are well advanced in preparations compared to some of the EU15;

17. Highlights the fact that some Member States are dealing with a significant reduction in their budgets for the next programming period while in others there is ongoing debate on the distribution of budgets within the Member States; recognises that both of these issues could cause a delay in preparations;

18. Underlines the fact that the Member States which are making good progress with preparations for the next round of cohesion policy funding submitted their draft PAs and OPs to the Commission for informal observations in June or July 2013;

19. Recognises that many of the Member States that are performing well began the preparatory process as early as 2010 by inviting relevant stakeholders to contribute to discussions on formulating needs and priorities; welcomes, therefore, the efforts made to begin the preparatory process as early as possible and believes that this clearly encourages greater preparedness;

20. Emphasises that advanced preparations are dependent on the relevant authorities and organisations having sufficient capacity to invest time and money in preparations and to make sufficient personnel available at an early stage;

21. Recognises that these advanced preparations meant that in some cases the ex-ante evaluation and strategic environment impact assessments (SEIA) were performed in a timely manner, allowing the drafts to be amended in September and October 2013, based on the outcomes of these evaluations;

22. Recognises that some Member States have experienced changes of government that could impede the preparations for the next programming period; highlights the fact that, in cases like these, the advantages of having systems in place that ensure that all administrative work continues regardless of changes in governments are vital to the continued preparations;

23. Points also to the need for the preparations for cohesion policy funding to be enforced at political level so as to ensure that finalising the PA is a priority for governments;

Progress with Partnership Agreements and Operational Programmes

24. Points out that some Member States are planning to change the content of their OPs; welcomes the fact that certain Member States have decided to switch to multi-funded programmes or to reduce the number of OPs at regional level;

25. Notes that the amount of control and coordination allotted to regional administrations by central government varies greatly according to the organisational structure in the different Member States, with some regions being extremely active and having almost complete control of most aspects of cohesion policy funding and representation in the PAs; points, in this connection, to the Code of conduct, which acknowledges the pivotal role of local and regional actors as well as civil society organisations and in which the partnership principle is safeguarded as regards the cohesion policy for 2014-2020;

26. Highlights the fact that the local and regional dimension should be given full consideration; stresses the important role regions play when choosing areas of competitive strength;

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27. Highlights the fact that one way of ensuring that the approach to PAs functions in Member States with devolved administrations is to include separate chapters in the PAs drawn up by the regional administrations; stresses that this approach ensures that administrations with devolved powers for European Funding Programmes are more directly involved in the development of PAs and have the option of developing their own programming ideas and delivery mechanisms;

28. Recognises, however, that this could have an impact on the preparedness of the Member States as a whole;

29. Points out that efficient coordination is needed at Member State level to meet the deadlines for preparation of OPs which reflect local and regional development needs, as the responsibility for the content and administration of OPs should lie, where applicable, with local and regional administrations, in line with the internal organisation of each Member State, if PAs are to be concluded in a timely manner;

30. Recognises, however, that a reduction in OPs at regional level would involve a substantial management and organisational change and might bring with it an increased risk of delay at the outset due to the changes caused by the complexity of implementing the OPs alongside programming at different national and regional levels;

31. Notes that the Commission is aware of considerable interest in multi-fund programmes, as provided for in the CPR, with many Member States planning to have at least one or more multi-fund programmes in the 2014-2020 programming period; stresses, in this connection, that this approach should be taken as efficiently as possible and must not lead to bottlenecks or delays; recognises that the different institutional settings in the Member States are acknowledged in the CPR and measures are provided for in order to accommodate specific cases; underlines the fact that regional and local levels are best placed to identify development needs and to implement programmes in proximity to the citizens, organisations, enterprises and authorities concerned;

32. Recognises that the ability to prepare the PAs and OPs at an advanced stage depends on whether Member States undertake sufficient preliminary analyses of the country's situation and future trends; stresses that this will ensure that EU funds make a more effective contribution to achieving the objectives set for the country;

33. Calls on the Commission to make the preparedness of Member States' Partnership Agreements public, e.g. by means of a summary per Member State containing information on the state of its preparations, the proposed content and consultations with the relevant stakeholders so that the other Member States and authorities may learn from good practices and approaches;

Lessons from 2007-2013

34. Highlights the fact that for many Member States, transferring methods and mechanisms from the 2007-2013 programming period to the post 2013 period will be a major issue; stresses that ensuring that ongoing projects continue to be effective while new projects are being developed is also a challenge;

35. Recognises that for many Member States preparations took longer than expected at the beginning of the 2007-2013 programming period; stresses that this is something that many administrations have remedied by ensuring that the new PAs and OPs are delivered in a more timely manner;

36. Considers that the examples provided by Member States clearly show that coordination between different measures, OPs and funds need to be improved and that the involvement of local authorities, regional organisations and social and economic partners needs to be enhanced;

37. Recognises that common problems identified in the previous programming period included having priorities that were too broadly defined; calls, therefore, for a more strategic and streamlined approach to priorities in the future, with fewer priorities targeted at specific objectives;

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38. Welcomes the fact that, on the basis of successful experiences from the previous round of funding, Member States are seeking to enhance the leveraging of private sector funding in order to open up alternative sources of funding to complement traditional financing methods; stresses that, at a time of heavy fiscal constraint and reduced lending capacity on the part of the private sector, the increased use of financial instruments can foster public-private partnerships, achieve a multiplier effect with the EU budget, open up alternative sources of finance and guarantee an important financing stream for strategic regional investments; highlights, therefore, the importance of setting out clear rules for using innovative financial instruments, such as loans, guarantees and equity investments, as complements to grants in order to encourage cooperation between enterprises, public sector organisations and educational institutions;

Effectiveness of funds

39. Points out that it is clear from the experiences of previous funding programmes that ensuring a positive, long-term impact for the funds is vitally important; insists, furthermore, on the importance of the quality of programmes and the objectivity of spending;

40. Highlights the fact that the focus on a results-led approach was mentioned by many Member States as a target for preparing the next round of funding; welcomes the examples given by some Member States of ways of taking a more efficient approach to defining expected results in advance in order to allow funding to be directed towards proposals to achieve these objectives;

41. Stresses that coordination across policy areas and recognition of national and regional economic, social and environmental priorities are cited as being vitally important by many Member States; takes the view that, where applicable, national operational programmes should take into account development objectives at local and regional level; points out that generating synergies between the various sources of available EU funding and the budgets of the Member States and of regional and local authorities should be encouraged in order to increase the effectiveness of public sector investment in the EU;

Synergies with other policies and instruments

42. Considers it essential that Member States recognise the potential for alignment between all of the funds covered by the CPR;

43. Is encouraged by the fact that some Member States are looking at developing the use of new instruments such as Community-Led Local Development (CLLD), Integrated Territorial Investments (ITIs) and Joint Action Plans (JAPs); understands that there is, however, a mixed response to the new instruments and that an analysis of Member States' current plans shows that CLLD will be more widely implemented than ITIs, especially in the EARDF compared to the ERDF due to CLLD's longer existence in the EARDF programme and due also to the fact that ITIs are a new instrument that will need some time to be properly put into practice; recognises that it remains to be seen how the initial preparations will translate into these instruments being fully implemented;

44. Considers CLLD to be an excellent way of encouraging bottom-up participation from a cross-section of community actors, based on the past success of the LEADER programme in rural development; calls on the Member States and regions to make use of the opportunities offered by CLLD;

45. Recognises JAPs as a positive step towards results-based management, in line with one of the overarching aims of cohesion policy post 2013;

Simplification

46. Stresses the importance of implementing simpler preparation and implementation methods for projects and is encouraged by the indications that this is being achieved by Member States;

47. Welcomes the emphasis on simplification in the CPR; notes, however, that in reality simplification could be difficult to achieve due to the differences that remain between the funds introduced by the fund-specific regulations;

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48. Welcomes the positive steps taken towards simplification and greater transparency in the management of ESI funds; points out that a simplified application process for beneficiaries, with clear and accessible information on the procedure and on funding possibilities, was identified by many Member States as an important aspect of preparations for the programming period 2014-2020; welcomes this as a way of ensuring that the preparation and implementation of projects run smoothly, with reduced bureaucracy for applicants; calls on Member States and regional and local authorities to exchange best practice geared to simplifying procedures, and, while acknowledging that stringent rules on controls and auditing are necessary, to ensure that they are proportionate so as not to add an unnecessary burden;

49. Recognises that e-cohesion can be vital to reducing bottlenecks and ensuring simplification, and welcomes the reference by some Member States to its use; believes that this could also make a significant contribution to the preparations for future funding programmes;

Partnership

50. Emphasises that the decision-making process and the formulation of PAs must involve collaboration at national, regional and local level in the planning, development and implementation of EU cohesion policy funding programmes; believes that the principle of multi-level governance is essential to effective management of the cohesion policy; stresses, in this connection, the need to involve regional and local authorities and stakeholders fully in the preparation, implementation and evaluation of the programmes; underlines the importance of ensuring an adequate flow of information to, and capacity building measures and technical support for, these authorities in order to facilitate and optimise their contribution at all stages of this process;

51. Welcomes the increased involvement of all the relevant stakeholders, local and regional representatives, NGOs, economic and social partners, private businesses and universities, as illustrated by the examples provided by Member States; believes that development in cooperation with other organisations and stakeholders representing different economic, social and environmental viewpoints is important;

52. Emphasises that ensuring successful partnership can involve both a bottom-up and a top-down approach; points out that the 'bottom-up' approach, involving extensive discussions with representatives from the public, private and third sectors, was given as an example by one Member State that is making good progress in its preparations;

53. Highlights the fact that these 'bottom-up' and 'top-down' approaches ensure that national strategies addressing the social, economic and environmental situation are included alongside extensive involvement at regional and local level; welcomes this effective way of guaranteeing that strategic requirements are met while at the same time engaging relevant stakeholders as far as possible in preparations;

Conclusions

54. Welcomes the agreement reached on the legal framework for cohesion policy alongside the conclusion of the CPR negotiations and the MFF;

55. Recognises the importance of multi-level governance in the preparation stages and points out that some of the most advanced preparations have been based on vital dialogue with stakeholders at regional and local level;

56. Highlights the Commission's call for Member States and regions to strive to ensure that the PAs and Ops that are prepared are of the highest possible quality; notes that this will help to generate quality project proposals targeted at specific objectives to ensure that EU funding has the greatest possible impact;

57. Realises that active and well informed national and regional administrations that engage with the Commission can have a positive impact on advancing preparations; strongly recommends, therefore, that the Commission and the national and regional authorities have a steady flow of information, such as details of upcoming implementing acts;

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58. Recommends that Member States that are suffering severe delays should rigorously follow the recommendations issued by the Commission highlights the fact that the Commission should increase its support to ensure that these Member States' PAs and OPs are agreed as soon as possible; notes, therefore, that reviewing Member States' progress during the preparation stages would help reduce delays; notes also that during the implementation phase the Commission could come to the rescue of those Member States that are lagging behind;

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59. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

Tuesday 14 January 2014

P7_TA(2014)0016

Plastic waste in the environment

European Parliament resolution of 14 January 2014 on a European strategy on plastic waste in the environment (2013/2113(INI))

(2016/C 482/09)

The European Parliament,

- having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Waste Framework Directive),
- having regard to Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC,
- having regard to Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),
- having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles,
- having regard to Council Directive 86/278/ECC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture,
- having regard to Directive 94/62/EC of the European Parliament and the Council of 20 December 1994 on packaging and packaging waste (Packaging Directive),
- having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste,
- having regard to Directive 2011/65/EC of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS),
- having regard to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste,
- having regard to Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste,
- having regard to Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE),
- having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH),
- having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 on establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive),
- having regard to its resolution of 13 September 2011 on an effective raw materials strategy for Europe ⁽¹⁾,

⁽¹⁾ OJ C 51 E, 22.2.2013, p. 21.

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- having regard to the Commission communication of 13 February 2012 entitled 'Innovating for Sustainable Growth: A Bioeconomy for Europe' (COM(2012)0060),
 - having regard to the Commission communication of 26 January 2011 entitled 'A resource-efficient Europe — Flagship Initiative under the Europe 2020 Strategy' (COM(2011)0021) and to the European Parliament resolution of 24 May 2012 on a resource-efficient Europe ⁽¹⁾,
 - having regard to the Commission communication entitled 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020' (COM(2011)0244) and to the European Parliament resolution of 20 April 2012 on 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020' ⁽²⁾,
 - having regard to the Commission Green Paper on a European Strategy on Plastic Waste in the Environment (COM(2013)0123),
 - having regard to Decision No 1386/2013/EU of the European Parliament and of the Council on a General Union Environment Action Programme to 2020,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Employment and Social Affairs (A7-0453/2013),
- A. whereas plastic waste is not specifically addressed by EU legislation and is considered as part of the general waste stream, with no account taken of its specific characteristics; whereas this type of waste should no longer be seen as mere garbage but instead should be regarded as a resource;
- B. whereas plastic materials are becoming increasingly diverse and their use is on the rise, leading to larger volumes of waste and increasing combination with other materials and compounds; whereas plastic accumulates in large quantities (a total of 80 MT is estimated to be floating in the Atlantic and Pacific Oceans) and persists in the environment for hundreds of years, killing marine life, provoking toxic reactions and releasing endocrine disrupters, substances that are carcinogenic, mutagenic or toxic for reproduction, nanoparticles, and persistent organic pollutants into the ecosystems and hence the food chain; whereas in 2010 alone, 95,5 billion plastic bags were placed on the EU market, the majority of which were intended to be used only once, while they are restricted or banned in many countries;
- C. whereas poor implementation and enforcement of EU waste legislation by Member States, lack of relevant targets and price mechanisms, insufficient internal demand for recycled materials, illegal dumping, illegal exports and improper storage, and processing and transport of plastic waste have led to significant global damage to human health and the environment, including marine life, and to increased exports of waste, resulting in loss of materials and employment in the EU;
- D. whereas a ban on dumping plastic waste will not by itself lead to the desired recovery of raw materials if the quantities concerned are taken to incinerators instead;
- E. whereas, in the case of plastic waste, the focus must be placed on prevention and minimisation, encouraging producers to choose alternative, more sustainable materials when designing their products;
- F. whereas eco-innovation and design in plastic products are crucial to European competitiveness, helping industry adapt to the pressures of high resource prices and scarcity of materials, and developing Key Enabling Technologies (KETs) for a sustainable society;

⁽¹⁾ OJ C 264 E, 13.9.2013, p. 59.

⁽²⁾ OJ C 258 E, 7.9.2013, p. 99.

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G. whereas the EU could benefit in terms of job creation and growth from a robust effort to move through increased recycling towards a balanced, resource-efficient, non-toxic, cradle-to-cradle circular economy, based on the concept of non-hazardous waste as a raw material source; whereas the economic potential for recycling of plastic waste is currently much higher than the 33 % achieved with regard to plastic packaging waste and the 25 % achieved with regard to total plastic waste, and high recycling rates can help when there is a shortage of raw materials;

H. whereas the plastics industry in the EU employs about 1,6 million people;

I. whereas the Europe 2020 strategy calls for smart, sustainable and inclusive growth;

1. Welcomes the Commission's Green Paper and recognises the need for specific measures on plastic waste in EU legislation, as well as more uniform, consistent and rigorous implementation and enforcement of the existing legislation concerning waste, specifically with regards to the waste hierarchy: prevention, reuse, recycling, and recovery, and in particular in those Member States which are not yet achieving the existing objectives and targets;

2. Considers that strategic planning can serve as the starting point for effective waste management;

3. Stresses that in order to make the EU's approach to waste streams and the circular economy more consistent within the framework of the ongoing legislative 'fitness check', and given that some 40 % of plastic waste derives from packaging and mostly from single-use products while the Packaging Directive is the only one with a specific target for plastic waste collection, it is necessary as a matter of urgency to revise that directive and propose plastic waste norms that go beyond product rules and standards; considers that in order to achieve this, and when drawing up future proposals, the Commission should bear in mind the fact that plastic waste is not a homogeneous material, and that plastic waste streams are made up of a number of materials, additives and plastic compounds of different types that need to be processed in different ways; notes, however, that although plastic packaging helps to maintain the quality and extend the shelf-life of products it is not always necessary for product conservation;

4. Stresses that the EU legislation on plastic waste should aim first at its reduction, and should therefore be revised in order to include:

— specific binding targets for collection, sorting (which could reach the ambitious level of 80 %) and recycling of the various plastic waste streams (for example WEEE, end-of-life vehicles, packaging, agricultural waste, building waste, etc) and mandatory criteria for recyclability (clarifying the distinctions between mechanical/organic recycling and recovery/incineration); the aim should be a progressive and ambitious target for recycled plastic free from hazardous additives that are no longer allowed to be used in new products, to be reached by 2020; some Member States will require transitional periods in which to meet the objectives set at European level;

— the EU-wide harmonisation of criteria for collection, sorting and general waste management, with a view to creating a level playing field in accordance with the waste hierarchy, including the removal of technical, regulatory, administrative and financial barriers to recycling;

— specific labelling of materials in order to inform consumers concerning mechanical or organic recyclability of products, together with indications for consumers on how to increase sorting and recycling; and

— criteria for the replacement of single-use and short-lived plastic products by reusable and more durable materials;

5. Agrees that plastic waste should be treated as a valuable resource by promoting its reuse, recycling, and recovery and by enabling the creation of an adequate market environment; calls on the Commission to make proposals by 2014 to phase out the landfilling of recyclable and recoverable waste by 2020, without, however, incentivising as a result the energy recovery option over recycling, and ensuring that environmental efficiency criteria are applied to all options; considers that, alongside the targets mentioned above for recycling, it is therefore essential to introduce appropriate measures discouraging

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incineration of recyclable, compostable and biodegradable plastics, in order to optimise the life-cycle of each plastic type while respecting the waste hierarchy; points out that this would also invert an unsustainable tendency that has until now privileged the use of virgin products over the more expensive recycled ones; stresses that the recyclability and reparability of products should be taken into account already at the design phase; calls on the Commission, therefore, to propose measures relating to design that improve the overall environmental impact of products, preventing excess waste and promoting recycling markets; believes that in any case plastic goods should be designed to maximise durability, taking into account the whole life-cycle of the product; points out, that in the context of new legislation on plastic waste, the Commission should consider establishing more extensive inspections as regards landfill waste acceptance up to 2020, as well as stepping up checks on incineration facilities;

6. Urges that plastic waste be used for energy recovery only in cases where all other possibilities have been exhausted and where the technology used includes the requisite purification systems for preventing environmental damage and harm to human health;

7. Believes that the most dangerous plastics, those that by scientific evidence are shown to be the most disruptive to human health and the environment (such as micro- and oxo-biodegradable plastics) and those which contain heavy metals and other substances that can also make recycling processes more difficult, should be phased out of the market or banned outright, as soon as possible before 2020 in order to develop a market for reused and recycled materials, and believes that separate collection of these should be immediately implemented; in this framework, believes that the replacement of dangerous plastic materials and additives should be supported, including through the extension of the restricted substances list in RoHS; also believes that, as demanded by a majority of European citizens and consumers⁽¹⁾, the use of single-use plastic bags should be radically reduced and where possible phased out, and that it is important to address the challenge of waste prevention through by more efficient action to tackle overconsumption and the irresponsible disposal of single-use products;

8. Points out that, in a world in which natural resources, including arable land, are increasingly scarce, sustainability means consuming fewer resources in absolute terms, and not merely replacing one resource with another; stresses that in the case of biodegradable, bio-based and compostable plastics adequate measures should be adopted to promote them, provided their production does not impact negatively on agricultural output for human or animal consumption or on the environment; also stresses the need to build upon already recognised European standards (i.e. CEN 13432) in order to enable a clearer differentiation between degradable, biodegradable and compostable plastic products together with the provision of clearer information on their characteristics, recyclability and potential for reuse, to consumers as well as to recyclers and waste management operators;

9. Calls for more public and private investment in research and technologies aimed at obtaining more sustainable plastics (i.e. consuming less raw material while maintaining the same quality, reusability and recyclability) and a better integration of various types in production processes and reprocessing activities, without affecting the quality of materials; considers that new technologies are also needed for enhanced plastic biodegradation processes, waste sorting methods, processing and mechanical recycling, recovery of plastics from oceans, eco-design and smart packaging; believes that to this end, Horizon 2020 could offer opportunities to respond to this important societal need and that the advantages would be far-reaching, for both the environment and citizens, from the creation of new economic activities (for instance high-standard sorting carried out with human labour power) to the reduction of marine litter and health-related risks; stresses that this can offer young people in particular the opportunity to engage in new fields of activity and thus become integrated into the job market; points out that full implementation of EU waste legislation could save EUR 72 billion a year, increase

⁽¹⁾ Consultation on options to reduce the use of plastic carrier bags and options to improve the requirements of biodegradability in Directive 94/62/EC on packaging and packaging waste and the visibility of biodegradable packaging products to consumers — statistics: http://ec.europa.eu/environment/waste/packaging/pdf/statistics_consultation.xls

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the annual turnover of the EU waste management and recycling sector by EUR 42 billion, and create over 400 000 jobs by 2020; emphasises that other EU funds can also contribute significantly to the development of collection and recycling infrastructure if they are used consistently in accordance with the waste hierarchy in the Framework Directive on Waste;

10. Advocates measures that encourage plastic recycling as the best option to meet environmental targets; calls for more public procurement tenders, including those of the European institutions, to include clear demands as regards the recycling of plastic waste as well as favouring the use of recycled plastic where possible;

11. Believes that bolder steps must be taken by both the Member States and the Commission to tackle illegal exports and dumping of plastic waste, including stricter enforcement of EU shipment regulations, as well as stricter monitoring and inspection schemes at ports and at all waste treatment facilities, targeting suspected illegal transfers and combating the export of waste for reuse (mainly end-of-life vehicles and WEEE), and to ensure that exports go only to facilities that fulfil the requirements of environmentally sound management as laid down in Article 49 of the Waste Shipment Regulation; notes that the application of the extended producer responsibility principle, as well as consumer awareness, have a role to play in preventing illegal exports and in a significant reduction of plastic waste in the environment; believes furthermore that the EU should promote a coherent waste management approach in all possible international forums, agreements and institutions; stresses that the EU should lead a global initiative to monitor and significantly reduce marine litter in the oceans; also considers it essential to have access to reliable and comparable data on waste streams, flows in and out of Europe, volumes and management systems;

12. Believes that the financing of waste recycling infrastructure should take priority over the financing of waste dumping and incineration, but should also of course take into account the needs of each individual community; encourages European municipalities and local authorities, the plastics industry, and the recycling and waste management sector to make all possible efforts to motivate and incentivise citizens and businesses to adopt a circular economy concept with regard to plastic waste, beginning with a wide debate on planned obsolescence, by promoting easy and effective separation collection, reuse and recycling schemes and establishing adequate collection points for plastic waste, especially in coastal and environmentally vulnerable areas, starting out in terms of priority from those areas that the Member States have declared to be protected areas and/or national parks; also believes they could make a major contribution towards harmonising plastic waste management activities throughout Europe by agreeing on common standards and practices; calls on regional authorities to cooperate in integrated waste management planning where it is both environmentally and financially viable, and to promote in particular the establishment of 'agricultural collection centres' for plastic waste streams from agriculture (e.g. greenhouse plastics);

13. Advocates, with a view to fostering awareness-raising, concrete actions and campaigns such as the establishment of a European Day for plastic waste, when citizens could return any volume of plastic waste to predetermined points, for example in return for appropriate monetary compensation, as a means of ensuring the supply of recyclable plastic and increasing public awareness of recycling and resource efficiency; considers that this event could also include community cleaning activities (e.g. at beaches), as a symbolic contribution to the containment of pollution from plastic waste; calls for synergies between this kind of event and the 'Let's do it' campaign, European Waste Reduction Week and the forthcoming 'Clean-up Day'; welcomes the Commission's MARELITT pilot project for removing marine litter from Europe's four regional seas and reducing the environmental, health, economic and social impact of marine plastic litter; suggests that the Commission step up its dialogue with third countries, such as those with Black Sea territorial waters, in order to address the problem of marine plastic litter more effectively;

14. Stresses that new initiatives at EU level in the areas of environmental policy, eco-innovation, waste management and bio-economy should be preceded by solid impact assessments, including of their social consequences and the labour market opportunities generated, in particular as regards job creation potential and the need to introduce initial and vocational training in order to create green jobs;

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15. Recalls that the Member States should, while reconciling economic and environmental issues, support initiatives that facilitate the development of sectors with the highest employment potential for decent work and, in particular, that aid in the transition towards a sustainable economy and the creation of sustainable quality jobs in a less resource-intensive economy, in line with the Europe 2020 strategy; calls on local and regional authorities to coordinate public service provisions with environmental targets and objectives in order to achieve multiple objectives and stimulate green jobs in the process;

16. Regards identifying the future needs of the labour market, and future skills requirements, as a priority; emphasises the need for strategies for matching workers' skills with the future needs of the labour market; underlines, in this context, the fact that — in order to tackle the challenges posed by the transition to a less resource-intensive economy — appropriate levels of training and skills are needed for eco-innovations to flourish and for EU waste legislation to be correctly implemented; recommends that the Member States integrate the circular economy model in their professional training schemes; notes that training can improve the perceived status of work in the recycling sector, and can help improve staff retention and health and safety practices; recalls in this context that, by promoting vocational training and work-based learning, the European Social Fund can help satisfy the demand for sustainable quality jobs in less resource-intensive industries, in line with the Social Investment Package presented by the Commission in February 2013;

17. Instructs its President to forward this resolution to the Council and the Commission.

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P7_TA(2014)0017

Regional branding

European Parliament resolution of 14 January 2014 on regional branding: towards best practice in rural economies (2013/2098(INI))

(2016/C 482/10)

The European Parliament,

- having regard to Articles 174 et seq. of the Treaty on the Functioning of the European Union (TFEU), which lay down the objective of economic, social and territorial cohesion and specify which structural financial instruments are to be used to achieve this objective,
 - having regard to Article 39 TFEU, which lays down the objectives of the common agricultural policy,
 - having regard to the Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 ⁽¹⁾,
 - having regard to the Regulation (eu) no 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ⁽²⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on Transport and Tourism and the Committee on Regional Development (A7-0456/2013),
- A. whereas the concept of territorial development has taken on increased importance in recent years, in particular as a result of the inclusion of a more explicit reference to it in the Treaty of Lisbon;
- B. whereas European rural development policy, which is the second pillar of the CAP, was officially recognised in the context of the Agenda 2000 reform; whereas that reform gave rural development policy a status beyond that of a social and structural policy implemented merely as an adjunct to policy on agricultural markets;
- C. whereas the future framework regulation on regional policy calls on the Member States to employ integrated planning and programming in an effort to achieve greater consistency among the multiannual programmes implemented under the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the EAFRD (and the European Fisheries Fund) through the use of a common strategic framework which avoids duplication of funding and double initiatives, is geared to the objectives of the Europe 2020 strategy and is set out in a partnership contract drawn up by the Member States in cooperation with the economic and social partners and representatives of civil society; whereas territorial development measures and initiatives, particularly those concerning rural areas, should consequently be part of a global and cross-sectoral approach;
- D. whereas the border between urban and rural is becoming more and more blurred and peri-urban agriculture is expanding; whereas it is important that as an adjunct to rural development policy, regional policy is also geared towards rural areas in order to support innovative and formative projects there;

⁽¹⁾ OJ L 347, 20.12.2013, p. 487.

⁽²⁾ OJ L 347, 20.12.2013, p. 320.

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- E. whereas the rural development instruments available to the Member States under the current rural development regulation offer them and their regions many development possibilities, and whereas existing rural development programmes do not make sufficient use of these possibilities, because they are short of budget resources;
- F. whereas the regulation for the rural development programming period 2014-2020 will broaden the range of measures available to Member States, examples being the measures to support high-quality food production, the measure focusing on cooperation among territorial actors with a view to exploiting resources to the full through the provision of high-quality goods and services, the strengthening of producer organisations and the measures concerning innovation and economic diversification in rural territories;
- G. whereas better integrating primary producers into the food chain through quality schemes, promotion in local markets and short supply circuits was established as a rural development priority for 2014-2020;
- H. whereas, as far as rural development is concerned, the 'LEADER' approach best encapsulates the concept of cooperation involving a diverse range of actors, without, however, altering the central focus on farming, and whereas the actors involved could pursue a shared sector-based territorial project seeking to emphasise the specific features and best practice of a given homogeneous area;
- I. whereas the choice of the practical arrangements and the type of support to be provided under rural development programmes should be left to the Member States or to their regions, if they opt for regional programming; whereas Member States are in the best position to determine the appropriate emphasis of such programmes at national or regional level;
- J. whereas methods can be used to mobilise and involve, through joint approaches, all the relevant public and private actors, irrespective of the levels at which they are active, with a view to developing cooperation in a wide range of areas and exploiting the full potential of each territory on the basis of a shared project, whereby attention should be drawn, in this case in particular, to the importance of local development associations, producer associations and cooperatives, which may act as privileged partners with a view to access to local, regional, national and international markets;
- K. whereas successful and comprehensive rural development programmes can have a concrete positive impact on employment rates and on the competitiveness of businesses in rural areas, and thus reduce the risks of unemployment or of abject poverty in the countryside resulting from low rural incomes;
- L. whereas territorial excellence brandings can contribute to the resilience and development of territorial economies, particularly in the most vulnerable regions, mountain regions and the outermost regions, by coordinating sets of high-quality goods (food and non-food) and services which are inextricably interlinked and which embody the specific characteristics of each territory and in particular its heritage (historical, cultural, geographical, etc); whereas assembled together within sets these goods and services are unique and generate revenue at territorial level opening up new opportunities on local and international markets and may also act as an 'umbrella' for promoting regions as tourist destinations; whereas the aim of these territorial brandings is to identify those territories that have worked together to create common partnerships and synergies in order to exploit their resources in the long term, encourage local/regional producers and stimulate their economies, which is vital to quality of life in the countryside and a balanced development of rural and urban areas; whereas they should not be confused with the quality labels (protected designation of origin (PDO), protected geographical indication (PGI) and Traditional Specialities Guaranteed (TSG)) used for food products, with which far from being incompatible they are on the contrary fully complementary; whereas they should contribute to the promotion of these schemes both within and outside the EU and help to improve the competitiveness of rural economies whilst at the same time opening up employment opportunities;
- M. whereas the system of protected designations of origin (PDO) and protected geographical indications (PGI) is an effective one, contributing greatly to rural and territorial development through the creation and distribution of added value, through collective action by producers and all parties concerned, and through the way they promote the region in question on local, regional and international markets; whereas regional branding should therefore never replace or undermine in any way the PDO-PGI system;

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- N. whereas measures to encourage and support regional and local interaction between the primary and tertiary sectors could ensure the sustainable development of agriculture and tourism in the EU;
- O. whereas there is a need to create and apply an effective marketing tool to help boost the competitiveness of regional products, encourage local producers, and contribute to the development of a regional identity, not just as regards agriculture but also in other areas;
1. Welcomes the integrated approach to territorial development outlined in the regulation on the common strategic framework for European funds; notes the need for coordination and consistency between the various European funds as a way of guaranteeing harmonious, sustainable and balanced territorial development;
 2. Notes that territorial development is explicitly included among the objectives of the CAP, complementing two other objectives, namely food security and the sustainable management of natural resources, and the fight against global warming;
 3. Emphasises that agricultural regions play a multifunctional role involving not only agricultural development but also other economic and social activities revolving around local capacity- building in terms of skills, know-how and investment in the pinpointing and harnessing of all local assets and valuable and latent potentials and resources;
 4. Welcomes the concept of 'community-led local development' and calls on the Member States to implement this concept and to remove any hindrances to this among the ministries and other administrative bodies involved in managing this innovative new approach; stresses that administrative procedures should not be burdensome, nor create additional costs for the competent authorities within the Member State;
 5. Calls on the Member States and their regional authorities to promote more dynamic forms of participatory governance as a way of implementing common territorial development projects able to cover all economic sectors, including tourism and, within the farming sector, the food and non-food industries, such as regional supply chain projects (concerning short supply chains, food chains, local slaughterhouses, methane production from agricultural biomass projects, green chemistry, bio-based materials, etc), with a particular focus on micro-businesses and new start-ups, on the basis of the gradual recognition of the identity of each territory, as defined and informed by its heritage; notes that these forms of governance are based on complex partnerships between actors and bodies, whose work may be coordinated around the concept of territorial excellence branding; therefore, calls on the Member States to create a platform for sharing best practice, using in particular the tools provided by the LEADER approach to rural development programmes;
 6. Points out that closer coordination of local actors could help strengthen rural economies, especially in the most vulnerable regions, including the mountain regions, and in the most distant among them, such as the outermost regions; emphasises that territories could benefit from a better organisation with a view to identifying the full potential their resources (including latent resources) offer, in the interests of all the actors linked by a relationship of interdependence and solidarity (i.e. those involved in the agriculture sector, handicrafts and craftsmanship, tourism, heritage, and including producer's organisations, associations and chambers of commerce, etc); notes that the purpose of this strategic coordination is to tap resources by incorporating and going beyond a sectoral or single- industry approach and instead call for the employment of territorial approaches which generate new revenue at territorial level through the marketing of sets of complementary goods and services which reflect the specific characteristics of each territory; stipulates in this regard that this territorial governance shall back firmly the creation, development and improvement of work to promote farm and food products covered by existing quality schemes based on defence of intellectual property, and at the same time as promoting high quality services (which do not benefit from official European recognition), with enhanced mutual promotion of farm produce and services, and all parties demonstrating solidarity so that all goods and services from their own local area are promoted;
 7. Notes that, although territorial quality branding is intended to drive a territorial value creation process seeking to encompass products and services within a perspective of identity and social responsibility and to complement, by forming a unified whole and generating synergies with, the existing origin-related agri-foodstuff quality labelling schemes, branding of this kind goes further in that it applies across the board to all products, goods, and services in a given territory and to the management model used by businesses, institutions, and local actors in that territory;

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8. Stresses the need to promote forms of association between different regions and a cross-sectoral partnership, so as to be capable of competing; recognises the role of representative bodies, such as associations, at regional, national and European level which provide for the promotion of regional brands and enhance and strengthen the growing region's visibility; calls for greater attention to be paid to regional branding initiatives as a possible common theme in European territorial cooperation and European funding initiatives, and as a tool that represents an investment in the long-term vitality of the region's competitiveness;

9. Considers that regional quality branding must help to preserve the image of Europe as a high-quality destination for tourism, on the basis of various fields of regional tourism, such as agri-tourism, rural tourism, ecotourism and gastro-tourism, as well as industrial, historical, natural and cultural heritage, and also including cycle routes to be combined with public transport; stresses that there is currently no European brand for services linked to a particular location which can enable customers to identify quality tourist product; recommends, in this connection, assisting in the introduction of a quality-related dynamic in the tourism sector, particularly in relation to rural tourism and small enterprises; believes that it can help to provide an alternative for traditional sectors such as agriculture and livestock farming; considers that any quality brand linked to a specific location must reflect a set of specifications providing a guarantee of quality and must respect and build on existing branding, such as food product designations, avoiding any confusion with EU quality-labelled agricultural products;

10. Considers that initiatives such as the EDEN (European Destinations of Excellence) network promote competitiveness, help to bring about sustainable and high-quality tourism in a region, thanks to the potential of micro- and small undertakings, and contribute to the involvement of local institutions, the establishment of partnerships and the diversification of participants in the creation of the regional quality brand; calls on the Commission to include various forms of tourism involving rural activities in related measures and programmes such as EDEN, Calypso, etc; stresses the need for targeted initiatives and programmes to promote rural tourism activities;

11. Urges the Commission and the Member States to ensure that future rural development programmes provide for appropriate measures and sufficient resources to facilitate good governance and sustainable forms of territorial governance by drawing on and strengthening the measures based on collective operations: measures concerning cooperation (including on systems of sustainable production), coordination, exchanges, networks, innovation, training, producer groups, promotion, information and investment, provided for in the new rural development regulations; calls on Local Action Groups (LAGs) under the LEADER+ programme to provide the support necessary to set up cooperation networks linking local and regional producers, service providers, and cultural institutions such as universities, libraries, and research centres, so as to enable the cultural and historical aspects of territories to be encapsulated in regional brands serving to forge lasting links between training, research, and production, thereby also creating sustainable jobs;

12. Maintains that those programmes should cover many sectors, without, however, detracting from the overriding importance to be accorded to farming, and that they should be assessed by the managing authorities responsible for development plans;

13. Invites the Commission to support Member States' efforts in recognising and promoting new forms of cooperation for rural areas, around the territorial excellence branding, with the aid of tools included in the CAP reform such as the Union's LEADER initiative, the technical assistance and networking tools, the European Innovation Partnership (EIP), the European network for rural development, as well as all other tools and means that may prove necessary; these new forms of European territorial cooperation shall be based on an objective assessment of regional synergies, taking into account the social, economic and environmental dimensions, sustainability, the diversity of the economic and social actors (including those from the tourism sector) involved in promoting regional identity, and the set of specific goods and services able to be developed in each territory, in order to create and maintain an added value;

14. Considers that, in the context of these new forms of territorial cooperation, Member States should be able to use all measures of rural development linked to a quality policy for food products, with the aim of developing in particular sales in local markets and short supply chains and improving the sustainability as well as the knowledge of production methods, while fully respecting the EU rules and without affecting, undermining or weakening the existing Union quality schemes,

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such as protected designation of origin (PDO), protected geographical indication (PGI) and Traditional Specialities Guaranteed (TSG); considers that, in the agri-food sector, the territorial excellence branding should be confined to promoting the PDO-PGI-TSG quality schemes where they exist or to supporting their creation where they do not yet exist; calls on the Commission, taking account of the proliferation of multiple labels and regional brandings regarding food products in Europe, to draw up an inventory of brands with specific regional features, in order to avoid any possible negative effects on the quality schemes; maintains that the concept of regional branding should be clearly defined, taking into account the favourable experience with existing quality labels (PDO, AOC, PGI), and that coordinated strategies should be drawn up to avoid duplication and overlapping, proceeding from a shared common approach based on a framework to be laid down at EU level;

15. Instructs its President to forward this resolution to the Council and the Commission.
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P7_TA(2014)0022

The future of EU-ASEAN relations

European Parliament resolution of 15 January 2014 on the future of EU-ASEAN relations (2013/2148(INI))

(2016/C 482/11)

The European Parliament,

- having regard to the main legal framework for relations with ASEAN, namely the ASEAN-EEC Cooperation Agreement, signed in March 1980 ⁽¹⁾,
- having regard to the ongoing negotiations and/or the conclusion of seven Partnership and Cooperation Agreements between the European Union and the ASEAN Member States, namely Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam,
- having regard to the negotiations on Free Trade Agreements (FTAs) with Malaysia, Thailand and Vietnam and the conclusion of the EU-Singapore FTA,
- having regard to the EU strategy 'New Partnership with Southeast Asia' of July 2003 (COM(2003)0399), which identifies enhancing regional trade and investment relations with ASEAN as well as dialogue in specific policy areas as key priorities,
- having regard to the 7th Asia-Europe Parliamentary Partnership (ASEP) and the 22nd ASEAN Summit,
- having regard to the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership of March 2007 and its Plan of Action of November 2007,
- having regard to the Bandar Seri Begawan Plan of Action to Strengthen the ASEAN-EU Enhanced Partnership (2013-2017) adopted in Brunei Darussalam on 27 April 2012,
- having regard to the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia (TAC) in Phnom Penh on 12 July 2012 ⁽²⁾,
- having regard to the 9th Summit of the Asia-Europe Meeting (ASEM) held in Vientiane, Laos in November 2012,
- having regard to the Asia-Europe Foundation (ASEF), established in February 1997 to provide a forum for non-governmental dialogue,
- having regard to the ASEAN-EU Programme of Regional Integration Support programme (APRIS), the ASEAN Regional Integration Support programme (ARISE), and the Regional EU-ASEAN Dialogue Instrument (READI) in support of the harmonisation of policies and regulations in non-trade related sectors,
- having regard to the Joint EU-US statement on the Asia-Pacific Region of 12 July 2012,
- having regard to the founding of the Association of Southeast Asian Nations (ASEAN) on 8 August 1967,
- having regard to the ASEAN Economic Community Blueprint agreed in 2007 and the ASEAN Charter adopted in 2008,
- having regard to the first ASEAN Human Rights Declaration of 18 November 2012, the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the first dialogue between the AICHR and the newly established European Union (EU) Special Representative for Human Rights, Stavros Lambrinidis, on 8 May 2013,

⁽¹⁾ OJ C 85, 8.4.1980, p. 83.

⁽²⁾ OJ L 154, 15.6.2012, p. 1.

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- having regard to the 14th ASEAN summit held in 2009 and the establishment of a road map for a single market ASEAN (Economic) Community, ASEAN Political-Security Community and ASEAN Socio-Cultural Community,
 - having regard to the 22nd ASEAN summit held in Brunei on 24-25 April 2013,
 - having regard to the 7th East Asia summit (EAS) held in Phnom Penh on 20 November 2012 by the leaders of 17 countries in ASEAN, China, Japan and South Korea (ASEAN+3), India, Australia and New Zealand (ASEAN+6) and the United States,
 - having regard to the ASEAN Agreement on Disaster Management and Emergency Response (AADMER),
 - having regard to the joint statement issued at the eighth meeting of ASEAN Ministers for Social Welfare and Development of 6 September 2013 in Phnom Penh in preparation for the ASEAN summit scheduled for October 2013 and the provision contained therein that access to social protection is a basic human right,
 - having regard to its recent resolutions on ASEAN member states, in particular those of 11 September 2013 on the negotiations for an EU-Malaysia partnership and cooperation agreement ⁽¹⁾, of 13 June 2013 on the situation of Rohingya Muslims ⁽²⁾, of 11 June 2013 on organised crime, corruption, and money laundering ⁽³⁾, of 18 April 2013 on Vietnam, in particular freedom of expression ⁽⁴⁾ and of 7 February 2013 on Laos: the case of Sombath Somphone ⁽⁵⁾,
 - having regard to its recent resolutions on ASEAN member states, in particular those of 17 February 2011 on the border clashes between Thailand and Cambodia ⁽⁶⁾, of 7 July 2011 on Indonesia, including attacks on minorities ⁽⁷⁾, of 25 November 2010 on Burma: conduct of elections and the release of opposition leader Aung San Suu Kyi ⁽⁸⁾, of 20 May 2010 on the situation in Burma/Myanmar ⁽⁹⁾, of 20 May 2010 on the situation in Thailand ⁽¹⁰⁾, of 26 November 2009 on the situation in Laos and Vietnam ⁽¹¹⁾ and of 5 February 2009 on the situation of Burmese refugees in Thailand ⁽¹²⁾,
 - having regard to the ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’, adopted by the UN Human Rights Council on 16 June 2011,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0441/2013),
- A. whereas ASEAN is at present one of the most important emerging regional organisations in the world, in terms of both economic development and geopolitical dynamics;
- B. whereas the ASEAN Charter, signed in November 2007, establishes legal personality and a legal and institutional framework for ASEAN, including the creation of the Committee of Permanent Representatives (CPR) to support and coordinate the work of ASEAN;

⁽¹⁾ Texts adopted, P7_TA(2013)0367.

⁽²⁾ Texts adopted, P7_TA(2013)0286.

⁽³⁾ Texts adopted, P7_TA(2013)0245.

⁽⁴⁾ Texts adopted, P7_TA(2013)0189.

⁽⁵⁾ Texts adopted, P7_TA(2013)0058.

⁽⁶⁾ OJ C 188 E, 28.6.2012, p. 57.

⁽⁷⁾ OJ C 33 E, 5.2.2013, p. 201.

⁽⁸⁾ OJ C 99 E, 3.4.2012, p. 120.

⁽⁹⁾ OJ C 161 E, 31.5.2011, p. 154.

⁽¹⁰⁾ OJ C 161 E, 31.5.2011, p. 152.

⁽¹¹⁾ OJ C 285 E, 21.10.2010, p. 76.

⁽¹²⁾ OJ C 67 E, 18.3.2010, p. 144.

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- C. whereas the ASEAN Economic Community aims to create an internal market for 600 million people by 2015, which will make ASEAN, with its competitive economic operators and fast-growing internal demand, comparable to other large markets in the world, such as the EU, the United States, China, Japan and India and, consequently, a strong economic partner in the regional and international market; whereas some ASEAN member states will face challenges in this process in terms of competitiveness, social stability and the strengthening and development of the social components of the integration process;
- D. whereas ASEAN member states' economic restructuring efforts after the 1997 Asian financial crisis have helped them to show in general good resistance against the present global economic crisis;
- E. whereas in 1993 the ASEAN Regional Forum (ARF) was established to foster dialogue and consultation on political and security issues and to contribute to confidence-building and preventive diplomacy in the Asia-Pacific region;
- F. whereas the latest ASEAN summit called for the denuclearisation of the Korean peninsula and encouraged nuclear-weapon states to accede to the protocol to the Southeast Asia Nuclear Weapons-Free Zone Treaty; whereas the summit also discussed the possible future participation of East Timor in ASEAN;
- G. whereas China has been increasing its economic ties with Southeast Asian countries; whereas some ASEAN member states have strengthened cooperation with the US on maritime security; whereas Russia considers Asia as an important part of its international strategy; whereas ASEAN countries continue to play an important role in preserving peace and stability in the region; whereas the EU and ASEAN share a common concern about the unresolved territorial disputes in the South China Sea and have significant interest in maintaining peace, stability, respect for international law and, especially, the UN Charter and the 1982 United Nations Law of the Sea; supports the Six-Point Principles on the South China Sea of July 2012 and the Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea of 2011, encouraging a settlement through peaceful means;
- H. whereas the ASEAN Human Rights Declaration continues to give individual countries the freedom to adopt their own legal instruments for the protection of human rights, while establishing a general framework for the protection of human rights in the region as a whole;
- I. whereas on 8 November 2013 Typhoon Haiyan devastated the Philippines, destroying entire towns, leaving a still unknown number of people — possibly thousands — dead and millions homeless; whereas this storm, which is the strongest recorded storm ever to make landfall, could demonstrate the grave danger of increasingly frequent extreme weather conditions;
- J. whereas the high pollution levels caused by smoke from major forest fires in the region, are having major environmental consequences and could constitute a non-traditional security threat;
- K. whereas the EU and ASEAN share the political objective of promoting wellbeing, cooperation and peace in their respective regions and worldwide;
- L. whereas the Bandar Seri Begawan Plan of Action of 2012 between the EU and ASEAN aims to give more strategic focus to cooperation on the three pillars of ASEAN, as well as to cultural and development cooperation, and it has regular meetings at ministerial and senior official levels;
- M. whereas, in view of the ongoing negotiations on free trade agreements (FTAs) between the EU and Malaysia, Thailand and Vietnam as well as the conclusion of the EU-Singapore FTA and the long-term goal of a region-to-region FTA, it is ever more urgent to develop a more comprehensive policy framework with the ASEAN partners;

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1. Takes the view that ASEAN, as a major regional and global economic actor, can play an important role in promoting a peaceful, multilateral world order; wishes to see ASEAN's institutional, economic and political capacities further develop;
2. Strongly encourages ASEAN to continue its political and economic integration path, notably the ambitious ASEAN plan for an Economic Community by 2015, including the liberalisation of its internal labour market, which would be highly beneficial for all the countries involved;
3. Congratulates ASEAN leaders on the significant progress being achieved in the regional integration process, most visibly with the forthcoming establishment of the ASEAN Economic Community; believes that these positive developments should be matched by strengthening its parliamentary dimension and invites ASEAN leaders to consider a formal Charter recognition of the role of the ASEAN Inter-parliamentary Assembly (AIPA) as an integral part of ASEAN itself;
4. Underlines the great economic potential of the ASEAN region and encourages the ASEAN states and national and foreign enterprises operating in ASEAN countries to act in accordance with the principles of corporate social responsibility, to actively respect ILO core labour standards and the UN Guiding Principles on Business and Human Rights, to promote appropriate employment protection and access to decent work conditions, and to establish an environment that is more conducive to the development of trade unions and their activities; in this connection, urges the Commission to help develop measures to increase international and local law enforcement capacities;
5. Considers that the ASEAN countries should advance towards a new phase of inclusive economic and social development, with particular emphasis on promoting their peoples' human, social, labour and economic rights, in order to ensure fairer and more equal societies; to achieve this, considers that they should use their increased economic wealth to strengthen their social security and protection networks; urges equally the EU to enhance its cooperation on human rights so as to contribute to making the ASEAN Intergovernmental Commission on Human Rights (AICHR) effective for the promotion and protection of human rights;
6. Emphasises that the EU and ASEAN have shared values as well as common political and economic interests, which should continue to be developed with high priority and upgraded to the level of a strategic partnership; welcomes the fact that, in recognition of the importance of this relationship, the EEAS is actively considering the appointment of an EU Head of Delegation to ASEAN; expects this to result in enhanced coordination between the EU Heads of Delegation in ASEAN member states and EU Member States' embassies and broaden the EU's political credibility and visibility; calls on the VP/HR and the Commission to come forward with a renewed, more comprehensive strategy for Southeast Asia;
7. Believes that the EU and its Member States should work on a common and coherent approach for the ASEAN region, supporting and complementing each other and, thus, enabling the EU to develop a stronger economic and political presence in the region; believes that it is important to increase the presence at all levels of EU and Member State representatives in ASEAN regional and national fora;
8. Recommends that the Union endeavour to heighten public awareness in these countries of the fact that its external policy is governed by its role as a regulatory power seeking to promote regional integration through political dialogue, preferential trade accords and partnership agreements;
9. Warmly welcomes the negotiation of seven Partnership and Cooperation Agreements between the EU and seven individual ASEAN member states, which will be the cornerstones for deepening mutual relations, and underlines the need for accelerated negotiations with the remaining ASEAN members; calls for swift ratification of the existing PCAs; believes, however, that the PCAs with individual States should not become a stumbling block for the overall relationship between the EU and ASEAN;
10. Supports the strengthening of the parliamentary dimension of the relationship; considers that establishing a formal Euro-ASEAN inter parliamentary assembly would further upgrade relations between the EU and ASEAN Member States once the conditions were ripe and would also provide a forum for multilateral exchange to address global issues in a more comprehensive way; also suggests the creation of links between Parliament's Subcommittee on Human Rights and the ASEAN Intergovernmental Commission on Human Rights (AICHR); believes that the Office for the Promotion of Parliamentary Democracy could provide capacity-building assistance to the ASEAN Inter-Parliamentary Assembly (AIPA), enhancing the role of national parliaments as well as of the AIPA within ASEAN;

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11. Highlights the benefits of increasing joint high-level meetings and mutual collaboration and understanding in multilateral fora, such as the United Nations and its agencies, the IMF and the WTO;
12. Stresses that the Asia-Europe Meeting (ASEM) and the Asia-Europe Parliamentary Partnership (ASEP), as the existing channels for dialogue between the EU and ASEAN, should be upgraded at governmental and parliamentary level and further extended;
13. Supports ASEAN in developing its own space within the conflicting economic and security interests of China, Japan and the United States; would like the EU to be an active political partner for ASEAN in its pursuit of non-military solutions to important security and geostrategic challenges by sharing the EU's experience of conflict prevention, resolution and dispute settlement in managing border and territorial disputes, in order to enhance peace and regional stability;
14. Is concerned at the recent developments in the South China Sea and welcomes work of the Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea, aimed at finding a peaceful and mutually beneficial solution to the maritime border dispute in the area;
15. Urges the Union to help alleviate geopolitical regional tensions by means of a close relationship with ASEAN, which will mean stepping up conflict resolution mechanisms;
16. Notes the efforts made on counter-piracy measures by ASEAN states and welcomes the positive reports so far; underlines the critical and complex nature of maritime shipping routes in the area for the world economy and their vulnerability, and considers that this should be a permanent concern in the EU's efforts in the region;
17. Calls for the Commission and the EEAS to continue providing assistance to the capacity-building efforts of the ASEAN Secretariat and ASEAN institutions, drawing from experiences in the EU; suggests that the 'ASEAN Regional Integration Support by the EU' programme (ARISE) should continue providing such assistance;
18. Encourages supporting cross-regional visits of cultural performers and urges the Member States to encourage broader coverage of the ASEAN region in state-run media and education and to increase their presence in the region through cultural institutes or other means, which would broaden and deepen cultural ties with ASEAN countries and improve and promote mutual cultural knowledge and dialogue;
19. Believes that it is worth considering organising a 'cultural' year with a changing topic every year, whereby an EU country could be featured in ASEAN member states, and likewise, an ASEAN country could be featured in Europe;
20. Welcomes the fact that the EU is now the biggest partner in scientific cooperation with most ASEAN member states, suggests that the Commission's research and innovation programme Horizon 2020 should be promoted more actively with science institutions in the region;
21. Highlights the important role of exchange programmes to facilitate the mobility of young people, such as Erasmus, for intercultural students' and research cooperation between EU and ASEAN higher education institutions; suggests establishing ASEAN study centres in European and EU study centres in ASEAN universities and expanding possibilities for joint degrees; believes that the EU needs to expand university programmes in English to better facilitate access for Asian students to European universities, while EU researchers should be helped to join research programmes in Asia including in cooperation with the ASEAN University Network (AUN);
22. Suggests, in particular through the use of the new Partnership Instrument, that steps be taken to intensify regular exchanges and mutual learning processes, for example on multicultural societies and democratic state structures for the 21st century; underlines the need to include minority rights and promote gender equality and women's empowerment, and to improve the lives of girls and women, social and labour standards, including by abolishing forced and child labour, promoting appropriate employment protection and access to decent working conditions, and developing sustainable and comprehensive state welfare systems, legal and security systems, economic cooperation and other appropriate measures;

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23. Insists on the importance of developing people-to-people contacts and commends the work of the Asia-Europe Foundation (ASEF), whose core function is to develop links between civil societies in both regions; calls for the EU to take on a more active and prominent institutional role than that of a simple member;
24. Calls for the launching of a city-twinning initiative in order to link up regions in Europe and Asia which have had few exchanges up to now;
25. Suggests that the EU increase its inter-regional cooperation with ASEAN on disaster and crisis prevention and management, major challenges such as sustainable development in the areas of food security, resource management (including the use of water and marine resources, including in the Mekong sub-region), agricultural investment, support for small farmers, urbanisation, connectivity and transport, as well as climate change, renewable energy, energy efficiency and energy transition, tourism, research and innovation;
26. Notes that poverty continues to be a problem in the ASEAN countries and that it mainly affects women, the poorly-skilled, rural areas and minority ethnic or religious groups; sees a need, therefore, to improve the distribution of wealth and promote social justice at all levels, and considers that there is still a need for a new EU strategy to promote development and combat inequality in these countries, including by providing access to financing via microcredits; believes that such a strategy should be based in particular on the following principles: policy coherence for development, long-term aid effectiveness, priority for basic social needs and participation by national stakeholders, including national parliaments, local authorities, and development NGOs and civil society;
27. Highlights the fact that the EU should provide assistance to the capacity building of the ASEAN Intergovernmental Commission on Human Rights, as well as technical assistance to the ASEAN Committee on Women and Children;
28. Is looking forward to enhanced cooperation and mutual rapprochement on human rights issues such as freedom of expression and of the media, freedom of assembly and association, including for trade unions, and considers that the EU and ASEAN have their own areas where there is room for improvement, for example with regard to the treatment of migrants and minorities;
29. Expects that the review of the Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights will provide an opportunity to strengthen its role; calls on ASEAN to develop standards and rules facilitating the implementation of its Human Rights Declaration; stresses that ASEAN member states' obligations under international law supersede any conflicting provisions in this Declaration; suggests also that regional mechanisms for dispute settlement and sanctions in case of human rights violations should be developed in the future, along the same lines as those existing in other regions, such as the European Court on Human Rights; supports enhanced cooperation on mutual concerns regarding human rights;
30. Urges the EU to upgrade its assistance and cooperation to combat corruption, inter alia by encouraging the ratification and implementation of the UN Convention Against Corruption;
31. Urges the Commission to carry on helping ASEAN countries to continue to reduce disparities between countries and to accompany them along the path of political, economic and institutional integration at regional level, paying special attention to the LDCs (Cambodia, Laos and Myanmar);
32. Urges for the activation of the EU 2004 Land Policy Guidelines to counter land-grabbing; in particular, stresses that donors should engage in land policy which are geared towards the defence and strengthening of small-scale family agriculture;
33. Expresses its appreciation of the ASEAN member states' decision to declare ASEAN a nuclear-weapon-free zone and believes that others should follow their example;
34. Expresses concern regarding environmental policy, in particular over the rate of illegal logging, burning and resulting smog that has a significant negative impact also across ASEAN borders; regrets the fact that the EU biofuel policy contributes to the rapid expansion of oil palm production, leading to dispossession and/or adverse incorporation of the

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rural poor into oil palm plantation; deems it therefore essential to support, within the context of development aid, the right to land resources of poor people in developing countries; encourages stronger efforts for the protection of the environment and biodiversity, commends the work of the ASEAN Centre for Biodiversity and is looking forward to tighter cooperation between the EU and ASEAN on climate change mitigation and adaptation;

35. Urges the ASEAN member states to reach agreement on coordinated measures for the prevention and containment of environmentally devastating fires; urges Indonesia to ratify the 2002 agreement on haze pollution resulting from fires in the region;

36. Stresses that the EU should also intensify policy dialogues and cooperation on issues such as fundamental rights, including those of ethnic and religious minorities, and, likewise, while protecting freedom of expression and the free flow of information, on matters of common concern relating to the rule of law and security matters, such as the fight against transnational crime, corruption, tax evasion, money laundering and trafficking in people and drugs, and counter-terrorism, non-proliferation, disarmament, maritime security and cyber security;

37. Is concerned at the urban development challenges faced by the ASEAN countries as a result of their economic growth, including the management of migration flows from the countryside to cities, urban planning and provision of infrastructure and basic services, measures to prevent the spread of shanty towns and the advisability of using clean, renewable energy sources to combat pollution; calls on the Commission to collaborate with the ASEAN countries on strategies to address these problems;

38. Proposes to support regional economic integration, especially with regard to the free flow of goods, services and investment, mobility of skilled workers, and to further enhance cooperation on disaster and crisis management, security, the fight against poverty and migration issues;

39. Recalls that it is also important to support the booming private sector by strengthening the dialogue between European and Asian companies and public-private cooperation on financial, investment, economic and trade issues, including the internationalisation of European SMEs and their market access, and the ongoing global financial crisis; encourages the exchange of best practices between the EU and ASEAN in this respect;

40. Notes that for several ASEAN members textile exports to the EU represent an important sector and recalls that the granting of GSP and GSP+ is linked to the implementation of basic labour standards and ILO and other core international conventions which are essential for sustainable development;

41. Calls on the leaders of the ASEAN member states to support the EU's objective of participating in future East Asia Summits, following the EU's accession to the Treaty of Amity and Cooperation in Southeast Asia;

42. Welcomes the peace process and the democratic reforms in Burma/Myanmar, which open a historic window of opportunity for greatly enhanced EU-ASEAN relations; remains particularly concerned, however, at the situation of ethnic minorities; urges the Burmese Government and its ASEAN neighbours, especially with regard to the Rohingyas, to make every possible effort to improve their living conditions and rights as citizens;

43. Welcomes the ratification by Cambodia and the Philippines of the Statute of the International Criminal Court (ICC) and appeals to all ASEAN member states to do the same; appeals also to all ASEAN member states to follow the worldwide trend towards the abolition of the death penalty; encourages the ASEAN member states to ratify and implement the UN Convention Against Corruption;

44. Commends Indonesia and the Philippines for their active engagement with the Open Government Partnership (OPG) and the commitment shown to foster greater government openness and public integrity; suggests that the remaining ASEAN countries seek membership of the OPG and develop their own Action Plans in close and meaningful cooperation with civil society and grassroots organisations;

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45. Expresses concern, however, at the fact that in many ASEAN countries cases of land grabbing, impunity for those connected to the ruling elites and corruption are endangering the enormous economic and social progress achieved in the region;
46. Instructs its President to forward this resolution to the EEAS, the Council and the Commission, the ASEAN Inter Parliamentary Assembly (AIPA), the ASEAN Secretariat and the governments and parliaments of the ASEAN member states.
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P7_TA(2014)0031

Combating wildlife crime**European Parliament resolution of 15 January 2014 on wildlife crime (2013/2747(RSP))**

(2016/C 482/12)

The European Parliament,

- having regard to the resolution of April 2013 of the UN Commission on Crime, Prevention and Criminal Justice, endorsed by the UN Economic and Social Council in July 2013, encouraging UN member states to ‘make illicit trafficking in wild fauna and flora a serious crime when organised criminal groups are involved’, thereby placing it on the same level as human trafficking and drug trafficking,
- having regard to the investigation carried out by Interpol and IFAW (International Fund for Animal Welfare) into the online ivory trade within the EU, which noted that enforcement of online wildlife crime is in its infancy and called for the introduction of specific e-commerce legislation regulating wildlife trade in the EU,
- having regard to its resolution of 6 February 2013 on the EU strategic objectives for the 16th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to be held in Bangkok (Thailand) from 3 to 14 March 2013 ⁽¹⁾,
- having regard to the outcome of the above Conference of the Parties (CoP 16) meeting, at which the parties agreed on a number of concrete actions against poaching and wildlife trafficking, including Decisions 16.39-16.40 and Decisions 16.78-16.83,
- having regard to the CITES Convention, implemented in the EU through Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein ⁽²⁾, and Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 ⁽³⁾,
- having regard to Recommendation No 155 (2011) of the Standing Committee of the Bern Convention on the illegal killing, trapping and trade of wild birds, adopted on 2 December 2011, and to the Commission’s subsequent Roadmap towards eliminating illegal killing, trapping and trade of birds (12/2012),
- having regard to the recent initiatives taken by the US, the Philippines and Gabon to destroy their stockpiles of illegal ivory, in order to create public awareness regarding the increased demand for ivory and the increased levels of illegal trade and poaching, with the aim of cracking down on wildlife trafficking,
- having regard to the joint statement of 26 September 2013 by 11 African elephant range state leaders, as part of the Clinton Global Initiative commitment to action for the Partnership to Save Africa’s Elephants, urging other countries to ‘declare or restate national moratoria on all commercial imports, exports and domestic sales and purchases of tusks and ivory products until wild elephant populations are no longer threatened by poaching’,
- having regard to its resolution of 23 October 2013 on ‘organised crime, corruption and money laundering: recommendation on action and initiatives to be taken (final report)’ ⁽⁴⁾, and in particular paragraph 127 thereof, and to its resolution of 11 June 2013 on ‘organised crime, corruption and money laundering: recommendations on action and initiatives to be taken (interim report)’ ⁽⁵⁾,

⁽¹⁾ Texts adopted, P7_TA(2013)0047.

⁽²⁾ OJ L 61, 3.3.1997, p. 1.

⁽³⁾ OJ L 166, 19.6.2006, p. 1.

⁽⁴⁾ Texts adopted, P7_TA(2013)0444.

⁽⁵⁾ Texts adopted, P7_TA(2013)0245.

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- having regard to the outcome of the workshop on international wildlife crime held by its Committee on the Environment, Public Health and Food Safety on 27 February 2013 in Brussels,
 - having regard to the question to the Commission of 29 October 2013 on wildlife crime (O-000123/2013 — B7-0529/2013),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas wildlife crime, including poaching and illegal harvesting, the transit of illegal wildlife products and derivatives, and the illegal sale and use of those products in consumer countries is now a serious transnationally organised criminal business with an annual turnover of at least USD 19 billion, and is now the fourth largest illegal activity in the world, after drug trafficking, counterfeiting and human trafficking;
- B. whereas illicit wildlife trafficking often involves transnational organised criminal networks and is used as a source of revenue for such networks and for militant rebel groups;
- C. whereas wildlife crime constitutes a threat to the welfare of the individual animals and to the conservation of the animal and plant species concerned, and puts the local ecosystems as a whole at risk;
- D. whereas wildlife crime has become a serious threat to the security, political stability, economy, local livelihood, natural resources and cultural heritage of many countries; whereas the extent of the response required to effectively address these threats is often beyond the sole remit of environmental or wildlife law enforcement agencies, or of one country or region alone;
- E. whereas illicit wildlife trafficking is not only a major threat to security, the rule of law and the development of the local communities where wildlife resources are depleted, but also to the peace and security of the nations and regions where those communities are located, as well as to global sustainable development;
- F. whereas tackling wildlife crime requires a coordinated global response at the highest political level and between enforcement agencies at international and national level, as well as the effective use of tools to strengthen law enforcement and criminal justice systems;
- G. whereas as long as demand for wildlife products remains high and enforcement effort is low, legal trade will continue to serve as a front for the illegal trade and will drive poaching;
1. Stresses that the EU is both a significant market and a transit route for illegal wildlife trade; draws attention to the fact that Europol estimates that revenues generated by the trafficking of endangered species amount to between EUR 18 billion and EUR 26 billion per annum, with the EU being the foremost destination market in the world;
 2. Emphasises that the aim of CITES is to ensure that international trade in wild animals and plants is not a threat to the survival of species in the wild;
 3. Is alarmed that the illegal trade in wildlife products on the internet alone was estimated by the Global Financial Integrity Report ‘Transnational Crime in the Developing World’ in February 2011 as being worth USD 10 billion per annum;
 4. Expresses its concern at the increasing links between persons and money connected with wildlife trade and other forms of organised criminal activity, including drugs and arms trafficking, corruption and fraud, as well as militancy and terrorism;
 5. Is concerned that organised crime groups, especially those with smuggling capabilities, find wildlife trafficking attractive because of the lack of law enforcement capacity and implementation, and because of high profits and weak penalties;
 6. Stresses that if the EU and its Member States wish to play a genuine leading role in the protection of endangered species, it is necessary not only to ensure, as a matter of urgency, the active and ambitious promotion of international negotiations, but also to create the most appropriate legal framework and the conditions of implementation that will ensure that all loopholes contributing to this illicit trade end at the Union’s borders;

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7. Draws attention to the fact that wildlife crime can be a serious threat to the rule of law and to sustainable development;

8. Is aware that poaching of various species of wild fauna happens on EU territory too, and that killing, taking, capturing and trading in rare species which are specially protected — and even endangered species as listed in Annex IV to Directive 92/43/EEC (Habitats Directive) and Annex I to Directive 2009/147/EC (Birds Directive) — are still taking place;

Action within the EU

9. Urges the Commission to establish without delay an EU plan of action against wildlife crime and trafficking, including clear deliverables and timelines;

10. Stresses that the EU is a major transit destination for illegal wildlife products such as ivory and live animals, as highlighted in a recent report by TRAFFIC ⁽¹⁾, and is therefore in a privileged position to control this trade;

11. Calls on the Member States to introduce moratoria on all commercial imports, exports and domestic sales and purchases of tusks and raw and worked ivory products until wild elephant populations are no longer threatened by poaching;

12. Calls on the Member States to join other CITES Parties in sending out a clear signal against wildlife trafficking and demand for illegal wildlife products by destroying their stockpiles of illegal ivory;

13. Calls on the Member States to implement fully Commission Recommendation 2007/425/EC identifying a set of actions for the enforcement of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; recommends that Member States provide for immediate confiscation of any seized specimens, in order to better implement CITES and protect the welfare of live animals;

14. Calls on the Commission to engage the CITES Standing Committee regarding Decision 16.47 from CoP 16 on provisions to streamline the disposal of illegally traded and confiscated specimens in order to ensure coordinated approaches to information exchange and rapid rehoming of confiscated live animals;

15. Encourages the Member States to strengthen the judiciary in the EU by means of enhanced awareness, capacity and resources, in order to ensure that prosecutions for illicit wildlife trafficking are conducted effectively and to the full extent of the law, and that wildlife criminals receive penalties which are commensurate with the seriousness of the crime; urges the Commission, therefore, to streamline harmonisation between Member States under Commission Recommendation No 2007/425/EC in order to avoid Member States with the lowest penalties being exploited as a preferred entry point;

16. Calls on the Commission to monitor and supervise thoroughly the implementation of Directive 2008/99/EC on the protection of the environment through criminal law, given that even now, in some Member States, provision has not yet been made for effective criminal penalties, which are also required under the directive for those who kill, destroy, possess or take specimens of protected wild fauna or flora species;

17. Calls, on the grounds of concerns similar to those expressed in the UN resolution of May 2013, which includes forest crimes, for a review of existing EU instruments concerning illegal timber trading and other forest-related acts, in order to determine whether they are sufficiently adequate and effective to be able to deal with the high levels of illegal trading figures currently being recorded in the Union;

18. Draws attention to the fact that currently, within the EU, there are still huge differences between Member States as regards the system of penalties against those who trade, take, capture or possess specimens of protected wildlife; points out that this diversity of treatment between Member States as regards penalties often has an adverse impact on the effectiveness of monitoring systems and the efficiency of those responsible for monitoring in each Member State;

⁽¹⁾ <http://ec.europa.eu/environment/cites/pdf/Overview%20significant%20seizures.pdf>

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19. Calls for appropriate sanctions for breaches of Regulation (EC) No 338/97, in order to deter wildlife crime, and also for account to be taken of the market value and conservation value of the species involved in the offence, as well as the costs incurred; calls for the development of a system which provides for the regular updating and adjustment of the amounts of the penalties;
20. Underlines the fact that Directive 2008/99/EC on the protection of the environment through criminal law harmonises the definitions for wildlife crime related offences throughout the Union; points out, furthermore, that the directive requires the Member States to put in place effective, proportionate and dissuasive criminal sanctions, and therefore urges them to set appropriate levels of sanctions for wildlife crime offences without delay;
21. Calls on the Commission and the Council to support dedicated training for the complete enforcement chain under the relevant existing financial instruments;
22. Calls on the Member States to use all relevant European and domestic instruments for fighting organised crime, corruption and money laundering and ensuring asset forfeiture when combating wildlife crime;
23. Calls on all Member States to comply with the resolution of April 2013 of the UN Commission on Crime, Prevention and Criminal Justice by updating their legislation to ensure that illicit trafficking of wild fauna and flora with the involvement of organised criminal groups is defined as a criminal offence punishable by up to four years of prison or more, so that the UN Convention on Transnational Organised Crime can be used as a basis for international cooperation and mutual legal assistance;
24. Calls for the EU and the Member States to fully implement the recommendations laid down in 'Project WEB', an Interpol/IFAW investigation into the online ivory trade within the EU;
25. Is aware that unsustainable and unethical trophy hunting has caused large-scale declines in CITES Appendix I and II-listed endangered species, and urges the Member States to support a possible revision of the EU's legal provisions governing the import of hunting trophies into Member States and to require permits for the import of trophies of all species listed in Annex B to the relevant text;
26. Notes the documented problems of wild-caught animals being laundered through the use of less restrictive captive breeding provisions; calls on the Commission to support Decisions 16.63-16.66 from CoP^o16 on captive bred and ranched specimens, and to provide funding support for a study evaluating concerns over species claimed to be captive-bred and for the development of guidance for inspecting facilities;
27. Calls for the establishment of a specialised Wildlife Crime Unit within Europol, which would have full transnational powers and responsibilities as well as sufficient and skilled human resources and adequate funding, with a view to centralising information and analysis and coordinating investigations, the result being more joint investigations and a more coordinated strategic approach; calls for the connection between local inspection bodies in the Member States and international inspection bodies to be optimised and enhanced, in order to improve the exchange of information and thus increase the effectiveness and efficiency of the local inspectors' work;
28. Calls on the Member States, to this end, to establish the National Environmental Security Task Force (NESTs) recommended by Interpol, and to engage in coordinated operations through the proposed specialised Wildlife Crime Unit within Europol;
29. Calls on the Commission to ensure that the resources dedicated to CITES within its services are sufficient to allow the EU to play a leadership role, in the light of the entry into force of the Gaborone Amendment to CITES;
30. Calls on the Commission and the Council to leverage their trade and development instruments to establish dedicated programmes to strengthen the implementation of CITES and provide resources for capacity-building against poaching and trafficking, in particular by supporting, strengthening and expanding enforcement initiatives such as ASEAN-WEN (ASEAN

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Wildlife Enforcement Network), HA-WEN (Horn of Africa Wildlife Enforcement Network), LATF (Lusaka Agreement Task Force) and PAPECALF (Plan d'Action sous-régional des pays de l'espace COMIFAC pour le renforcement de l'application des législations nationales sur la faune sauvage 2012 — 2017), which aim to establish regional centres of expertise and provide models for cooperation against wildlife crime;

31. Encourages the EU and its Member States to work proactively in order to make European citizens aware of the fact that wildlife crime is not an issue only concerning other continents but is, rather, an urgent issue concerning our planet and our ecosystem having a political, economic and social impact on communities around the world;

International action

32. Urges the Commission and Council to include the fight against wildlife crime as a priority in the programming of the financial instruments for development aid, in both thematic and regional programming;

33. Welcomes the fact that wildlife crime has been 'upgraded' to the same level of serious international organised crime as human trafficking and drugs trafficking following the UNCCPCJ Resolution of 26 April 2013, and calls on the Commission and the Member States to leverage trade and development policy in order to ensure that the international agreement is fully implemented; notes that among the EU's priorities for the 68th Session of the UN General Assembly as adopted in Council in June 2013, there remains the idea of increasing efforts against wildlife crime and illegal logging and promoting improved governance;

34. Calls on the Commission and the Member States to do their utmost, at CITES and in bilateral dialogue with consumer countries, to ensure the closure of parallel legal markets, international and domestic, that are stimulating demand for species at significant risk such as elephants, rhinos and tigers;

35. Points out that there are mechanisms available under CITES for non-compliant Parties; urges the Commission and the Member States, therefore, to use these to their full extent if warranted;

36. 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 an Action Plan against wildlife trafficking;

37. Calls for the EU and its Member States to strongly support the International Consortium on Combating Wildlife Crime (ICWC), comprising CITES, Interpol, UNODC (United Nations Office on Drugs and Crime), the World Bank and the World Customs Organisation, including through provision of financial resources and specialist expertise, in order to facilitate capacity-building by governments and the exchange of information and intelligence, and support enforcement and compliance by ICWC members;

38. Welcomes the fact that at the last G-8 summit (held at Lough Erne in Northern Ireland in June 2013) it was decided to take action to tackle the illegal trafficking of protected or endangered wildlife species and to offer political and practical support to those regional and international organisations which are leading efforts to enhance the ability of countries to monitor and control their borders and tackle facilitating factors such as corruption, transnational organised crime and illicit trafficking which undermine governance and the rule of law and in some cases provide an important source of funding for terrorists;

39. Calls on the Commission, through its work with African and Asian range states, to help those countries strengthen their policies and legal frameworks, increase law enforcement capacity, develop effective judicial systems and reinforce mechanisms to tackle corruption, in order to better combat wildlife crime at local, national and regional levels, including by supporting and financing the application of initiatives such as the ICWC toolkit;

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40. Calls on the Commission and the Member States to strengthen policies and legal frameworks, increase law enforcement capacity, address intelligence technology needs, and develop effective judicial systems in order to better combat wildlife crime at local, national and regional level, inter alia by supporting the implementation of initiatives such as the ICCWC toolkit and the training of specialised wildlife crime prosecutors;
41. Calls on the Commission to develop and implement regional wildlife enforcement strategies and networks that are interconnected through a global coordinating mechanism, inter alia by supporting Interpol's Environmental Crime Programme and the establishment of NESTs and their integration with regional enforcement bodies such as the Lusaka Agreement Task Force, HA-WEN, SAWEN (South Africa Wildlife Enforcement Network) and ASEAN-WEN;
42. Notes the high and increasing demand for illegal wildlife products from China and south-east Asia, and emphasises the need to put this issue on the agenda of the EU-Asia dialogue, at the highest political level; in this connection supports, as a significant step, the agreement signed in July 2013 by Commissioner Potocnik and the Chinese State Forestry Administration Vice Minister, Zhang Jianlong, on common efforts to combat wildlife trafficking, and wishes to see its full implementation;
43. Urges the Commission and the Member States to explore the issues with the African Union, NEPAD (New Partnership for Africa's Development), AMCEN (African Ministerial Conference on the Environment), and the African Union Commission, in the framework of the forthcoming Africa EU Summit 2014, in order to identify areas of collaborative action on this global challenge for the future Joint Africa-EU Strategy 2014-2020;
44. Encourages the Commission to incorporate the issue of wildlife trafficking into transatlantic cooperation, with a view to developing a common approach ensuring effective legal regimes that prevent illegally traded products from entering the European and American markets and improving channels of communication for sharing information on wildlife management and trade regulations;
45. Encourages the Commission and the Member States to support efforts in key countries to work across ministries in order to design and implement well-researched demand reduction campaigns and ensure adequate long-term investment for the implementation of these strategies;
46. Calls on the Commission to support the development of alternative livelihoods for local communities closest to the wildlife concerned that demonstrably contribute to the recovery and conservation of wildlife populations and engage the communities in anti-poaching operations;
47. Calls on the Commission and the Member States to adopt and implement clear and effective laws and policies that dissuade consumption of products derived from vulnerable wildlife species, to educate consumers on the impact of their consumption of wildlife species, and to provide adequate information on the consequences and dangers inherent in the uncontrolled spread of certain alien species through native ecosystems;

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48. Instructs its President to forward this resolution to the Council, the Commission, the CITES secretariat, Interpol, Europol, UNODC, the World Bank and the World Customs Organisation.
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P7_TA(2014)0032

Reindustrialising Europe to promote competitiveness and sustainability**European Parliament resolution of 15 January 2014 on reindustrialising Europe to promote competitiveness and sustainability (2013/2006(INI))**

(2016/C 482/13)

The European Parliament,

- having regard to Article 173 of Title XVII of the Treaty on the Functioning of the European Union (ex Article 157 of the Treaty establishing the European Community), covering EU industrial policy and referring to, among other things, the competitiveness of the Union's industry,
- having regard to the Commission communication of 10 October 2012 entitled 'A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update' (COM(2012)0582),
- having regard to Directive 2012/27/EU of the European Parliament and the Council of 25 October 2012 on energy efficiency ⁽¹⁾,
- having regard to the Commission proposal of 29 November 2012 for a decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (COM(2012)0710),
- having regard to the Commission proposal of 30 November 2011 for a regulation establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (2014-2020) (COM(2011)0834),
- having regard to the Commission communication of 31 July 2012 entitled 'Strategy for the sustainable competitiveness of the construction sector and its enterprises' (COM(2012)0433),
- having regard to the Commission communication of 25 June 2008 entitled 'Think Small First. A Small Business Act for Europe' (COM(2008)0394),
- having regard to the Commission communication of 4 November 2008 entitled 'The raw materials initiative — meeting our critical needs for growth and jobs in Europe' (COM(2008)0699),
- having regard to the Commission communication of 3 March 2010 entitled 'Europe 2020. A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission communication of 6 October 2010 entitled 'Europe 2020 Flagship Initiative Innovation Union' (COM(2010)0546),
- having regard to the Commission communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe' (COM(2011)0571),
- having regard to the Commission communication of 14 October 2011 entitled 'Industrial Policy: Reinforcing competitiveness' (COM(2011)0642),
- having regard to the Commission communication of 15 December 2011 entitled 'Energy Roadmap 2050' (COM(2011)0885),
- having regard to the Commission communication of 13 February 2012 entitled 'Innovating for Sustainable Growth: A Bioeconomy for Europe' (COM(2012)0060),
- having regard to the Commission communication of 30 May 2012 entitled 'Action for Stability Growth and Jobs' (COM(2012)0299),
- having regard to the Commission communication of 26 June 2012 entitled 'A European strategy for Key Enabling Technologies — A bridge to growth and jobs' (COM(2012)0341),

⁽¹⁾ OJ L 315, 14.11.2012, p. 1.

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- having regard to the Commission communication of 20 March 2013 entitled ‘Green Paper — Long-term financing of the European economy’ (COM(2013)0150),
- having regard to the Commission communication of 27 March 2013 entitled ‘Green Paper — A 2030 framework for climate and energy policies’ (COM(2013)0169),
- having regard to the Staff Working Document accompanying the Commission communication of 4 November 2008 entitled ‘The raw materials initiative — meeting our critical needs for growth and jobs in Europe’ (COM(2008)0699 — SEC(2008)2741),
- having regard to Commission Staff Working Document of 26 September 2012 entitled ‘Competitiveness of European high-end industries’ (SWD(2012)0286),
- having regard to the Commission Working Document of 10 October 2012 accompanying the communication on ‘A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update’ (SWD(2012) 0297),
- having regard to the Commission Working Document of 10 October 2012 entitled ‘European Competitiveness report 2012. Reaping the benefits of Globalisation’ (SWD(2012)0299),
- having regard to the Commission Working Document of 11 April 2013 entitled ‘Industrial relations in Europe 2012’ (SWD(2013)0126),
- having regard to the Commission communication of 18 June 2013 entitled ‘Commission follow-up to the “TOP TEN” Consultation of SMEs on EU Regulation’ (COM(2013)0446),
- having regard to the opinion of the European Economic and Social Committee of 17 April 2013 entitled ‘Strategy for the sustainable competitiveness of the construction sector and its enterprises’ ⁽¹⁾,
- having regard to the opinion of the European Economic and Social Committee of 20 March 2013 entitled ‘Employee involvement and participation as a pillar of sound business management and balanced approaches to overcoming the crisis’ ⁽²⁾,
- having regard to its resolution of 11 March 2010 on investing in the development of low carbon technologies (SET-Plan) ⁽³⁾,
- having regard to its resolution of 7 September 2010 on developing the job potential of a new sustainable economy’ ⁽⁴⁾,
- having regard to its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements ⁽⁵⁾,
- having regard to its resolution of 9 March 2011 on an Industrial Policy for the Globalised Era ⁽⁶⁾,
- having regard to its resolution of 13 September 2011 on an effective raw materials strategy for Europe ⁽⁷⁾,
- having regard to its resolution of 24 May 2012 on a resource-efficient Europe ⁽⁸⁾,
- having regard to its resolution of 14 June 2012 entitled ‘Single Market Act: The Next Steps to Growth’ ⁽⁹⁾,

⁽¹⁾ OJ C 198, 10.7.2013, p. 45.

⁽²⁾ OJ C 161, 6.6.2013, p. 35.

⁽³⁾ OJ C 349 E, 22.12.2010, p. 84.

⁽⁴⁾ OJ C 308 E, 20.10.2011, p. 6.

⁽⁵⁾ OJ C 99 E, 3.4.2012, p. 31.

⁽⁶⁾ OJ C 199 E, 7.7.2012, p. 131.

⁽⁷⁾ OJ C 51 E, 22.2.2013, p. 21.

⁽⁸⁾ OJ C 264 E, 13.9.2012, p. 59.

⁽⁹⁾ OJ C 332 E, 15.11.2013, p. 72.

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- having regard to its resolution of 23 October 2012 entitled ‘Small and Medium Size Enterprises (SMEs): competitiveness and business opportunities’ ⁽¹⁾,
- having regard to its resolution of 21 November 2012 on the environmental impacts of shale gas and shale oil extraction activities, ⁽²⁾
- having regard to its resolution of 21 November 2012 on industrial, energy and other aspects of shale gas and oil ⁽³⁾,
- having regard to its resolution of 14 March 2013 on the Energy roadmap 2050, a future with energy ⁽⁴⁾,
- having regard to its resolution of 15 March 2012 on a roadmap for moving to a competitive low carbon economy in 2050 ⁽⁵⁾,
- having regard to its resolution of 21 May 2013 on current challenges and opportunities for renewable energy in the European internal energy market ⁽⁶⁾,
- having regard to its resolution of 21 May 2013 on regional strategies for industrial areas in the European Union ⁽⁷⁾,
- having regard to its resolution of 11 June 2013 on social housing in the European Union ⁽⁸⁾,
- having regard to its resolution of 2 July 2013 on the contribution of cooperatives to overcoming the crisis ⁽⁹⁾,
- having regard to its debate of 4 February 2013, following on the Commission statement, on recovery of European industry in the light of current difficulties (2013/2538(RSP)),
- having regard to the conclusions of the 3208th meeting of the Competitiveness Council of 10 and 11 December 2012 entitled ‘A stronger European industry for growth and economic recovery’,
- having regard to the report entitled ‘EU industrial structure 2011 — Trends and Performance’ of 2011 conducted on behalf of the Commission,
- having regard to the report arising from a survey of the EU 2020 initiatives entitled ‘An Industrial Policy for the Globalisation Era’, conducted in April 2013 on behalf of the Committee of the Regions,
- having regard to the opinion of the European Economic and Social Committee of 18 June 2013 on ‘A Stronger European Industry for Growth and Economic Recovery. Industrial Policy Communication Update’ ⁽¹⁰⁾,
- having regard to the opinion of the Committee of the Regions of 11 April 2013 on ‘A stronger European industry for growth and economic recovery’ ⁽¹¹⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on the Internal Market and Consumer Protection, the Committee on Regional Development and the Committee on Women’s Rights and Gender Equality (A7-0464/2013),

⁽¹⁾ Texts adopted, P7_TA(2012)0387.

⁽²⁾ Texts adopted, P7_TA(2012)0443.

⁽³⁾ Texts adopted, P7_TA(2012)0444.

⁽⁴⁾ Texts adopted, P7_TA(2013)0088.

⁽⁵⁾ OJ C 251 E, 31.8.2013, p. 75.

⁽⁶⁾ Texts adopted, P7_TA(2013)0201.

⁽⁷⁾ Texts adopted, P7_TA(2013)0199.

⁽⁸⁾ Texts adopted, P7_TA(2013)0246.

⁽⁹⁾ Texts adopted, P7_TA(2013)0301.

⁽¹⁰⁾ OJ C 327, 12.11.2013, p. 82.

⁽¹¹⁾ OJ C 139, 17.5.2013, p. 11.

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- A. whereas European industry is going through an unparalleled crisis and also faces a host of drawbacks harmful to its competitiveness;
- B. whereas the figures put forward by the Commission are ambitious but conditional, since they are bound up with a host of factors which are, as yet, not properly identified;
- C. whereas European industry plays a key role and is an important part of the solution to the crisis;
- D. whereas Europe's industrial competitors have for years developed strong industrial strategies;
- E. whereas the EU needs a strategy to tackle the economic and financial crisis and kick-start a new economic dynamic;
- F. whereas the Commission is to be commended for embarking on an industrial policy with its communication aiming to organise an industrial turnaround;
- G. whereas Europe's common future as an industrial location lies in a modernisation offensive which strengthens innovation centres and eliminates the development deficits of industrially and structurally weak regions;
- H. whereas the reduced availability of credit limits investments, obstructing innovation as well as the adoption of new efficient technologies; whereas an industrial policy in Europe therefore requires a robust financial architecture which promotes investments;
- I. whereas the financing conditions in southern Europe are more stringent, requiring tailor-made financing solutions;
- J. whereas the Member States should be guided by industrial restructuring methods which have proved successful in Europe and elsewhere in the world;
- K. whereas the Commission has pointed out that the EU's industries may restore their attractiveness due to an expected decrease in global wage differentials;
- L. whereas the creation of better general conditions for a European industrial policy entails the construction and proper functioning of the EU internal market within a social market economy;
- M. whereas Europe's first priority must be to safeguard the manufacturing sectors and know-how while enabling industry to regain its global competitiveness;
- N. whereas the energy costs for industry and the rising energy price differences between Europe and other industrialised countries (in particular the United States) will play an increasing role if the current trends are not properly addressed;
- O. whereas, in the face of the global challenges, it is essential that energy and resource efficiency be at the basis of the European industrial renewal if European industry intends to maintain its competitiveness in the future;
- P. whereas the EU needs an industry policy approach which combines competitiveness, sustainability and decent work in order to tackle the major societal challenges;
- Q. whereas it is necessary to ensure the coherency of the EU's energy, climate, environmental, industrial and trade policies, in order to strike a balance between climate and environmental protection policy objectives and those of RISE;
- R. whereas labour productivity has developed much faster in recent decades than resource productivity, while estimates show that labour represents less than 20 % of production costs, with resources representing 40 %;
- S. whereas the EU is also home to immense innovation capacity with six Member States being in the top 10 of the 50 most innovative countries in the world;

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- T. whereas industrial policy has a strong social dimension which touches all levels of society;
- U. whereas a European industrial policy requires a strong workforce, while on average only 7 % of the low-skilled workforce has received training;

A 'Renaissance of Industry for a Sustainable Europe' (RISE) Strategy: Principles, Goals and Governance

1. Welcomes the Commission's focus on industrial policy (IP), as such a focus is essential for economic development and competitiveness, ensuring long-term prosperity and solving the problem of unemployment given that industry creates one in four jobs, providing employment for some 34 million people; underlines that IP must address comparative weaknesses in the EU economy, whether they be a lack of R&D investment, development of energy prices, bureaucratic red tape or difficulty in accessing finance; notes that industry is responsible for 80 % of expenditure in the field of R&D and that nearly 75 % of European exports consist of industrial goods; stresses that industry is responsible for much of the value creation in the economy, with each job in industry creating approximately two additional jobs in the supply and service sectors;

2. Stresses that the European Union's future industrial strength and importance lie in a Renaissance of Industry for a Sustainable Europe (RISE) strategy which pursues technological, business, financial, environmental and social innovation towards a third industrial revolution including an efficiency strategy that reindustrialises Europe, strengthens European industry as a whole and acts as a response to rising social challenges; argues that RISE can create new markets, inter alia for new and innovative products and services, business models and creative entrepreneurs and enterprises, new jobs and decent work, bringing an industrial renewal with economic dynamism, confidence and competitiveness; believes that one of the main priorities is to maintain strong manufacturing sectors and know-how and that open markets, the availability of energy and raw materials as well as innovation, energy and resource efficiency are key pillars of such a competitiveness strategy; notes that a reliable future-oriented infrastructure for transport, energy production and distribution as well as telecommunications are also of great importance;

3. Considers that RISE must be embedded in an ecological and social market economy in accordance with the principles of entrepreneurship, fair competition, the long-term goal of an internalisation of externalities, sound financial policies and environmentally conscious economic framework regulations; states that the European Union's industrial policy must be coherent with a vision guided by innovation, sustainability and competitiveness which strengthens the manufacturing sectors and know-how as well as the circular economy; notes the crucial role played by industry and companies as promoters of sustainability as well as the importance of transparency in supply chains;

4. Emphasises that RISE needs a short-term agenda so as to safeguard the manufacturing base and know-how, in order to meet the urgent challenges in some sectors (such as production overcapacity, restructuring and unfair competition) as well as a roadmap and timetable within a long-term framework based on an approach with clear and stable objectives and goals, science-based indicators and a life-cycle and circular economy approach which enables and provides incentives for steering investments into creativity, skills, innovation, new technologies and promotes the modernisation, sustainability and competitiveness of Europe's industrial base through a value chain-conscious policy that covers undertakings of all sizes, pays due attention to the basic industries and is conducive to maintaining the production chain in Europe; considers that such modernisation should be built on both key industries and new sectors of industry and that it must be geared towards growth in accordance with sustainable development principles;

5. Stresses that industrial policy incorporates all fields of policy which have an impact on industry; recognises that IP must tackle the major societal and environmental challenges set out in the Europe 2020 strategy and goals as well as targets, including future energy, resource, employment, industrial and climate objectives, and must be effectively integrated into the European Semester process and the national reform programmes in order to establish the requisite preconditions for investment and create good jobs, particularly for young people; calls on the Commission to improve upon its communication regarding its commitments in support of IP in order to restore the confidence of investors, workers and citizens in EU action;

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6. Notes that European industry's share of aggregate European gross domestic product (GDP) has fallen from 20 % to 15 % in 15 years;
7. Believes that RISE must pursue ambitious and realistic industrial targets; notes that the headline target of 20 % would necessitate the creation of at least 400 000 new industrial jobs per annum; strongly supports the 20 % target and proposes that it should be seen as a directional goal aligned with the EU's 20/20/20 goals;
8. Believes that these targets should reflect the new industrial realities such as the integration of manufacturing and services (manu-services) as well as the shift to a data-driven economy and value-added production; calls on the Commission, in this connection, to assess and substantiate its work on targets and rethink the classification of industrial sectors;
9. Stresses that the activities of industrial sectors make it possible to survive crises, not least by engendering a surrounding service economy;
10. Calls on the Commission to honour its commitment to produce indicators for the monitoring and evaluation of the process of reindustrialisation; stresses that such indicators must be not only quantitative but also qualitative so as to ensure that this process is sustainable and compatible with protection of the environment;
11. Expects that with proper implementation, RISE could revitalise industry and repatriate manufacturing to the EU, paying attention to supply chain management and also taking into account specific regional and local manufacturing cultures and demand while fostering important emerging sectors necessary for a sustainable economy and society;
12. Emphasises that RISE will only succeed if underpinned by an adequate, clear and predictable macroeconomic framework, avoiding conflicting policies, and the budgetary resources necessary in order to leverage public and private investment and promote the EU's global competitiveness; regrets that the current dominant macroeconomic policy in the EU does not provide adequate access to capital for investment and innovation, especially for SMEs and therefore runs counter to an IP; demands, in this context, a smart, sustainable and inclusive European growth strategy and deplores the Council's cuts to heading 1A of the multiannual financial framework (MFF), in particular to Horizon 2020, COSME and the Connecting Europe Facility; calls on the Member States to strengthen substantially the financial power of those programmes;
13. Stresses that the creation of own resources for the European budget could have a beneficial effect on reindustrialisation in Europe;
14. Stresses that the EU's IP should be clearly defined, given that many different practices and trends currently dominate the field of IP within the EU and the Member States;
15. Applauds the Commission's transversal approach to IP and stresses the importance of a holistic approach that is both coherent and coordinated in areas where all other policy fields (such as competition, trade, energy, the environment, innovation, structural funds, the Single Market etc.) take into account the aims of RISE; recalls, in this connection, the European Coal and Steel Community (ECSC) which proves that successful, integrated and innovative action is possible in the field of IP, and that it generates growth and employment, promotes its own integration and is of a social partnership nature; holds that RISE should be based upon a horizontal rather than a vertical IP concept; believes that — while paying due attention to the basic industries — sector-specific measures should support value chains and activity clusters with a high growth potential and must be connected to sectoral specialisation promoting high-tech and high-value-added strategies as well as innovation, skills, entrepreneurship, employment and creativity; notes, in this regard, the sectoral strategies in the motor vehicle (CARS 2020) and steel (steel action plan) industries and calls upon the Commission to adopt appropriate measures to implement those strategies; calls on the Member States and the Commission also to give sufficient focus to sectors with solid know-how and a high degree of R&D investment and added-value creation including process innovation;
16. Recommends that the Commission focus on the added value of European industrial output in world production chains on a sector-by-sector basis in order to ascertain how firmly rooted the various industrial sectors are in the Member States and to establish more effectively a common strategy to defend European industrial interests;

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17. Takes the view that the EU needs a smart mix of private industry and public institutions in order to boost the formation of value chains in the EU;

18. Emphasises that the future cohesion policy will be one of the main EU policies fostering industrial innovation through smart specialisation in order to respond to the challenges associated with sustainable energy, climate change and the efficient use of both material and human resources; takes the view, therefore, that support from the future cohesion policy and the European structural and investment funds is pivotal to the reindustrialisation of the EU and its regions through a genuinely modern industrial policy which has to be inclusive, sustainable, energy-efficient and highly competitive; calls for better coordination and synergies between cohesion policy and Horizon 2020 programmes in order to set up regional innovation incubators and to maximise innovation at regional level;

19. Agrees with the Commission that IP must have an effective, integrated governance structure including the monitoring of activities; recalls the EP's recommendation in the Lange report on industry to establish a permanent Commission IP task force of relevant directorates-general that takes into account the input of stakeholders and coordinates and monitors implementation; stresses that Parliament should be regularly informed on IP developments and asks the Commission to report annually to Parliament on the progress of RISE and the extent to which its ambitions are being met with the tools available; proposes that the taskforces for the priority action lines also publish an annual report; calls also on the Commission to study and identify the overcapacity and restructuring challenges facing European industry and particular sectors with the view to putting forward short-term solutions and calls on the Commission to monitor any offshoring of European manufacturing; stresses that RISE needs an alliance of and partnership with stakeholders from industry from different sectors (including SMEs), trade unions, academia and civil society, such as consumer watchdogs and non-governmental organisations; calls on the Commission to make full use of Article 173(2) of the Treaty to advance RISE and marshal its resources more effectively; points to the importance of improving the manner in which the Union communicates its IP to the public and in particular young people, so as to enhance the importance of European industry, its jobs and know-how;

20. Holds that RISE must be geared towards the creation of an attractive and competitive environment in Europe that kick-starts investment flows throughout the EU and its regions, especially in the south of Europe, to reinvigorate growth, particularly through smart specialisation and the formation of clusters, including transnational and regional clusters as well as such business networks;

21. Commends Vice-President Tajani's work in coordinating IP more closely with the Competitiveness Council; acknowledges that an IP for RISE should form a common basis for the EU but stresses that it must take into account the different national and regional circumstances and be coordinated with the IP of the Member States; supports the idea of a stronger Competitiveness Council which, in coordination with the Commission, contributes to the vertical coordination of policies at European, regional and Member State level; notes that, inter alia, smart regulation and reduced red tape are an essential precondition for industrial growth;

22. Believes that the various levels of territorial unit should be fully involved and take coordinated action in the reindustrialisation process, in identifying priorities, potential and strengths for industry in their territories as well as in stimulating the development of SMEs; points out that SMEs are an asset given that their size and responsiveness allows them to adjust to change, but that they have also been hit hardest by the crisis; calls on the Commission and Member States to introduce specific SME support and assistance programmes and facilitate SMEs in becoming industrial champions in their field; welcomes the work undertaken by the Committee of the Regions as well as the Commission's work with regard to smart specialisation strategies for the streamlining of EU funding towards the Europe 2020 objectives;

23. Calls on the Member States, in the event of potential amendments to the Treaties, to establish a common industrial policy with aspirations and instruments comparable to those of the Common Agricultural Policy, which would involve genuine transnational consultation with a view to developing a common strategy endowed with ample funding and market regulation tools similar to those at the disposal of other major trading areas in the world such as, for example, a monetary instrument or state aid rules that are adapted to the needs of our industry while at the same time complying with international law;

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24. Welcomes the Commission's interest in producers, in particular industrial producers, and not just in consumers;
25. Deplores the absence in the Commission proposal of any measures against wage dumping and social dumping and concerning employee participation and restructuring;

An Innovation, Efficiency and Sustainable Technology Offensive

26. Emphasises that a strategy for innovation, efficiency and new technology, including technology for sustainability, together with new business models, creativity and advanced manufacturing has the potential to regenerate and modernise the EU's industrial base, increasing its regional and global core competitiveness; believes that innovation needs to be promoted across the board, taking into consideration all stakeholders ranging from shop-floor and non-technical innovation to high-tech R&D in research labs; notes, in this context, the importance of involving employees pro-actively in the innovation process stimulating innovative companies that are leaders in economic, social and environmental terms; emphasises the need to create a propitious environment and considers it fundamental to ensure conditions under which businesses can operate and be competitive; considers it necessary to strengthen Europe's knowledge base, reduce fragmentation by promoting excellence in science and education, create conditions for transforming good ideas into marketable products and increase access to funding by innovative businesses, creating an innovation-friendly environment and eliminating social and geographical inequalities by publicising throughout Europe the benefits of innovation; stresses, in this context, that particular account should be taken of the Commission's annual report on innovation ('Innovation Union Scoreboard 2013'), which shows how innovation affects the enhancement of lasting competitiveness and which provides a comparative assessment of the performance of the Member States with regard to research and innovation, and indicates the relative strengths and weaknesses of their research and innovation systems;

27. Believes that EU research and innovation funds should act as a catalyst and be used in synergy with various European, national and regional instruments as well as funds; recalls the 3 % R&D target with two thirds coming from the private sector; supports the establishment of public-private partnerships (PPPs) under Horizon 2020 and calls on the Commission to ensure sufficient leverage for private sector investment;

28. Welcomes the 4 % share of funds that will be implemented through a dedicated SME instrument under the Horizon 2020 programme;

29. Welcomes the Commission's focus on ecodesign, recyclability with cradle-to-cradle specifications, new sustainability criteria for construction products and processes and resource efficiency in the circular economy concept; calls for legislative proposals and studies on resource efficiency in order to take account of the viability of an investment on the basis of the criteria of effectiveness, profitability and long-term effects; calls on the Commission to further promote 'life-cycle' thinking by means of an integrated product policy (IPP) which gives consideration to the whole of a product's life cycle (cradle-to-cradle approach);

30. Welcomes the Commission's action lines as well as possible PPPs; is concerned, however, that big data and information and communications technology (ICT) developments are not adequately included; calls on the Commission to integrate these developments properly; considers that broadband services are key to the development of EU industry and could contribute to EU economic growth and employment, and that therefore the promotion of investment in broadband facilities in order to reach high capacity broadband networks and fibre in the access networks should continue to be one of the EU's priorities; asks the Commission to support cluster-formation across the lines of action, promoting synergies and spillovers between them;

31. Stresses the key role of ICT in the transition to a sustainable economy, involving areas such as dematerialisation, ecomonitoring, efficiency in transport and logistics, e-services and health care; welcomes the New European Industrial Strategy for Electronics which aims to double EU chip production to 20 % of global output; insists on the further promotion of the uptake of ICT in traditional industrial sectors and on the development of new digital products and services which contribute to the objectives of sustainable development;

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32. Welcomes the line of action on advanced manufacturing; believes that it would benefit from PPPs such as SPIRE; believes that launching a Knowledge and Innovation Community by 2016 in the field of added-value manufacturing is a priority; calls on the Commission to integrate the experiences of the EPEC (the European PPP Expertise Centre of the EIB) in future PPPs; encourages the Commission also to create synergies in advanced manufacturing between Member States, industry and research institutes; asks the Commission to consider the extent to which the US National Network for Manufacturing Innovation could serve as a model;

33. Welcomes the line of action on smart grids and believes that it would benefit from extending its scope and adding further proposals; recommends that its work should also include the aspects of an adequate energy infrastructure, energy storage and reserve capacity mentioned by the Commission, such as a high-efficiency electricity grid with interconnectors aiding the completion of the internal market for power and capable of handling renewable power sources such as from offshore wind as well as a high-tech digital infrastructure;

34. Calls on the Commission to propose a cluster policy and cluster networks in the form of cooperation, particularly in value chains, between connected companies, suppliers, service providers, universities and research centres which also stimulate an organic emergence of clusters in a 'bottom-up' manner in response to business and/or research needs; stresses the importance of establishing transnational clusters, particularly in order to integrate structurally weaker regions into the European industrial value chain, on the basis of Union-wide competition encouraging the participation of underrepresented countries/regions and ensuring the know-how transfer across the research communities from all the Member States; believes this to be a crucial aspect to be integrated into regional industrial policies; notes that the Commission should also pay adequate attention to supporting existing clusters; encourages the Commission to establish resource efficiency clusters under the future green action plan for SMEs;

35. Welcomes the strategy for key enabling technologies where the EU holds strong competitive advantage and the potential to increase it given its strong research base, but believes more effort is required concerning the exploitation of results to deliver this advantage; supports the proposed actions to improve coordination and synergies between policies and instruments including Horizon 2020, the EIB, the EU Structural Funds and other public and private funds; welcomes initiatives enhancing KETs-related cluster-specific actions and increased transregional cooperation; calls on the Commission to avoid establishing closed shops for individual consortia or individual companies; notes that the financing of research infrastructure must be for the benefit and use of multiple actors;

36. Calls on the Commission to strengthen communication networks along the lines of the smart cities projects, through cooperation between regions, towns and cities and local areas, in order to manage shared services and produce and consume energy efficiently, by promoting energy-saving measures to encourage, for instance, the construction of high-technology buildings with low energy consumption;

37. Notes the predominant 'technology push' orientation of the Commission research and innovation programmes; believes that there is a general need to strengthen the measures and activities having a market pull which are able to effectively bring solutions into the markets;

38. Calls on the Commission to link supply-side policy tools with demand-side tools by means of the creation of Innovation Partnerships (such as those on smart cities, active ageing or raw materials) and the development of 'lead markets' which aim to promote the market uptake of new products and services living up to societal needs;

39. Calls on the Commission to develop a strategy which ensures that Europe attracts foreign talent while simultaneously maintaining relations with top European talent abroad; stresses the importance of connecting with EU expatriate communities, encouraging them to use their knowledge and contacts for business opportunities in the EU;

40. Is of the view that the incentive of sustainable forms of tourism linked to the consumption of local products may be capable of boosting the recovery of agricultural and craft-related activities and the dissemination of microenterprises locally, and could act as a significant economic springboard which could help economic recovery while at the same time ensuring that the environment is properly managed, that cultures and human settlements are protected and that erosion and landslides are prevented;

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41. Views the life sciences as a strategic sector for the Union by virtue of their innovation potential, their role in European industrial production, the number of direct and indirect jobs they create and their export potential;

42. Believes that in order to develop its industrial policy the EU must make political choices and focus its efforts on strategic sectors meeting society's challenges while building on European know-how; encourages the Commission, accordingly, to develop a strategic agenda for the European life sciences industry as set out in its communication entitled 'A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update';

Completing the internal market and opening external markets for RISE

43. Stresses that the European Single Market plays a central role as the home market for European industry and that an internal market strategy fostering demand-driven innovation needs to be developed in order to promote the uptake of new technologies, thereby helping to create new markets, business models and industrial sectors; emphasises that this is particularly pertinent when it comes to diffusing R&D results in the market; stresses that predictable rules and standards in the internal market — effectively applied in the Member States — helps provide companies with a stable outlook; calls on the Commission and the Member States to complete urgently the single market for goods, energy, telecommunications, transport, green products (as laid out by the Commission in its initiative) and venture capital as well as to guarantee the free movement of researchers, scientific knowledge and technology; points out that failure to complete the internal market is a barrier to growth and calls on the Commission to carry out a study to assess the impact of the crisis on the internal market and address the cost disparities in the EU which can lead to disadvantages for EU companies compared to third-country competitors; warns that the fragmentation of the internal market could lead to distorted competition between Member States within the EU; calls for the EU to pursue closer cooperation in the areas of employment law and tax incentives; urges the Commission to promote the use of the 'Made in Europe' brand to strengthen the single market and products of European origin;

44. Welcomes the Commission's intention to develop a horizontal action plan to boost demand for innovative goods and services; calls on the Commission to continue studying the life cycle of products from the raw materials to the recycling stage, with a view to progressing towards efficiency benchmarks for products which take cost-benefit ratios and the innovation potential into account;

45. Stresses that public procurement should be an innovation driver; points out that public procurement is an integral part of the industrial policies of the Union's trading partners; believes that state aid guidelines should aim to boost the EU industry's competitiveness also by taking on board best practices and good examples from the EU's trading partners, promote European cooperation and be open to innovation-enhancing policy measures; believes that standardisation and ecolabelling, as well as the social responsibility of companies, including for imported goods, have an important role to play in boosting the uptake of new technologies; calls on the Commission to prioritise activities in support of standardisation and interoperability for new emerging products, services and technologies as a pillar for the European internal competition and international trade opportunities;

46. Acknowledges that market surveillance is a crucial pillar in ensuring product safety and quality within the internal market; welcomes the Product Safety and Market Surveillance Package proposed by the Commission, stressing the important role that the indication of origin can play, not only for consumers but also with a view to a more transparent trade policy both internally and externally; calls on the Commission to harness the power and effectiveness of the internet in its work on market surveillance, allowing people to participate by providing qualified feedback on products; stresses, in this connection, the importance of properly functioning consumer protection in the European Union;

47. Emphasises that the completion of the digital single market is an important element of the EU's industrial strategy; reiterates the importance for SMEs of digitalising the internal market and the development of electronic commerce in the internal market; believes that the digital and new information technologies market offers potential for industrial development which has not yet been fully tapped and which Europe is well-placed to exploit; stresses the imperative need to adapt EU ICT standardisation policy to market and policy developments which will lead to the achievement of European policy goals requiring interoperability such as e-business, e-commerce, e-freight and intelligent transport systems (ITS), etc.;

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48. Emphasises that the completion of the digital single market should be an important element of the EU's industrial strategy; stresses that an equivalent regulatory framework should be applied to the online and offline markets in order to ensure fair competition and protect consumers;

49. Welcomes the Commission's recognition of a definition of high-end cultural and creative industries as a sector of the economy which covers the high-end sections of markets for products and services and reflects specific characteristics such as the cultural and creative dimension of the product or service, the product's prestige, intellectual property, manufacturing quality, design and innovation, and the way in which products and services are marketed and advertised; calls on the Commission to recognise the specific nature of the highly skilled professions in European industries, which account for a substantial number of jobs in Europe and which are founded on four criteria — creativity, excellence, know-how and career-long learning;

50. Welcomes the Commission's intention to support the competitiveness of the high-end sector, which accounts for 3 % of GDP in the EU and more than 1,5 million direct and indirect jobs, and calls on it to take measures to address the risk of a skills shortage in the sector in order to safeguard production methods and know-how that are specifically European;

51. Notes that the European steel industry is working at 50 % capacity and that European steel production has fallen by 25 % since 2008;

52. Notes that the European automotive sector, which produced 16 million cars in 2007, will not have managed to produce 12 million in 2013;

53. Considers that, given the current financial, economic and social crisis, public and private investment is essential as part of an overall strategy for sustainable growth; supports, in this connection, the overall reform of the state aid regime, through the application of a more socially and economically based approach and through a greater flexibility of competition rules as laid down in Articles 101 and 102 TFEU; reiterates the importance of taking greater account of the quality and the efficiency of public spending;

54. Stresses that industrial policy should make full use of the instruments of competition policy in order to create a level playing field and foster competitive markets;

55. Recommends that the Commission assess the extent to which refusal by a group with worldwide operations to surrender a site that it has decided to close to another group which might take it over or to a public entity for temporary use is permissible under European competition law;

56. Takes note of the Commission's investigation into the reform of the internal market for industrial products; calls on the Commission to ensure that the relevant standards are compatible with the market;

57. Acknowledges the Commission's smart regulation drive designed to reduce burdens to industry without undermining the effectiveness of legislation, which includes impact assessments, competitiveness proofing, fitness checks and the SME test, in particular with regards to microenterprises and SMEs, and recognises the need for regulatory stability in order to encourage investment; believes that bureaucratic burden and conflicting policies are often a barrier to improving the competitiveness of industrial companies and considers that work to reduce such burdens should be high on the political agenda, and looks forward to proposals from the Commission on this subject with concrete objectives; supports regulatory coherence, a transversal regulatory approach and prioritisation as well as improved competitiveness proofing which should be mandatory and form an integral part under the impact assessment guidelines; calls on Member States to use the SME test and improved competitiveness proofing at national level also; welcomes the efforts made by the Commission to assess the cumulative effect of legislation in the steel sector and calls on the Commission to further develop the methodology as well as identify the other sectors which could benefit from such an approach;

58. Encourages further exploitation of the potential of the 98/34/EC notification procedure and suggests that the Member States introduce competitiveness proofing in impact assessments conducted at the drafting stages of national legislative processes, in the wider framework of the 'Single Market Test' called for in Parliament's resolution of 7 February 2013 with recommendations to the Commission on the governance of the Single Market;

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59. Calls for the swift implementation of the Small Business Act to support Europe's SMEs; notes the importance of the Enterprise Europe Network in supporting SMEs in cross-border EU trade; stresses the importance of supporting small businesses and helping to turn them into medium-sized enterprises and SMEs into larger players, so as to also facilitate their global competitiveness; draws attention to the economic benefit of also building ties between companies in some sectors, such as the defence industry, in order to achieve economies of scale and share common industrial projects;

60. Regards better, less costly and faster access of SMEs to anti-dumping procedures as key to protecting them in a more effective manner from unfair practices by trade partners; calls for the EU to take account of this point when reviewing its trade defence instruments;

61. Calls on the EU to enhance its industrial production by providing consumers with more accurate information, by making it compulsory to mention the source of EU products and products imported from third countries and by enforcing respect for the geographical indications of European food products in third countries;

62. Stresses that technological development is a sensitive and vulnerable sector; believes that intellectual property rights (IPRs) are an essential component of a knowledge economy and of a sound industrial policy which can foster innovation and research, and strengthen European industry; welcomes, in this connection, the creation of an EU unitary patent and calls on the Member States to implement it without delay; believes that the procedure which led to its creation should be held up as an example of good practice in the context of the pursuit of closer industrial and internal market integration; is concerned that the current IPR regime does not often fulfil its mission of leading to innovation; believes that increased transparency, innovative management and licensing practices can bring faster market solutions; welcomes, in this context, the work initiated by the Commission; calls on the Commission and the Member States also to strengthen the protection of IPRs, in particular to tackle counterfeiting and industrial espionage; stresses that new governance structures and forums for the protection of IPR at international level are needed; calls on the Commission to draw up a European strategy to protect business secrets;

63. Stresses the importance of IPR enforcement in the physical and digital environments for growth and job creation in the European industries; welcomes, in this regard, the ongoing reform of the EU trademark system, which has the potential to enhance the protection of trademarks online, offline and in the entire internal market;

64. Supports the current reform of the system of trademark law which will boost protection for trademarks online, offline and throughout the internal market and in international trade;

65. Welcomes the recognition of the problem of patent thickets and patent ambushes; supports amending the regulatory system to foster pro-competitive cross-licensing and patent pools arrangements;

66. Calls on the Commission to propose legislation which will enable European companies to manufacture generic and biosimilar medicines in the EU during the supplementary protection certificate (SPC) period, following the expiry of patent protection, in order to prepare for immediate launch following expiration of the SPC or to export to countries where no patent or SPC is in place; believes that such provisions could help to avoid the outsourcing of production and to foster job creation in the EU, as well as to create a level playing field between European companies and their competitors in third countries;

67. Stresses that external relations have implications which go beyond the scope of the agreements signed under the auspices of the World Trade Organisation (WTO) and that, when developing the external dimension of industrial policy, the EU and the Member States should agree on common positions in order to ensure that there is a level global playing field;

68. Draws attention to the fact that in her joint communication of 7 February 2013 entitled 'Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace' ⁽¹⁾, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy gave an undertaking to develop and to promote industrial and technological resources for the cybersecurity field;

⁽¹⁾ JOIN(2013)0001 — 7.2.2013.

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69. Stresses the need to improve the competitiveness of European companies on the world market; notes the importance of an EU trade strategy; calls on the Commission, in the light of increased competition from the EU's trade partners, to reorganise its trade policy to ensure that the Union's trade and competition policy is compatible with the objectives of European industrial policy and that it does not jeopardise the innovative and competitive potential of European companies; calls on the Commission, together with the VP/HR, to develop a strategy for the inclusion of SME desks at EU missions; notes that these SME desks should take into account the work of chambers of commerce and should integrate lessons learned from the European business centres; calls on the Commission and the Member States to step up their cooperation in support of European companies on external markets; calls on them to give priority in particular to instruments to assist SMEs and to centralise information for SMEs by setting up one-stop shops throughout the EU; calls on the Commission to make the improved competitiveness test part of the assessments of the impact of trade agreements and of their cumulative impact;

70. Notes that increasingly the environmental costs borne by European industry are prompting European industrialists to invest outside the European industry;

71. Stresses the importance of environmental and social standards in bilateral trade agreements and multilateral trade relations to establish fair and equitable trade and a global level playing field; calls on the Commission, when signing new trade agreements or revising existing ones, to ensure that operators inside and outside the EU get on an equal footing; stresses that the EU should take real steps to raise the issue of specific distortions which are harmful to European industrial interests, and that it should phase in the principle of reciprocal trade relations, particularly with regard to access to public procurement markets and improve responsiveness, which could help in the opening-up of markets;

72. Reminds the Commission that the low level of wages and environmental protection is still a very important aspect of international competition and that it is urgently necessary to pursue an upwards alignment of these standards so that the EU can genuinely reindustrialise; calls on the Commission, in this connection, to negotiate binding commitments regarding workers' rights and environmental protection in FTAs with third countries;

73. Notes the Commission's proposal to modernise the EU's trade defence instruments, which are key elements of industrial policy; hopes that this modernisation can improve their effectiveness; urges the Commission, to this end, not to weaken those instruments, either de jure or de facto, but rather to strengthen them to protect European undertakings of all sizes more effectively, and as speedily as possible, against illegal or unfair commercial practices;

74. Recalls the need, wherever circumstances so warrant, to use trade defence instruments against countries which fail to comply with international trade rules or the terms of free-trade agreements concluded with the EU, and calls for it to be made easier, faster and less costly for SMEs to gain access to anti-dumping procedures, so as to better enable them to protect themselves against unfair practices;

75. Draws attention to the key role played by research and innovation in ensuring the competitiveness of European companies on world markets and highlights the need for European companies to become better at anticipating third-country market requirements in order to respond to global demand;

76. Considers it essential, as part of efforts to revitalise its industry, for the EU to equip itself with the means to:

— pursue a more active anti-dumping policy and take appropriate action in response to, inter alia, the unfair export subsidies put in place by some third countries,

— implement a genuine exchange rate policy which protects European trade interests,

— uphold the principle of 'fair trade', which is based on mutual respect for social, environmental, cultural and human rights standards in international trade;

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77. Calls on the Commission to improve considerably its appraisals of trade agreements, in particular the impact assessments carried out, by taking the issue of industrial competitiveness into account and carrying out ex post assessments, as well as analyses of the aggregate effect of all agreements already concluded or under negotiation; stresses the importance of the Transatlantic Trade and Investment Partnership (TTIP) undertaking for realising European reindustrialisation, growth and employment objectives, and which has the potential to simplify and increase the export of European industrial products, improve the competitiveness of industry by raising international production standards and reduce the import costs of raw and processed materials for manufacturing companies; advocates that the TTIP, as with other trade agreements, should include a chapter focused on such energy matters as those which could affect the internal market; calls on the Commission, by means of tariff dismantling, to make better market access possible in connection with services and investments, strengthen regulatory cooperation, ensure improved public procurement rules and the protection of intellectual property, and to pursue these objectives actively within competition policy and in connection with energy and commodities; stresses the need for streamlining regulations and reducing regulatory and administrative burdens as intended by the TTIP, to be implemented under the strict consideration and protection of high social and environmental standards and employee rights; underlines the fact that the eventual conclusion of the TTIP will create the prospect of a wide economic space which would in turn strengthen the EU's relationships and serve as a multiplier for foreign direct investment (FDI) in the EU;

78. Calls on the Commission to study the US example of allowing trade unions to lodge trade complaints, given that trade distortions can negatively affect industry and therefore workers and to propose similar measures for the EU;

79. Stresses that Europe's industrial value chain must be strengthened by future trade agreements, investment agreements and agreements on intellectual property, meaning that an appropriate strategy already needs to be incorporated when the mandate is drawn up;

80. Calls on the Commission to develop a European export strategy for resources and energy-efficient technologies and corresponding services which includes standardisation diplomacy to ensure that European standards are promoted worldwide;

81. Points out that standards and technical regulations play a crucial role in ensuring that the EU leads the way in innovative sectors, including green technologies; calls, therefore, on the Commission to strengthen the EU's capacity to establish standards and international technical rules in innovative sectors; urges the Commission, furthermore, to improve cooperation with key third countries — including the emerging countries — with a view to establishing common standards and technical rules;

Financing an Industrial Renaissance

82. Acknowledges the fact of bank lending constraints and their negative impact, particularly on SMEs; deplores the fact that such constraints also affect the financing instruments made available by the EU and believes that the Commission should ask the financial intermediaries responsible for the administration of those instruments to submit annual reports; welcomes the Commission Green Paper on long-term financing; highlights the need to strengthen the robustness and credibility of the EU banking sector via Basel III, a banking union and the ESM; stresses the importance of our international partners also implementing the Basel III rules; points out that investments in industry are long-term investments; calls on the Commission and the Member States to improve the legislative and financial framework so as to make it clearer and more predictable and thus encourage investment in industry;

83. Believes that new alternative and creative financing avenues need to be investigated in particular with regard to private and equity financing; notes that the promotion of financial literacy also plays an important role in this regard and that financial literacy should be integrated into school curricula;

84. Stresses the importance of financial resources for start-ups and SMEs so that entrepreneurs have the resources to bring innovative ideas to the market;

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85. Welcomes the Commission's initiative to create joint financial instruments with the EIB and notes that this initiative was approved at the June 2013 European Council meeting; also welcomes the fact that the Commission and the EIB planned to present to the European Council prior to its October 2013 meeting a comprehensive report on their application setting out quantitative objectives, instruments and a timetable;

86. Calls on the Council, in consultation with the Commission and the EIB, to specify without delay the parameters for these instruments with a view to achieving a significant leverage effect; stresses that these instruments should be operational before the end of 2013;

87. Welcomes the EIB's capital increase and its newly published lending guidelines tied to a new emissions performance standard (EPS) of 550 grams of CO₂ per kilowatt hour (g/kWh); believes that the EIB could help alleviate the problems linked to the fragmentation of the EU's financial markets; calls on the EIB to continue looking into the development of new credit models tailored to the needs of industry; calls on the EIB to implement its plan to increase lending activity in the EU by more than 50 % between 2013 and 2015;

88. Points out that subsidiarity leaves the door open for a wide variety of fiscal policies and lending, as well as subsidy arrangements throughout Europe;

89. Calls on the Commission to investigate how the asset-backed securities market and alternative financing formulas with proper prudential supervision could be leveraged to facilitate SME financing; notes the role that business development and infrastructure banks can play in investing in bank-issued, structured covered bonds, combining such investment with increased SME lending targets; welcomes the proposal of private-private lending partnerships in which an insurance company and a bank combine to provide short and long-term loans;

90. Believes that it is important to foster new innovative funding models for SMEs, especially with high growth potential; points to the flourishing of crowd-funding initiatives and e-platforms for loans in Europe and to the financial and non-financial benefits that this funding brings for SMEs and entrepreneurs such as the provision of start-up funding, product validation, customer feedback, and a stable and committed shareholding structure; calls on the Commission to issue a communication on crowd funding; calls on the Commission to develop an effective regulatory framework for crowd funding on a basis of up to EUR 1 million per project which also addresses the issues regarding investor protection; calls on the Commission to consider making limited funds available to crowd-funding services, as has already been done by certain Member States;

91. Calls on the Commission to support the creation of local bonds markets for SMEs in order to provide adequate long-term financing, particularly in credit-constrained regions; believes that local bonds markets such as the Stuttgart Stock Exchange could serve as a potential model;

92. Calls on the Commission to support the development of national investment banks for SMEs and to enable existing ones to expand their operations in other Member States and become involved in funding projects outside their national borders, by drawing up guidelines with a view to overcoming the widespread credit crunch;

93. Views late payments as a source of instability and lost competitiveness for firms, in particular SMEs; praises those Member States which have fully implemented the late payments directive and calls for its full implementation across the EU; believes that the EU aid and financial instruments that are available are not sufficiently well known to economic operators, in particular SMEs; calls for one-stop shops centralising information for SMEs on the EU funding available to be set up throughout the Union; stresses the importance of setting up networks of intermediary associations of entrepreneurs and with non-profit goals for the purposes of setting up and providing support, mentoring and loans to SMEs, with a view to developing entrepreneurship;

94. Believes that unfair tax competition between Member States is not adequate for the development of a strong European IP;

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95. Is in favour of better coordination of company tax systems in the EU through the introduction of harmonised tax bases;

96. Calls on the Commission to produce a non-costed study of competitiveness factors for the various industrial activities conducted within the EU (delivery times, patents, product quality, after-sales service, quality of transport, energy and IT infrastructure networks, etc.), as compared with those in other parts of the world; calls for the Commission to conduct an ongoing analysis of the EU's macro-economic competitiveness, with particular reference to transport, energy and IT infrastructure networks, and to produce studies on the long-term funding for new or existing infrastructure which is required in order to ensure that the EU remains competitive;

97. Stresses the importance of venture capital (VC) and business angel networks, in particular for women; calls for the prompt implementation of the women entrepreneurs' online portal; welcomes EU support for the establishment of networks of business angels and incubators; welcomes in particular the establishment of an equity facility under Horizon 2020 and COSME to support the increase in quantity and quality of VC supply; believes that the European Investment Fund has a crucial role to play in the development of VC markets, in particular for the deployment of new technologies; believes that the distinction for tax purposes between equity and debt should be removed;

98. Calls on the Commission to study the multiplier effects of leading competence units with reference to their production, value creation and employment networks in the economy as a whole; considers that leading competence units are not necessarily defined by their size but meet a range of criteria, such as international focus, a certain minimum share of the domestic and global market, intensive R&D and cooperation with a large network of undertakings; considers that such a study could above all draw attention to the interdependence of industrial businesses and SMEs, thus invalidating certain stereotypes with regard to the processing industrial base;

Winning the skills and labour force for an Industrial Renaissance

99. Takes the view that, since the start of the crisis, roughly 5 500 European industrial companies have been restructured, resulting in the loss of some 2,7 million jobs;

100. Stresses that RISE is an opportunity for stable employment with good jobs and decent pay; emphasises the indispensable partnership with stakeholders, especially social partners, chambers and youth organisations, in the context of integrating the young into the workforce; calls on the Commission and the Member States to intensify social dialogue also within branches of industry and firms; believes that the involvement of social partners at the earliest possible stage in any legislative procedure would be of great benefit; calls also on the Commission to promote the role of the social partners at its level, taking due account of the differences between the various national systems; calls on the social partners to engage in a dialogue at EU level wherever possible;

101. Notes that RISE will require more and better access to training, lifelong learning, fit-for-the-future vocational training and university education, a strong emphasis on the science, technology, engineering and mathematics (STEM) fields, particularly for women, and entrepreneurship support; advocates the inclusion of such topics in school curricula; supports the development of work-linked training and apprenticeship schemes and an adequate social safety net together with a second-chance policy; believes, in this regard, that EU programmes and instruments, such as Horizon 2020 and the European Institute of Innovation and Technology (EIT), should play an important role;

102. Considers that support for a qualified workforce gives Europe a great advantage and is a major motor for developing investment in R&D; calls for particular attention be paid to supporting education, with a view to creating research centres at the international forefront of academic excellence;

103. Believes that workplace innovation, the development of competences, creative and autonomous workers and teamwork are important assets in both the social and economic performance of companies; emphasises that workplace democratisation, including active participation by staff representatives and trade unions, needs to be expanded; calls on the Member States or regional bodies concerned to create a framework for ongoing training, be that an individual right to

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training or other schemes, which ensures that their skills pool remains ahead of growing demand in the sector and is adaptable to a new market or, in case of redundancy, is transferable to another industrial sector; notes that employers and workers have a shared responsibility regarding life-long learning; notes, furthermore, that information and consultation at the work place is a fundamental right laid down in the Treaty;

104. Calls on the Commission to work closely with the Member States and the sectoral social partners concerned to draw up medium- and long-term forecasts regarding the skills required by the employment market, for example through the creation of European industry skills councils;

105. Calls on the Member States to address e-skills shortages at all education levels and through lifelong learning as ICT developments can have, in the long term, a big impact on rising industries in sectors such as energy efficiency, environmental planning, safety objectives and other communications capabilities (for example, efficient and intelligent transport systems, person-to-person, person-to-machine and machine-to-machine communication systems);

106. Stresses that strength in engineering and information technology improves resilience in employment; calls on the Member States with the support of the Commission to consider setting national targets to increase the number of students studying STEM subjects; believes that the creation of national, regional and European STEM platforms to exchange best practice between regions, universities and industry could be beneficial in setting STEM targets; also considers that, if established, European platforms could be important in providing coordination and cooperation for national platforms at European level; highlights that basic ICT skills should also be fostered in schools and vocational training programmes in this context;

107. Calls on the Commission and the Member States to consider the US model of establishing College-to-Career (C2C) Funds to forge partnerships between industry and universities in order to train young people for jobs in rising industries; notes the plans for establishing 'University Technical Colleges' with industry partners, as discussed in the UK;

108. Stresses the importance of enhancing voluntary mobility among young people, by promoting Erasmus for All and removing existing barriers for cross-border apprenticeships, traineeships and internships, and by strengthening the portability of pensions and labour and social protection rights across the EU; stresses that the 'Erasmus for Young Entrepreneurs' programme, in particular, should be significantly expanded;

109. Recommends the mobilisation of all financial and legislative instruments available to promote economic relocation and calls for information centres to be established in order to heighten awareness among entrepreneurs of the advantages to be gained from keeping their operations in Europe or relocating to Europe in terms of shortening supply chains and possibly establishing local manufacturing traditions and increasing efficiency in this sector while creating more jobs at local level; urges for EURES to be exploited as efficiently as possible in order to make use of the skills of young European jobseekers; calls on the Member States to implement the services directive more effectively and eliminate social dumping;

110. Stresses that education is a basic requirement and that all levels of education, from primary school to university, should be open to everyone;

111. Stresses the need to reduce the school dropout rate, and emphasises that school leavers need opportunities for training placements, as is the case with the Austrian 'Training Guarantee';

112. Welcomes the decisions to implement the Youth Guarantee and the ambitions behind it as well as the willingness of the Member States to allocate funding to tackle youth unemployment; welcomes the promotion of an Alliance for Apprenticeships; points out that in certain Member States, apprenticeships do not to a sufficient degree form an integral part of employment policy; calls on the Commission to develop common social investment indicators, especially regarding youth unemployment; calls on industry to play an active part in implementing the Youth Guarantee on the respective national levels and to offer quality employment or traineeships to young people where possible, and to create quality internships with decent pay; urges the Member States to make apprenticeship schemes more attractive to companies through a variety of measures;

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113. Highlights that Member States with strong vocational training systems have had relatively robust employment markets during the crisis; invites all Member States to examine and introduce such systems together with the social partners and other relevant stakeholders like chambers; notes the challenge of increasing compatibility between the European Credit System for Vocational Education and Training (ECVET) with the European Credit Transfer and Accumulation System (ECTS); also highlights the importance of comparability and increased compatibility between the various national vocational training systems so as to facilitate mobility on the labour market within the relevant job categories;

114. Stresses that schools of secondary technical education and vocational training systems play an essential role, and supports the Commission's initiatives to promote cross-border exchanges between Member States;

115. Believes that enhancing the image of vocational education and training should be done by not only stressing the intrinsic value thereof but also by linking it to a possible transition to university or other higher education; notes that this also necessitates that high-quality vocational education and training qualifications receive an upper-level classification in the national quality frameworks by the Member States; stresses the importance of improving educational skills to improve the quality of development of new manufacturing skills, also by means of EU measures to standardise human resource policies starting from basic training;

116. Calls on the Member States, in cooperation with the social partners, to devise and implement vocational guidance programmes for young people in science and technology disciplines in order to promote the development of a viable and sustainable economy, and to put in place information and awareness-raising measures in relation to ecological and environmental issues, both through the formal education system and in the framework of measures taken by local and regional authorities;

117. Believes that further development of the freedom of movement for workers, through the use of instruments such as the mutual recognition of professional qualifications and life-long training, in particular for vulnerable workers, has great potential for mitigating the shortage of skilled labour and for triggering inclusive growth;

118. Calls on the Member States to launch microcredit facilities for young people in order to promote entrepreneurship;

119. Expects that the measures and actions taken to promote entrepreneurship at European or national level will apply to all types of enterprises, cooperatives, craft businesses, liberal professions and social economy enterprises;

120. Underlines that RISE should be guided by the principle of 'equal pay for equal work', in order to ensure both gender equality at the workplace and equal terms for employees on different types of contract;

121. Points out that each year women represent more than half of the higher education graduates in Europe; stresses the positive impact that the skills of qualified women could have on undertakings, particularly for the growth, productivity and competitiveness of European industry; calls, in this connection, on stakeholders in the economic, education and social fields, and on the Commission, to promote and enhance the role of women in industrial sectors in Europe;

122. Stresses the importance of avoiding the traditional gender imbalance within industry; considers that it is important to break the imbalance so that both women and men are able to participate fully in the labour market, particularly given the demographic challenges facing the EU;

123. Refers to the important role of female workers in RISE; emphasises that the absence of gender perspectives in industrial policies increases gender inequality; considers it important to break the present gender imbalance so that both women and men are able to participate fully in the labour market, based on the principle of equal pay for equal work; calls on the Commission and the Member States to make sure that female workers are not underrepresented in, or excluded from, training in and projects and programmes on ecological transformation and highlights the need to integrate gender mainstreaming; calls on Member States to implement measures to reconcile work and family life, in order to maximise the opportunities for women to pursue sustained and regular careers;

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124. Notes that the transformation to a low-carbon economy will not only create new jobs in new economic sectors but could also lead to job loss in less sustainable activities; recommends, in this connection, that tools for the timely anticipation of change be established and strengthened in order to guarantee a smooth transition from one job to another;

125. Calls on the Commission to develop and promote the toolbox for a sustainable company policy (which includes corporate social responsibility, sustainability reporting, actions to promote low-carbon or low-waste production models);

126. Stresses the importance of corporate social responsibility, a key tool for a company policy which pays attention to the efficient use of natural resources, social aspects regarding relationships with the community and with workers and their representatives, and economic aspects relating to sound company management;

127. Calls on the Member States, in dialogue with the social partners and relevant stakeholders, to consider policies to make working hours more flexible during economic downturns;

128. Proposes that the agenda of a future tripartite social summit for growth and employment under Article 152 TFEU include an item on factoring into the cost price the convergence of minimum social standards;

Resource and energy policy for an industrial renaissance

129. Highlights the fact that resources and energy are at the heart of RISE, given that they are crucial for international competitiveness; stresses that the availability of raw materials is of crucial importance to European industry's development possibilities and warns that without certain key raw materials, no future development will be possible in most strategic industries in Europe; calls on the Commission and the Member States to take active measures to combat excessive costs in both resources and energy; advocates an integrated affordability-sustainability-accessibility triangle approach for both, which insists on all three dimensions mentioned while aiming to decouple growth from the increased use of resources; emphasises the importance of guaranteeing a competitive and transparent energy market which avoids imbalances between the Member States and ensures easy access to safe, sustainable, affordable and reliable energy; notes the need for a strategy facilitating European energy market integration and the development of energy infrastructures;

130. Welcomes the European Raw Materials Initiative, the European Innovation Partnership on raw materials and its strategic implementation plan, as well as the Resource Efficiency Roadmap; highlights the need to address resource scarcity for crucial resources such as water and calls on the Commission to continue work on its three-pillar raw materials strategy of international partnerships and trade, supply of raw materials in the EU, and resource efficiency, recycling and re-use; calls on the Commission to include the waste policy goals in the European Semester and in country-by-country recommendations and the national reform programmes; calls on the Commission to further develop sectoral benchmarks for resource efficiency, particularly for public procurement purposes; calls on the Commission to mainstream a 3R strategy (reduce, re-use, recycle) and to study cautiously proposals calling for the limitation of important raw materials; stresses the importance of a global certification scheme for first-treatment recycling of hazardous waste and for waste electrical and electronic equipment (WEEE) materials; points out that relevant building collection and recycling schemes exist in some Member States; notes that the European extractive industries display some of the highest standards in the world and calls on the Commission to evaluate within two years the proposal to establish a European Geological Institute; calls on the Commission to come up with measures seeking to harmonise rules and licensing procedures for raw materials extraction in the EU; calls on Member States, industry, geological institutes and the Commission to cooperate in mapping the location of raw materials;

131. Highlights the potential of moving to a more bio-based economy, given that raw materials, such as those from forests, can play a major role in the production of renewable energy and in sustainable industrial production;

132. Calls for the swift implementation of the energy efficiency directive and the national action plans supported by appropriate financial incentives; calls for the creation of a block exemption for all energy efficiency schemes of which the European Commission has been notified as part of the Member States' energy efficiency action plans; believes that Member States should set out ambitious strategies in particular to renovate the existing building stock according to established common standards; stresses that financial instruments could further promote an efficiency agenda; calls on the

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Commission to work towards cost-efficient support criteria for renewable energy; stresses that a reliable, secure and affordable energy supply is essential for the competitiveness of European industry; stresses the importance of clear, long-term climate goals to enable undertakings to invest, particularly in the green industries and urges the Commission to propose a legal and stable framework of medium- and long-term action for European energy and climate policy up to 2030 so as to encourage investment in carbon reduction, energy efficiency and renewable energy;

133. Notes that only the EU operates an emission allowances scheme and that, apart from the Member States, fewer than half a dozen countries — not even accounting for 15 % of global CO₂ emissions, including the EU — are still observing the Kyoto Protocol;

134. Calls on the Commission to submit an industrial strategy for renewable energies which covers the whole range of research activities, including funding, so as to ensure that the EU's leading position in the field of renewable energies is maintained;

135. Considers that European industry, as well as individual consumers, would benefit from modernised energy infrastructure, such as smart grids, which could help maximise indigenous energy potential and fully integrate renewable sources into the power supply;

136. Calls on the Commission to ensure that there is a stable framework for energy supply in the coming decades, so as to ensure security of investment and thus make possible measures to boost sustainable competitiveness;

137. Highlights current trends in global energy prices, which are linked to unconventional oil and gas resources in the USA as well as developments in the Middle East, and notes that high energy prices are an important factor affecting the competitiveness of European industries; stresses the need to provide analyses of the factors influencing the price of energy; calls on the Commission to take this into account as done in its impact assessments when making future proposals; emphasises that RISE requires coherence between industrial, energy and climate policies; notes that lower energy prices in the USA have permitted additional industrial investments; refers to Parliament's resolutions on such investments; highlights the hugely important role of the energy-intensive industries, which produce essential basic materials; stresses that these industries are subject to the risk of carbon leakage and that special precautions are therefore needed to keep it competitive; asks the Commission to come forward with recommendations to prevent the risk of carbon leakage;

138. Regrets the fact that the Commission did not assert its adherence to the precautionary principle in relation to sectors using technologies which have not demonstrated that they are risk-free;

139. Highlights that the countries in Europe's south are paying the highest gas prices in Europe, thus leaving industries, in particular energy-intensive industries, at a competitive disadvantage while also increasing the risk of carbon leakage;

140. Calls on the Commission and the Member States to reconsider the conditions for long-term energy contracts and review gas contracts based on oil-indexation pricing mechanisms and move towards more hub-based pricing with greater competition in the internal market; calls on the Commission to assist in exploring possibilities of renegotiating those contracts and facilitating a transition to more flexible alternatives; thus advancing the goals of better access to gas for all Member States;

A regional RISE strategy with particular attention to Europe's south

141. Advocates a multi-regional industrial policy approach that relaunches sustainable growth in contracting economies and those exposed to significant risks to their industrial base; notes the urgent need to implement measures to support those industrial sectors most affected by the crisis and by international competition; supports a high value-added strategy in the integration of regional economies, especially the southern economies, into global value chains; believes that smart specialisation strategies are particularly relevant in this context and that existing industrial strengths need to be promoted via increased innovation and specialisation; believes that in parallel with smart specialisation strategies, as regards access to finance, an investment strategy for the south is needed;

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142. Stresses that lending has to be improved in the crisis Member States and holds that a microcredit programme funded by the EIB or national development banks could be introduced, which would allow SMEs to process orders;

143. Notes that a number of regions are affected by their peripheral location and that the lack of adequate and well connected infrastructure affects their capacity to be competitive within the internal market and outside the Union; notes that this is particularly important for certain areas in Europe's south but that others, such as the east and Europe's north — where a large share of the Union's natural resources are situated — also need to be better connected to the rest of the Union; calls on the Commission to promote full European infrastructure integration, especially for the southern economies, in particular in rail, energy and ICT, and stresses the need to gear the Connecting Europe facility to this effect; calls on the European institutions and Member States to guarantee adequate levels of funding and simplified bureaucratic procedures to enhance PPP, project financing and project bonds; deplores the fact that the Iberian Peninsula is not fully integrated in the European rail market and that, together with parts of Southern and Eastern Europe, it is not integrated in the European energy market;

144. Points out that southern regions possess great potential for the development of the strategic sector of renewable energy sources; calls for measures to stimulate the markets in these regions, including actions to encourage microgeneration by enterprises that wish to produce their own electricity and sell the residual energy on the grid;

145. Stresses that increased diversity of energy supply and the utilisation of indigenous resources, including renewable energy, can play a significant role in the rejuvenation of the southern economies; notes that the southern countries are highly dependent on energy imports, in some cases from a single supplier;

146. Stresses the importance of the ICT infrastructure, particularly flexible and mobile solutions, in enabling industry to develop also in peripheral and sparsely populated regions;

147. Emphasises the importance of best-practice sharing and market replication mechanisms; welcomes proposals to increase cooperation, industrial symbiosis and develop networks of resource efficiency advisory services; believes that industrial symbiosis efforts could help create more value and efficiencies; notes that the United Kingdom's industrial symbiosis model could serve as a template for other Member States;

148. Highlights that the transformation of capital enterprises into cooperatives has been successful in some regions effectively ensuring a longer-term approach, anchoring them in the local economy and giving them a stake in local sustainable development; notes that cooperatives represent an important economic reality in the EU, where more than 160 000 cooperative enterprises are owned by 123 million members, including more than 50 000 cooperative enterprises in industry and services, providing jobs for 1,4 million people and contributing on average around 5 % to the GDP of each Member State; believes, in this connection, that the business models adopted by cooperatives should also be taken into account and that their specificities should be taken into consideration in the relevant EU policies;

149. Believes that the economies of the countries of Europe's south can benefit from new export markets and are in particular strategically located for markets in the southern Mediterranean, while the countries of eastern Europe can similarly benefit from new export markets in the countries of the Commonwealth of Independent States (CIS); calls for the entrepreneurial spirit to be embraced, and for migrants from Europe's south and east to create businesses that can access those export markets; calls on the Commission and the Member States to promote business relations between the northern and southern Mediterranean; welcomes also Vice-President Tajani's missions for growth; takes the view that focusing more closely on regional industrial strengths and clusters could result in greater competitiveness for the structural development of Europe; calls for this to be taken duly into account in future institutional and structural developments in Europe;

150. Takes the view that focusing more closely on regional industrial strengths and clusters could result in greater competitiveness for the structural development of Europe; calls for this to be taken duly into account in future institutional and structural developments in Europe;

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151. Instructs its President to forward this resolution to the Council and the Commission.

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P7_TA(2014)0036

Placing on the market for cultivation of a genetically modified maize product

European Parliament resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (2013/2974(RSP))

(2016/C 482/14)

The European Parliament,

- having regard to the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (COM(2013)0758),
- having regard to the draft Commission decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (D003697/01), submitted to a vote in the committee referred to in Article 30 of Directive 2001/18/EC on 25 February 2009,
- having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC⁽¹⁾, and in particular the first subparagraph of Article 18(1) thereof,
- having regard to the vote in the committee referred to in Article 30 of Directive 2001/18/EC on maize 1507, of 25 February 2009, in which no opinion was delivered,
- having regard to the six scientific opinions concerning maize 1507 delivered by the European Food Safety Authority (EFSA) Panel on Genetically Modified Organisms from 2005 to November 2012,
- having regard to Commission Implementing Regulation (EU) No 365/2013 of 22 April 2013 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance glufosinate⁽²⁾,
- having regard to the Environment Council conclusions on genetically modified organisms (GMOs) adopted on 4 December 2008,
- having regard to its position adopted at first reading on 5 July 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory⁽³⁾,
- having regard to *Special Eurobarometer* 354 on food-related risks⁽⁴⁾,
- having regard to the judgment of the General Court of the European Union (Seventh Chamber) of 26 September 2013 concerning the application for deliberate release into the environment of maize 1507 (Case T-164/10)⁽⁵⁾,

⁽¹⁾ OJ L 106, 17.4.2001, p. 1.

⁽²⁾ OJ L 111, 23.4.2013, p. 27.

⁽³⁾ OJ C 33 E, 5.2.2013, p. 350.

⁽⁴⁾ <http://www.efsa.europa.eu/en/factsheet/docs/reporten.pdf>

⁽⁵⁾ http://curia.europa.eu/juris/document/document_print.jsf?doclang=EN&text=&page&Index=0&part=1&mode=lst&docid=142241&occ=first&dir=&cid=127901

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- having regard to Articles 5(5) and 8 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,
- having regard to Rule 88(2) and (3) of its Rules of Procedure,
- A. whereas Article 18(1) of Directive 2001/18/EC stipulates that a decision on the deliberate release of a genetically modified organism (GMO) must contain the same information as that specified in Article 19(3);
- B. whereas Article 19(3) of Directive 2001/18/EC stipulates that the written consent referred to in Article 18 must, in all cases, explicitly specify, inter alia, conditions for the protection of particular ecosystems/environments and/or geographical areas;
- C. whereas such an indication is missing in the Commission proposal;
- D. whereas the standing committee's vote of 25 February 2009 on a Commission proposal for authorisation delivered no opinion; whereas only 6 Member States voted in favour of the proposal, while 12 voted against it and 7 abstained;
- E. whereas, on the basis of EFSA recommendations, and in order to fulfil the conditions for authorisation, the Commission substantially modified the proposal, e.g. as regards labelling rules, monitoring and the practices set out in the insect resistance management plan;
- F. whereas the modifications to the version voted on in the standing committee on 25 February 2009 include the deletion of references to the glufosinate-tolerant trait of maize 1507, and the insertion of a requirement to inform operators that they should not use the product 'with glufosinate herbicides in any manner differing from conventional practice with maize not tolerant to glufosinate';
- G. whereas the modified proposal was not discussed with Member State experts or voted on in the standing committee, but was referred directly to the Council of Ministers;
- H. whereas the ruling of the General Court of the European Union of 26 September 2013 regarding the application by Pioneer Hi-Bred International for deliberate release into the environment of maize 1507 does not prevent the Commission from reconsidering its position and presenting a new proposal to the standing committee, further to a resolution of Parliament, pursuant to Article 8(1) of Council Decision 1999/468/EC, recommending that maize 1507 not be authorised;

EFSA risk assessment

- I. whereas, following the vote in the standing committee, the EFSA produced, at the Commission's request, three scientific opinions updating its previous risk assessments and risk management recommendations;
- J. whereas, in its opinion of February 2012, the EFSA explicitly disagreed with the applicant's conclusion that the study cited by the applicant provided adequate evidence that maize 1507 poses a negligible risk to non-target lepidoptera in the EU, but instead pointed to the fact that highly sensitive non-target butterflies and moths may be at risk when exposed to maize 1507 pollen ⁽²⁾;
- K. whereas the Bt-toxin produced by maize 1507, Cry1F, is different from the usual types of Bt-toxin and has proven to have different effects on non-target lepidoptera; whereas few studies have been conducted regarding the Cry1F protein, and none on its effects on aquatic species or soil organisms; whereas the EFSA states that the amount of Cry1F protein in maize 1507 pollen is about 350 times the Cry1Ab protein content expressed in maize MON 810 pollen ⁽³⁾;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ <http://www.efsa.europa.eu/en/efsajournal/pub/2429.htm>

⁽³⁾ <http://www.efsa.europa.eu/en/efsajournal/doc/2429.pdf>

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L. whereas Pioneer refused, following a request by the Commission, to revise its application for authorisation and present additional documents regarding monitoring and risk-mitigating measures for non-target organisms;

M. whereas the EFSA acknowledges that in its risk assessment it did not consider potential risks linked to the other trait of maize 1507, namely its tolerance to the herbicide glufosinate ammonium ⁽¹⁾, even though this characteristic may result in increased use of glufosinate;

Glufosinate

N. whereas the EFSA is required to evaluate 'indirect effects such as a usage of pesticides [...] as part of the environmental risk assessment' and to assess 'the possible effects on biodiversity and non-target organisms which any individual GM herbicide-tolerant crop may cause due to the change in agricultural practices (including those due to different herbicide uses)' ⁽²⁾;

O. whereas glufosinate is classified as toxic to reproduction and thus falls under the exclusion criteria set out in Regulation (EC) No 1107/2009; whereas for substances that have already been approved, the exclusion criteria apply when the approval needs to be renewed; whereas the approval of glufosinate expires in 2017 ⁽³⁾; whereas the use of glufosinate should therefore in principle end in 2017;

P. whereas in countries other than the EU, e.g. in the United States and Canada, maize 1507 is marketed by its producer as a glufosinate-tolerant crop, while in the application in the EU the applicant argues that the gene for glufosinate tolerance was only to be used as a marker gene;

Q. whereas it is unclear how the Commission intends to implement the impending ban on glufosinate, as long as it is still available on the market;

General situation with regard to GMOs in the EU

R. whereas no GMO has been authorised for cultivation in the EU since 2010, when the Amflora potato was authorised; whereas this authorisation was annulled by the General Court of the European Union on 13 December 2013, and whereas the only other crop authorised for cultivation is Monsanto's maize MON 810, the renewal of the authorisation for which has been pending for some years;

S. whereas it is broadly accepted — as confirmed by the aforementioned Environment Council conclusions of 4 December 2008 — that the long-term effects of GMO cultivation and the effects on non-target organisms have, thus far, not been adequately taken into account in the risk assessment framework;

T. whereas both the Council ⁽⁴⁾ and Parliament ⁽⁵⁾ acknowledge the necessity for stricter assessment of the long-term effects of GMOs, and for independent research on the potential risks involved in the deliberate release or the placing on the market of GMOs, including the need to give independent researchers access to all relevant material;

U. whereas the large majority of consumers are concerned about genetically modified food, as indicated in, inter alia, *Special Eurobarometer* 354 of 2010; whereas genetically modified maize 1507 offers no benefit to consumers;

1. Opposes the adoption of the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests;

⁽¹⁾ <http://www.efsa.europa.eu/en/efsajournal/pub/2429.htm>

⁽²⁾ Commission letter to the EFSA of 8 September 2008, concerning the environmental risk assessment of herbicide tolerant plants.

⁽³⁾ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:111:0027:0029:EN:PDF>

⁽⁴⁾ Environment Council conclusions of 4 December 2008.

⁽⁵⁾ See its above mentioned position of 5 July 2011.

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2. Considers that the proposal for a Council decision exceeds the implementing powers conferred under Directive 2001/18/EC;
 3. Calls on the Council to reject the Commission proposal;
 4. Calls on the Commission not to propose to authorise any new GMO variety and not to renew old ones until the risk assessment methods have been significantly improved;
 5. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P7_TA(2014)0037

Respect for the fundamental right of free movement in the EU

European Parliament resolution of 16 January 2014 on respect for the fundamental right of free movement in the EU (2013/2960(RSP))

(2016/C 482/15)

The European Parliament,

- having regard to Articles 21, 45, 47 and 151 of the Treaty on the Functioning of the European Union and to Articles 15, 21, 29, 34 and 45 of the Charter of Fundamental Rights of the European Union,
 - having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽¹⁾, in particular Article 7 thereof,
 - having regard to Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union ⁽²⁾,
 - having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾, and to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁴⁾,
 - having regard to the Commission communication of 13 July 2010 entitled 'Reaffirming the free movement of workers: rights and major developments' (COM(2010)0373),
 - having regard to the study published on 14 October 2013 on the impact on the Member States' social security systems of the entitlements of non-active intra-EU migrants to special non-contributory cash benefits and health care granted on the basis of residence,
 - having regard to the Commission communication of 25 November 2013 entitled 'Free movement of EU citizens and their families: Five actions to make a difference' (COM(2013)0837),
 - having regard to Commission Vice-President Reding's statement to the Justice and Home Affairs Council of 5 December 2013 on free movement,
 - having regard to the statement by Commissioner László Andor of 1 January 2014 on the end of restrictions on free movement of workers from Bulgaria and Romania,
 - having regard to its resolution of 2 April 2009 on the application of Directive 2004/38/EC on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽⁵⁾,
 - having regard to its resolution of 29 March 2012 on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights ⁽⁶⁾,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the right of free movement is one of the four fundamental freedoms of the EU enshrined in the Treaty on the Functioning of the European Union as a cornerstone of European integration and directly connected to EU citizenship;
- B. whereas free movement is at the core of the EU's values, giving its citizens the possibility to choose where to live and work and creating mobility and development on the labour market, in the education system and beyond;

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.

⁽²⁾ OJ L 141, 27.5.2011, p. 1.

⁽³⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 284, 30.10.2009, p. 1.

⁽⁵⁾ OJ C 137 E, 27.5.2010, p. 6.

⁽⁶⁾ OJ C 257 E, 6.9.2013, p. 74.

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- C. whereas freedom of movement is a right guaranteed to all European citizens, regardless of the existence of potential border controls put in place by some Member States for the entry of EU citizens within their territory; whereas the fact that not all Member States are part of the Schengen area does not affect the right of all EU citizens' to freedom of movement within the Union;
- D. whereas EU citizens see free movement as the right most closely associated with EU citizenship, as the most positive achievement of the EU, and as bringing economic benefits to their country's economy;
- E. whereas EU workers' contribution to the host country's welfare system is equal to that of national workers;
- F. whereas the advantages of free movement of EU mobile workers to the host country's development are visible all over Europe, especially in the areas of health care, agriculture and construction;
- G. whereas the freedom for EU citizens to reside anywhere in the EU applies to all EU citizens without restriction but is conditional, as per Directive 2004/38/EC, in that after three months the EU citizen concerned has to meet legal conditions in order not to burden the host country; whereas the free movement of workers is a pillar of the success of the EU single market; whereas although only 2,8 % of all EU citizens live in a Member State other than their own, they are nonetheless a key element in the success of the internal market and boost Europe's economy;
- H. whereas the principle of equal treatment or non-discrimination implies that all EU citizens have the same rights and obligations as the nationals of the host country (Regulations (EC) No 883/2004 and (EC) No 987/2009 are based on this principle); whereas all Member States are free to decide with respect to these principles which social security benefits to grant and under what conditions; whereas EU rules on the coordination of social security systems do not allow for discrimination on social security benefits in the case of EU nationals who are workers, direct family members of workers or habitually resident in the Member State in question;
- I. whereas modern European society, notably on account of industrial change, globalisation, new work patterns, demographic change and the development of means of transport, calls for a higher degree of mobility among workers;
- J. whereas the free movement of workers represents a positive socio-economic example for both the EU and the Member States, being a milestone for EU integration, economic development, social cohesion, individual upgrading at professional level, counteracting the negative effects of the economic crisis and consolidating the Union as a stronger economic power, prepared to face the challenges of global change;
- K. whereas, as of 1 January 2014, transitional arrangements for the free movement of workers from Bulgaria and Romania have been abolished;
- L. whereas the Council has reiterated its support for free movement and has acknowledged the mutual benefits it brings, as for example in a recent debate in the Justice and Home Affairs Council (8 October 2013, 5-6 December 2013);
- M. whereas with the European elections approaching, the free movement of EU citizens has become a campaign issue for some political parties; whereas there is a risk that this debate, if not addressed rationally, could lead to scapegoating EU citizens from some Member States, or EU mobile citizens, and could lead to a rise in racism and xenophobia; whereas high-ranking European politicians have recently made several statements undermining the right to free movement;
- N. whereas recent Commission studies have shown that mobile workers are net contributors to the economies and budgets of the host countries; whereas mobile workers as a group pay more into host country budgets in taxes and social security than they receive in benefits, while healthcare spending on non-active EU mobile citizens is very small relative to total health spending (0,2 %) or to the economies of the host countries (0,01 % of GDP), and EU citizens account for a very small proportion of the recipients of special non-contributory benefits;

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1. Calls on the Member States to comply with Treaty provisions on EU rules governing freedom of movement and to ensure that the principles of equality and the fundamental right of freedom of movement are upheld for all Member States;
 2. Strongly contests the position taken by some European leaders calling for changes and for restriction of the free movement of citizens; calls on the Member States to refrain from any actions that could affect the right of free movement which is based on core EU legislation;
 3. Rejects altogether any proposal to cap numbers of EU migrants as being in contradiction to the EU Treaty principle of the free movement of people; points out that mobility of labour contributes to the competitiveness of the European economy;
 4. Calls on the Commission and the Member States to ensure the strict enforcement of Union law so as to guarantee that all EU workers are treated equally and not discriminated against as regards access to employment, employment and working conditions, remuneration, dismissal, and social and tax benefits, thereby ensuring fair competition among businesses; and urges national authorities to combat any unjustified restrictions on or obstacles to workers' right of free movement, along with any exploitation of workers;
 5. Recalls that the free movement of workers gives every citizen of the Union, irrespective of his or her place of residence, the right to move freely to another Member State in order to work and/or to reside for work purposes;
 6. Welcomes the Commission communication COM(2013)0837 setting out five actions to help Member States and their local authorities apply EU laws and tools to their full potential and, in this regard, fully supports the following actions, to be implemented jointly with the Member States: helping Member States fight marriages of convenience (handbook); helping authorities apply EU social security coordination rules (practical guide); helping authorities meet social inclusion challenges (funding); exchange of best practices between local authorities; and training and support of local authorities for purposes of applying the EU rules on free movement;
 7. Calls on the Member States not to discriminate against EU mobile workers, wrongfully associating the right of free movement for work purposes with alleged abuse of social security systems; stresses that none of the Member States claiming this burden have presented proof to the Commission as requested;
 8. Calls on the Commission to undertake systematic and thorough monitoring of respect for the fundamental right of free movement for EU workers; encourages the Commission to continue its current efforts to ensure that the Member States transpose and implement Directive 2004/38/EC fully and correctly, making full use of its power to launch infringement proceedings;
 9. Calls on Member States to fully and transparently use the resources available under European funds (such as the European Social Fund and the European Regional Development Fund) to promote integration, social inclusion and the fight against poverty, and to support the efforts of local communities to address any increase in the numbers of marginalised citizens;
 10. Reminds the Member States of their social responsibility to tackle misuse of their social welfare systems, regardless of whether it is committed by their own citizens or by citizens of other Member States; calls on the Member States to comply with the provisions of Directive 2004/38/EC and to address possible abuses;
 11. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P7_TA(2014)0038

EU citizenship for sale**European Parliament resolution of 16 January 2014 on EU citizenship for sale (2013/2995(RSP))**

(2016/C 482/16)

The European Parliament,

- having regard to Articles 4, 5, 9 and 10 of the Treaty on European Union,
- having regard to Article 20 of the Treaty on the Functioning of the European Union,
- having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas every Member State is expected to act responsibly in preserving the Union's common values and achievements, and whereas those values and achievements are invaluable and cannot have a price tag attached to them;
- B. whereas a number of Member States have introduced schemes which directly or indirectly result in the sale of EU citizenship to third-country nationals;
- C. whereas an increasing number of Member States are issuing temporary or permanent residence permits to third-country nationals who make investments in the Member State concerned;
- D. whereas in some Member States permanent residency with access to the whole Schengen Area can be obtained; whereas in certain Member States steps are being taken that may lead to the effective sale of citizenship of that Member State;
- E. whereas in some cases these investment programmes have possible negative side-effects, such as distortion of local housing markets;
- F. whereas the Maltese Government, in particular, has recently taken steps to introduce a scheme for the outright sale of Maltese citizenship, which automatically entails the outright sale of EU citizenship as a whole without any residency requirement;
- G. whereas such outright sale of EU citizenship undermines the mutual trust upon which the Union is built;
- H. whereas EU citizens in particular have the right to move and reside freely within the EU, to vote and stand as candidates in municipal and European Parliament elections wherever they live in the EU, under the same conditions as nationals, and to be assisted by another Member State's embassy or consulate outside the EU under the same conditions as a citizen of that Member State, if their own is not represented;
- I. whereas the EU is based on mutual trust between Member States, built on years of gradual work and goodwill on the part of Member States, as well as on the part of the Union as a whole;
- J. whereas concerns have also been expressed about criminal abuse of these investment programmes, including issues such as money laundering;
- K. whereas concerns exist as regards possible discrimination because these practices by Member States only allow the richest third-country nationals to obtain EU citizenship, without any other criteria being considered;
- L. whereas it is not clear whether Maltese citizens will really benefit from this new policy, for example through the collection of taxes, as the foreign investors concerned will not be required to pay taxes; recalls that citizenship involves not only rights but also responsibilities;
- M. whereas EU citizenship is one of the EU's major achievements and whereas, according to the EU Treaties, matters of residency and citizenship lie within the exclusive competence of the Member States;

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1. Is concerned that this way of obtaining citizenship in Malta, as well as any other national scheme that may involve the direct or indirect outright sale of EU citizenship, undermines the very concept of European citizenship;
 2. Calls on Member States to recognise and live up to the responsibilities they hold in safeguarding the values and objectives of the Union;
 3. Calls on the Commission, as the guardian of the Treaties, to state clearly whether these schemes respect the letter and spirit of the Treaties and the Schengen Borders Code, as well as the EU rules on non-discrimination;
 4. Reiterates that Article 4(3) of the Treaty on European Union enshrines the principle of 'sincere cooperation' between the Union and the Member States, which are, in full mutual respect, to assist each other in carrying out the tasks which flow from the Treaties;
 5. Expresses concern at the implications of some of the investors' and citizenship schemes that have recently been established by various EU Member States;
 6. Acknowledges that matters of residency and citizenship are the competence of the Member States; calls on the Member States, nevertheless, to be careful when exercising their competences in this area and to take possible side-effects into account;
 7. Notes that EU citizenship implies the holding of a stake in the Union and depends on a person's ties with Europe and the Member States or on personal ties with EU citizens; stresses that EU citizenship should never become a tradable commodity;
 8. Underlines the fact that the rights conferred by EU citizenship are based on human dignity and should not be bought or sold at any price;
 9. Emphasises that access to funds should not be the main criterion in conferring EU citizenship on third-country nationals; calls on the Member States to take account of fraud-related criminal concerns such as money laundering;
 10. Notes that ongoing competition for more attractive investment conditions or financial resources may lead to a lowering of the standards and requirements for obtaining Schengen Area residence permits and EU citizenship;
 11. Calls on the Commission to assess the various citizenship schemes in the light of European values and the letter and spirit of EU legislation and practice, and to issue recommendations in order to prevent such schemes from undermining the values that the EU has been built upon, as well as guidelines for access to EU citizenship via national schemes;
 12. Calls on Malta to bring its current citizenship scheme into line with the EU's values;
 13. Calls on the Member States that have adopted national schemes which allow the direct or indirect sale of EU citizenship to third-country nationals to bring them into line with the EU's values;
 14. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P7_TA(2014)0039

2013 progress report on Serbia**European Parliament resolution of 16 January 2014 on the 2013 progress report on Serbia (2013/2880(RSP))**

(2016/C 482/17)

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to Council Decision 2008/213/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC ⁽¹⁾,
- having regard to the Commission opinion of 12 October 2011 on Serbia's application for membership of the European Union (SEC(2011)1208) and to the Commission communication of 12 October 2011 entitled 'Enlargement Strategy and Main Challenges 2011-2012' (COM(2011)0666),
- having regard to the General Affairs Council conclusions of 11 December 2012 on Enlargement and Stabilisation and association process,
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and the Republic of Serbia that entered into force on 1 September 2013; having regard to the first meeting of the Stabilisation and Association Parliamentary Committee, responsible for engaging the European Parliament and the National Assembly of Serbia in continuous dialogue, which took place in November 2013,
- having regard to UN Security Council Resolution 1244 (1999), to the ICJ Advisory Opinion of 22 July 2010 on the question of the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to the UN General Assembly Resolution of 9 September 2010, which acknowledged the content of the opinion and welcomed the readiness of the EU to facilitate the dialogue between Belgrade and Pristina ⁽²⁾,
- having regard to the joint statement of the 7th EU-Serbia Interparliamentary Meeting of 18-19 March 2013,
- having regard to the Energy Community Treaty which entered into force on 1 July 2006 and to which Serbia is a signatory, and the Energy Community's Decision D/2012/04/MC/EnC of 18 October 2012 on the implementation of the Renewable Energy (RES) Directive 2009/28/EC and amending Article 20 of the Energy Community Treaty, which sets binding targets,
- having regard to the EU-Serbia readmission agreement of 8 November 2007 ⁽³⁾ and to Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement ⁽⁴⁾,
- having regards to its resolution of 22 October 2013 on budgetary management of European Union pre-accession funds in the areas of judicial systems and the fight against corruption in the candidate and potential candidate countries ⁽⁵⁾, and the observations on Serbia contained therein,

⁽¹⁾ OJ L 80, 19.3.2008, p. 46.

⁽²⁾ A/RES/64/298.

⁽³⁾ OJ L 334, 19.12.2007, p. 46.

⁽⁴⁾ OJ L 336, 18.12.2009, p. 1.

⁽⁵⁾ Texts adopted, P7_TA(2013)0434.

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- having regard to the European Council conclusions of 28 June 2013,
 - having regard to the constitution of Serbia's accession negotiation team,
 - having regard to the Commission's 2013 progress report on Serbia of 16 October 2013 (SWD(2013)0412),
 - having regard to its previous resolutions,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Council of 28 June 2013 decided to open accession negotiations with Serbia, and to hold the first intergovernmental conference in January 2014 at the very latest, reconfirming Serbia's European perspective in line with the EU's commitments to the whole Western Balkans region;
- B. whereas Serbia has taken important steps towards the normalisation of relations with Kosovo resulting in the First Agreement on the Principles of Normalisation of 19 April 2013, and has made efforts to sufficiently fulfil the political criteria and conditions of the Stabilisation and Association Process; whereas the accession negotiations constitute a strong monitoring tool for implementation of reforms;
- C. whereas, on 25 September 2013, the Commission and Serbia launched the process of screening of the *acquis*, starting with Chapter 23 — judiciary and fundamental rights;
- D. whereas Serbia, like every country aspiring to EU membership, must be judged on its own merits in terms of fulfilling, implementing and complying with the same set of criteria;
- E. whereas the EU has placed the rule of law at the core of its enlargement policy;
- F. whereas the implementation of the legal framework on the protection of minorities needs to be fully ensured, notably in the areas of education, use of language, and access to media and religious services in minority languages;
- G. whereas the Commission has underlined the need to strengthen economic governance in all Western Balkan countries;
1. Looks forward to the formal beginning of accession talks with Serbia which will take place at the first EU-Serbia intergovernmental conference (IGC) on 21 January 2014; considers that the IGC is a historic step for Serbia's European integration process and demonstrates the EU's commitment to the enlargement process; calls on the Serbian authorities to intensify EU-related reforms in the country in the follow-up to the conference, in order to meet Serbian citizens' expectations of a smooth EU accession process and enhance economic recovery by making the perspective of EU membership tangible;
 2. Welcomes the commitment shown by the Serbian Government to the European integration process and encourages Serbia to continue with the systemic and socio-economic reforms that will allow it to take on and implement effectively the obligations of future membership; underlines that implementation of reforms remains a key indicator of a successful integration process and, therefore, urges the authorities to step up reform efforts in the areas of the judiciary, the fight against corruption, the public sector, civilian control of defence and security sectors, energy policy with regard, in particular, to energy saving and renewables, media freedom, protection of all minorities and vulnerable groups, as well as their fundamental rights, structural changes to the economy, social dialogue, improvement of the business environment and sustainable management of natural resources;
 3. Welcomes the coming into force of the Stabilisation and Association Agreement on 1 September 2013 and the convening of the first Stabilisation and Association Council, which was held on 21 October 2013; stresses that the entry into force of the SAA represents an important step for Serbia's European integration process and provides the general framework for Serbia and the EU to intensify their cooperation regarding political criteria and approximation of the *acquis*, and to prepare for Serbia's future participation in the Single Market; encourages all involved parties to work together responsibly;

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4. Welcomes the First Agreement on the Principles of Normalisation reached in the high-level dialogue between the Prime Ministers of Serbia and Kosovo on 19 April 2013, which opened the way for further steps in the European integration process of Serbia and Kosovo; welcomes the steps taken by both sides so far in the implementation of the agreement and encourages the authorities to continue implementing all agreements reached so far in good faith and in a timely manner; welcomes the agreements on telecommunications and energy reached in dialogue on 8 September 2013; calls, in particular, on both Serbia and Kosovo to actively and constructively cooperate with EULEX as regards the implementation of the agreement on Mutual Legal Assistance in order to deal with the growing number of requests concerning properties in Kosovo; calls on both sides to maintain this constructive approach while agreeing on the controversial and sensitive details that still need to be elaborated and agreed on; urges both sides to continue to address the issue of missing persons and welcomes, in this respect, the first results reached in the framework of the Red Cross-chaired Working Group on the Missing Persons; acknowledges the efforts made towards reducing the underground trade between Serbia and Kosovo; notes that further continuous efforts by Serbian and Kosovar leaders will be needed to integrate the Serbian minority in Kosovan society and bring the ethnic Albanian and Serbian communities closer together;

5. Welcomes the first-ever country-wide local elections in Kosovo on 3 November 2013 and in particular the visible voter turnout in Serbian-dominated municipalities to the south of the Ibar river as well as the overall orderly conduct of the local elections in Kosovo, as assessed in the preliminary statement of the EU-EOM as a crucial step towards the formation of the Community of Serbian Municipalities, which is part of the normalisation process; welcomes the efforts which Belgrade and Pristina have invested to ensure that the elections are peaceful and in keeping with democratic norms; strongly condemns the violence and persistent intimidation which occurred in the north Mitrovica and Zvečan municipalities and urges the Serbian authorities to do their utmost to facilitate efforts to bring the perpetrators of violence to justice; notes, in this connection, the Serbian leaders' pledge that those responsible for the outbreak of violence will be held accountable for their actions; notes that further vigilant efforts are needed to break the organised crime network and its ties to local political elites and to re-establish the rule of law in the north of Kosovo; welcomes the stance taken by Serbian political leaders who have actively encouraged ethnic Serbs in Kosovo to participate in the elections, but notes at the same time that Belgrade should not stifle political pluralism in the Serbian community in Kosovo by campaigning on behalf of any particular party or electoral list;

6. Emphasises the need for greater transparency in communicating the outcomes of the Belgrade-Pristina dialogue and involving the parliaments and civil societies concerned in the implementation process; stresses, in this regard, the need for the Serbian and Kosovo negotiators to build public trust and reach out to citizens, women and men; calls on the Serbian authorities in Belgrade, Mitrovica and south of the Ibar river to do more to increase community interaction between Kosovo Serbs and Albanians, in particular by encouraging schools and community centres to teach the Albanian language; emphasises that Kosovo Albanians must also be strongly encouraged to interact more with the Serbian communities around them and to learn the Serbian language, as a vital element of the integration of the Serbian community in Kosovan society, future dialogue and bi-communal governance;

7. Regrets the ongoing difficulties faced by EU citizens seeking to enter Serbia from Kosovo, and leaving Serbia for a third country afterwards, on account of Serbia's non-recognition of Kosovo's external borders and its assertion that a first entry into Kosovo constitutes an illegal entry into Serbia; regrets also the Serbian border police's annulment stamps superimposed on Kosovan stamps in foreign passports; encourages Serbia to re-think such policies as a strong confidence-building measure, a necessary step towards normalising relations with Kosovo, and as a concrete means of promoting further EU integration in accordance with the spirit of free movement;

8. Calls on the authorities of Serbia and of neighbouring countries to continue to show good will and to cooperate fully with and support the Special Investigative Task Force established following the December 2010 report of the Council of Europe Parliamentary Assembly, and encourages a further speeding up of its work;

9. Appreciates the constructive approach of the Serbian Government to relations with neighbouring countries, since this has enabled substantial progress to be made in achieving both regional cooperation and closer relations with the EU; reiterates the crucial importance of regional cooperation with regard to energy issues, tackling organised crime and developing transport networks, as well as of reconciliation and the gradual resolution of the bilateral issues with neighbouring countries, first and foremost for making progress in overcoming the legacy of recent conflict and subsequently for the success of Serbia's EU integration; encourages the authorities to work closely with the countries of the former Yugoslavia with a view to resolving all outstanding legal succession problems and to fully implement all bilateral agreements with neighbouring countries in due course; calls on Serbia to intensify efforts to resolve all outstanding issues

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with Croatia, in particular the issues of missing persons, border demarcation and the processing of war crimes, thus enabling of the removal of obstacles in the way of the lifting of mutual suits on genocide before the International Court of Justice; calls on the Belgrade authorities to actively support and facilitate constitutional changes in BiH aimed at bringing electoral legislation into line with the ECHR ruling on the Sejdić-Finci case and strengthening and streamlining BiH state-level institutions so that the country can move forward on its path towards EU accession;

10. Acknowledges recent progress in locating mass graves and identifying missing persons from the wars in Croatia and Bosnia and Herzegovina, and urges the Serbian authorities to conduct a more thorough investigation into the archives and officials of the former Yugoslav People's Army;

11. Calls on Serbia to ensure strong parliamentary oversight of the accession negotiation process; reiterates the importance of involving its parliament at an early stage in the incorporation into law of the commitments made and to engage civil society through a constructive consultative mechanism during the entire accession process since it has a major role to play as a critical observer of the continued implementation of European reforms, while ensuring that dialogue and good neighbourly relations with Serbia's neighbours take firm root within society; welcomes the cooperation with Croatia and Montenegro through the efforts made to share good practices based on recent experience, with a view to helping Serbia move speedily and smoothly in the accession process;

12. Welcomes the adoption of the Strategy and the Action Plan on the reform of the judiciary 2013-2018, built around the key principles of independence, impartiality, competence, quality of the judiciary and freedom from political interference; urges the authorities to intensify this reform in line with the recommendations of the Venice Commission, especially with regard to the role of the parliament in judicial appointments and the independence of the prosecution, and with a view to the screening process of Chapter 23, which commenced on 25 September 2013; stresses the importance of strengthening the independence of High Judicial and State Prosecutorial Councils and reducing the backlog of cases, as a necessary condition for the successful sequencing of the entire reform process; calls on the authorities to provide all the necessary resources for the Judicial Academy, which should be instrumental in guaranteeing merit-based recruitments; emphasises the need for continuous training of judges and prosecutors to deal with complex financial cases and economic crimes; urges the authorities responsible to ensure a transparent and merit-based process of appointment of judges and prosecutors as well as a solid track-record of disciplinary proceedings against the judicial personnel; insists further on the need to ensure timely justice together with the unification of jurisprudence, the publication of, and easy access to, all judicial decisions immediately after adoption and the random allocation of cases in all courts; is concerned about the legal uncertainty arising from the number of judges carrying out their duties in acting capacity; reiterates the fact that a strong and independent judiciary is key to Serbia's capacity to meet EU membership criteria;

13. Suggests amending the Law on Restitution in order to remove all procedural obstacles and legal impediments concerning restitution in kind; and calls on the Serbian Government to implement the Law on Rehabilitation in a full and non-discriminatory manner; notes that its implementation should be conducted in accordance with the basic principles of criminal law, such as respect for the presumption of innocence;

14. Welcomes the adoption of the National Anti-Corruption Strategy and the Action Plan for 2013-2018 and underlines that continuous work is needed for their meaningful implementation, as part of EU conditionality, without which accession will not succeed; stresses the importance of adequate funding for the proper implementation of the strategy; emphasises that political will is crucial for establishing a solid track record of investigation and conviction in high-profile corruption cases, including the 24 privatisation cases singled out by the Anti-Corruption Council; welcomes, in this connection, the first results and final convictions in the fight against corruption; underlines at the same time the need to build institutional capacity, to reinforce the rule of law and to strengthen inter-agency cooperation, particularly in the judiciary and prosecutorial organs, to deal with complex cases of systemic corruption and financial investigations; considers that the legal competence and resources of the Anti-Corruption Agency should be strengthened; underlines that the funding of all political parties needs to be transparent and in line with EU standards; calls on the authorities to adopt the Law on Whistleblowers and ensure its immediate and smooth implementation as a necessary part of the Anti-Corruption Strategy;

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15. Notes that corruption and organised crime are widespread in the region and also represent an obstacle to Serbia's democratic, social and economic development; considers that a regional strategy and enhanced cooperation between all the countries in the region are essential to tackle these issues more effectively;

16. Recognises women as important agents for change in Serbian society; notes the improvement of women's representation in the parliament following the 2012 election; encourages the Serbian authorities to make further efforts to guarantee equal representation; underlines the fact that women still face discrimination on the labour market and in other sectors of society and that they are not yet fully represented in the political life of the country, including in governmental positions; underlines the fact that the effective implementation of the existing legislation on non-discrimination and gender equality and the further strengthening of administrative capacity are still major challenges, urges the Serbian authorities to increase their efforts to address these issues;

17. Calls on the authorities to ensure the credibility and professionalism of the Witness Protection Programme and to provide it with adequate resources so that the judiciary can effectively continue its proceedings on war crimes and organised crime; draws attention to the fact that a number of former police officers voluntarily opted out of the WPP due to its considerable shortcomings;

18. Strongly reiterates its concerns about the decision of the Constitutional Court to repeal the guaranteed 22 competences of the Autonomous Province of Vojvodina, leaving a worrying number of unresolved issues which need to be addressed; calls, in this connection, for respect to be shown for the principles of the rule of law and subsidiarity; reminds the parties again that, under the terms of the Constitution, the law on the financing of the Autonomous Province should have been adopted by the end of 2008; encourages the government, therefore, to submit the matter to the parliament without any further delay, as it is vital to the functioning of democracy and the rule of law in Serbia;

19. Underlines the importance of constructive social dialogue for economic development in Serbia; urges the government to promote capacity building for genuinely independent unions and employers' organisations and to create a framework and political space for social dialogue and collective agreements;

20. Stresses the importance of promoting and protecting at all levels human rights, fundamental freedoms, and the principle of no -discrimination on any grounds; welcomes the adoption of the Anti-Discrimination Strategy and underlines the fact that its implementation is key; welcomes the progress achieved so far, but continues to be concerned about the level of discrimination in the country and calls for respect for all minorities, as regards nationality, ethnicity, gender, sexual orientation and in terms of securing socio-economic and cultural rights; points to the fact that special focus should be placed on the categories most exposed to discrimination and discriminatory practices, such as the Roma, women, persons with disabilities and children; calls on the proper implementation of Serbia's Roma strategy; calls for better protection of women's rights and gender equality policies and stresses the need for full implementation of the UN Security Council resolution 1325 and the inclusion of gender perspective in all relevant government policies; strongly condemns the authorities' decision to ban the planned September 2013 Belgrade Pride Parade as in the previous two years, and calls for political support to be given to human rights for LGBTI persons at the highest political level; insists that the right to public assembly must be ensured for all citizens and minorities, including the LGBTI minority; calls on the Serbian authorities to develop a proactive approach to more effective inclusion of the LGBTI population; urges the government to step up efforts throughout the year to combat in a comprehensive manner the violent groups that have sought to disrupt and attack peaceful demonstrations by the LGBTI community, in order to prevent these groups from undermining the rule of law and the exercise of human rights in Serbia; calls also on the Serbian authorities to address the problem of the traumatic aftermath of the 1990s violence as part of a long-term strategy to prevent the recurrence of hooliganism and lawlessness;

21. Stresses the central role of active and independent civil society organisations (CSOs) in strengthening and consolidating democratic political processes in the country; recognises the important work carried out by CSOs and women's organisations with regard to promoting LGBT rights, ending violence against women, increasing female participation in politics, efforts towards peace building and civil society's role as a watchdog; underlines the importance of dialogue with CSOs and stresses the crucial role of civil society actors in contributing to enhanced regional cooperation on social and political issues; welcomes the government's improved cooperation with NGOs, but calls for their broader consultation in policy making, including the formulation of policies and legislation and the monitoring of the authorities' activities;

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22. Calls for stronger political commitment in the reform of public administration and efforts to establish a merit-based system, particularly in ensuring the completion of the legislative framework and its full alignment with international standards; considers it regrettable that the Law on Public Servants does not apply to local authorities;

23. Underlines the fact that Serbia has ratified the major labour rights conventions of the ILO and the revised European Social Charter; draws attention to the fact that labour and trade union rights still remain limited despite constitutional guarantees, and calls on Serbia to further enhance these rights; is concerned that the social dialogue is still weak and consultation of the social partners irregular; calls for further steps to be taken to strengthen the Economic and Social Council so as to ensure that it can take an active part in strengthening the social dialogue and play a more active consultative role in law making;

24. Emphasises the need to ensure freedom of the media, and welcomes in this connection the decriminalisation of defamation; points to the need to maintain a strong and independent public broadcasting service and ensure its stable and sustainable financing, as well as to secure complete transparency in media ownership; encourages the swift implementation of the media strategy and related draft legislation, including the early provision of widespread internet access; is deeply concerned about continued threats against journalists and reiterates its call on the authorities to bring pending investigations of the murdered journalists to an end; considers that further steps should be taken in order to provide journalists with a safe environment to carry out their work effectively and without self-censorship; draws particular attention to the danger of misusing public funds on advertisements to wield political influence over media outlets;

25. Calls on the Serbian Government to work increasingly with European institutions in order to ensure better access to European funds made available to civil society organisations, with a view to supporting their work as essential actors in Serbia's European integration process;

26. Stresses the need to step up efforts to combat trafficking in human beings and encourages the formalisation of the roles and responsibilities of officials and service providers in identifying victims and referring them to the appropriate services;

27. Reiterates its call on the authorities to continue their efforts to eliminate the legacy of the former Communist secret services, as a step towards the democratisation of Serbia; calls on Serbia to intensify the process of succession and implementation of obligations relating to the division of property, and the agreement on the division of the common archive of the former Yugoslavia; reiterates, in this connection, that full access to all archival materials, especially those of the former Yugoslav Secret Services (UDBA), is of vital significance; reiterates its call to the authorities to facilitate access to those archives that concern the former republics of Yugoslavia and to return them to their respective governments if they so request;

28. Calls on the Serbian Government to enable research to be conducted into the former dictatorial regimes, to rehabilitate both politically and judicially and to compensate former victims and their families who suffered under those regimes as part of the efforts to strengthen social cohesion and ensure lasting peace and justice in the context of Serbia's European integration process;

29. Calls for the effective implementation of the legislation and bilateral and multilateral agreements on national and ethnic minorities⁽¹⁾ in an equal, non-discriminatory and proportional manner throughout the country; calls on the authorities to promote a climate of tolerance and equal treatment, without any discrimination against national and ethnic minorities, including access to education in the mother tongue, and use of languages in local and regional public administration; calls also for improvements in order to eliminate discrimination in existing laws and practices concerning property restitution for members belonging to national and ethnic minorities; underlines the importance of National Minority Councils, their role in the integration of national minorities such as in the implementation of the individual and collective rights of national minorities, and calls on the authorities to provide uninterrupted and adequate financial resources for their work; calls on the authorities to ensure a smooth electoral process for the 2014 election to the National Minority Councils, in line with the recommendations made by the independent bodies; expresses concern about the possible interruption of the broadcasting of programmes in minority languages because of the announced privatisation of the media;

⁽¹⁾ Serbia recognises the following national and ethnic minorities: Albanians, Bosniacs, Bulgarians, Bunjevci, Croatians, Czechs, Germans, Gorani, Hungarians, Macedonians, Roma, Romanians, Rusini, Slovaks, Ukrainians, Vlachs and others.

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30. Stresses the need to address more vigorously the situation of Roma women and men, who are still faced with difficult living conditions, forced evictions and discrimination in the labour market; calls on the Serbian authorities to provide access to housing and health care services; emphasises the need to fully harmonise anti-discrimination legislation with EU policies and to apply a holistic approach towards Roma inclusion; points also to the need for effective monitoring of inclusion measures in order to narrow the gap between legislation and its implementation;

31. Takes note of the work on amending the Criminal Code; notes, however, that legal uncertainty persists in the private sector following the adopted amendments; reiterates its concern about the provisions of the new Article 234 on abuse of responsible positions, which still leaves room for arbitrary interpretation, and calls for existing unjust prosecutions brought under Article 359 in the private sector to be dropped immediately, in order to restore the rule of law in the country and introduce legal certainty for the business community in Serbia;

32. Insists that state institutions must act in a transparent and accountable manner; commends the work of independent regulatory bodies such as the Ombudsman, the Commissioner for Information of Public Importance, and others, and acknowledges their contribution to improving the legal framework and accountability of state institutions; urges the authorities to systematically follow up on their recommendations and findings;

33. Highlights the benefits of the decentralisation process and encourages the strengthening of the competency of local authorities; regrets that the National Council for Decentralisation continues to be inactive; remains particularly concerned about the legal uncertainty of the status of Vojvodina and the delay in adopting the Law on Vojvodina's own resources;

34. Welcomes the steps taken by the authorities to improve the socio-economic situation in the Preševo Valley and Sandžak, but underlines that further efforts are needed as these regions remain significantly underdeveloped and still have a high unemployment rate; draws attention to the fact that ethnic Albanian and Bosniac minorities continue to be underrepresented in local administrations; asks the Council and the Commission to strongly support such development strategies;

35. Reiterates its support for the REKOM initiative and strongly encourages the countries of the former Yugoslavia to set up an intergovernmental commission tasked with establishing the facts about the victims and missing persons of the 1991-2001 wars;

36. Welcomes Serbia's cooperation with the ICTY, which has resulted in all war crimes suspects being handed over to the Hague Tribunal for trial, an important step towards European integration; encourages further cooperation with the Tribunal and other former Yugoslav republics in order to bring justice to the victims and their families;

37. Calls on the government to take up the recommendations contained in the OSCE/ODIHR final report on the parliamentary, local and early presidential elections of May 2012, especially with regard to the resolution of electoral disputes, the transparency of voter registration and political finance, as well as to consolidate and harmonise the legal framework for elections in Serbia, given that, according to international standards, any changes to electoral laws should be carried out well before any elections;

38. Reaffirms its staunch support for visa liberalisation for the Western Balkan countries as an important pillar of the European integration process for the whole region, but at the same time is very concerned about the rising numbers of false asylum seekers; calls, in this regard, on the Member States not to abuse the visa suspension mechanism adopted in September 2013, but rather to address this issue by adapting their respective legislative frameworks and to designate Serbia as a 'country of safe origin', as the key measure in the efforts to curb the numbers of false asylum applicants; calls, at the same time, for measures at national level, in particular socio-economic measures for more vulnerable groups, as well as for active measures to crack down on the organised crime networks involved in trafficking;

39. Encourages the Serbian authorities to strengthen tax collection and to conduct a responsible fiscal policy; stresses that wide-ranging structural reforms should support fiscal consolidation and encourages the government, therefore, to undertake overdue structural economic reforms, such as the Law on Planning and Construction, so as to improve the investment and business climate, further support the proliferation of small and medium-sized enterprises, combat the high level of unemployment and poverty, especially in regions predominantly populated with national minorities, and carry out a pension reform in order to introduce a sustainable pension system; insists on the urgent need to abolish administrative barriers to business and points to the importance of swift restructuring of public companies in order to reduce the losses

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and the state's presence in the economy; calls, to this end, on the Serbian authorities to promote a fully functioning market economy, build a strong tax base and elaborate a poverty strategy as key elements in making Serbia's accession to the EU viable; urges the Serbian authorities to consult civil society and the business community and to include them in working groups on the drafting of new legislation; urges the Serbian authorities to restore business confidence through regulatory and legal reform; notes that the successful introduction and implementation of structural economic reforms will help to ease the high level of migration;

40. Welcomes the work done so far by the Agency for Restitution; encourages restitution in kind wherever it is deemed possible; welcomes the Ministry of the Economy's decision to compile a full list of public and state property and thereby put an end to its illegal acquisition by private interests; underlines that a thorough list of public and state property remains essential for success in the fight against systemic corruption as there is a wide gap between actual and officially recorded state and public property;

41. Calls on the authorities to make every effort to minimise the adverse effects of economic policies, such as the poverty, unemployment and social exclusion, but also to address and combat their root causes and promote development;

42. Regrets the lack of progress and continuing delays in the practical implementation of the renewable energy framework; notes that Serbia lags behind other applicant countries in the utilisation of renewable energy sources and expresses concern that Serbia's 2020 renewable energy targets will not be met; emphasises the need for transparency in government consultation processes and regrets the Serbian authorities' failure to take account of the views of international financial institutions in the adoption of the Power Purchasing Agreement (PPA);

43. Considers it regrettable that too little progress has been made in the areas of the environment and climate change and calls on the Serbian authorities to adopt a comprehensive climate strategy in line with EU targets as quickly as possible;

44. Stresses that Serbia, as well as the rest of the countries in the region, will in the coming years need to implement the EU's environmental standards and adopt targets to reduce greenhouse gas emissions, as they have already adopted targets for renewable energy for 2020; notes that in the Energy Strategy of the Energy Community adopted in 2012, Serbia indicates plans to increase the production of electricity from coal in large combustion plants, and points out that this is in contradiction with the planned reduction of greenhouse gas emissions; calls, in this regard, on the Serbian authorities to adopt an energy policy in line with EU targets and, in particular, to benefit from the recent decision of the European Bank for Reconstruction and Development (EBRD) to finance a EUR 75 million project designed to provide credit lines to local banks in Western Balkans countries for on-lending to private and municipal borrowers for purposes of energy efficiency and renewable energy investments;

45. Urges the Serbian authorities to improve consumer protection policies, in particular with regard to general food safety principles and the establishment of a national reference laboratory; considers it regrettable that the law on genetically modified organisms has not yet been aligned with EU legislation;

46. Supports the Belgrade city authorities' campaign for Belgrade as European Capital of Culture 2020, and encourages related projects aimed at bringing Belgrade and Serbia culturally closer to the EU, in particular with regard to interethnic coexistence, multicultural understanding and interreligious dialogue;

47. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.

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P7_TA(2014)0040

European integration process of Kosovo**European Parliament resolution of 16 January 2014 on the European integration process of Kosovo (2013/2881(RSP))**

(2016/C 482/18)

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to the First Agreement of Principles Governing the Normalisation of Relations between Prime Ministers Ivica Dacic and Hasim Thaci of 19 April 2013 and the Implementation Action Plan of 22 May 2013, which was the result of ten rounds of the high-level Belgrade-Pristina dialogue,
- having regard to the Joint Report of 22 April 2013 by the Vice-President/High Representative and the European Commission to the European Parliament and the Council on Kosovo's progress in addressing issues set out in the Council Conclusions of December 2012 in view of a possible decision on the opening of negotiations on the Stabilisation and Association Agreement,
- having regard to the European Council Conclusions of 28 June 2013 adopting the Decision authorising the opening of negotiations on a Stabilisation and Association Agreement between the EU and Kosovo,
- having regard to the Commission Communication of 10 October 2012 on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo (COM(2012)0602),
- having regard to the Council decision of 22 October 2012 authorising the Commission to open negotiations on a framework agreement with Kosovo on participation in Union programmes,
- having regard to the reports of the Secretary-General of the United Nations on the ongoing activities of the United Nations Interim Administration Mission in Kosovo and developments relating thereto, including the report released on 29 August 2013, which covers the period from 23 April to 15 July, and the latest report released on 28 October 2013,
- having regard to Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo, as amended by Council Joint Action 2009/445/CFSP of 9 June 2009, by Council Decision 2010/322/CFSP of 8 June 2010 and by Council Decision 2012/291/CFSP of 5 June 2012,
- having regard to the conclusions of the General Affairs Council meetings of 7 December 2009, 14 December 2010 and 5 December 2011, which stressed and reaffirmed, respectively, that Kosovo, without prejudice to the Member States' position on its status, should also benefit from the prospect of eventual visa liberalisation once all the conditions have been met; having regard to the launch of a visa dialogue in January 2012, the presentation of the visa liberalisation roadmap in June 2012, and the first Commission report of 8 February 2013 on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap (COM(2013)0066),
- having regard to the Structured Dialogue on the Rule of Law launched on 30 May 2012,

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- having regard to the Kosovan National Council for European Integration, attached to the President's office and serving as the high-level coordinating body responsible for building a consensus on the European agenda through an inclusive and cross-party approach, which was inaugurated in March 2012,
 - having regard to UN Security Council resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to the UN General Assembly resolution of 9 September 2010 ⁽¹⁾, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Belgrade and Pristina,
 - having regard to the joint statements of the EP-Kosovo interparliamentary meetings of 28-29 May 2008, 6-7 April 2009, 22-23 June 2010, 20 May 2011, 14-15 March 2012 and 30-31 October 2013,
 - having regard to the Commission Communication of 16 October 2013 on Enlargement Strategy and Main Challenges 2013-2014 (COM(2013)0700),
 - having regard to its resolution of 22 October 2013 on budgetary management of European Union pre-accession funds in the areas of judicial systems and the fight against corruption in the candidate and potential candidate countries ⁽²⁾ and the observations on Kosovo contained therein,
 - having regard to its previous resolutions,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the agreement reached in April 2013 by Prime Ministers Thaci and Dacic marks an important step and reinforces the responsibility of both sides to implement the agreement in good faith, continue the normalisation of relations, and bring forward the reforms needed on the path towards European integration;
- B. whereas 104 of the 193 member states of the United Nations, including 23 of the EU's 28 Member States, recognise Kosovo's independence;
- C. whereas all EU Member States support Kosovo's European perspective, in line with EU commitments to the Western Balkans and without prejudice to the Member States' position on the status of Kosovo;
- D. whereas important political, administrative and economic reforms have been achieved by the authorities and the people of the Republic of Kosovo; whereas a lot has to be done to strengthen rule of law, which is the cornerstone of long-term development, democracy, and a social market economy;
- E. whereas Kosovo has increased its capacity to address the priorities of the European integration process by following up on the short-term priorities identified by the feasibility study and by preparing for the negotiations on the Stabilisation and Association Agreement (SAA);
- F. whereas in the context of the visa liberalisation dialogue Kosovo has modified and adopted important legislation, including laws on asylum, party financing and human trafficking;
- G. whereas further efforts are needed to meet the challenges of the European reform agenda in view of the SAA, particularly in priority areas such as the rule of law, the judiciary, public administration, electoral reform, and human and fundamental rights;

⁽¹⁾ A/RES/64/298.

⁽²⁾ Texts adopted, P7_TA(2013)0434.

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1. Welcomes the conclusion of the First Agreement on the Principles of Normalisation of 19 April 2013 between the two Prime Ministers, as well as the agreement on the implementation plan, and stresses the importance of it being implemented fully in good faith and in due course; also welcomes the allocation of additional EU funding under the Instrument for Pre-Accession Assistance (IPA) in support of the implementation of the agreement;
2. Congratulates the Vice-President/High Representative on her work in facilitating the Belgrade-Pristina dialogue;
3. Welcomes the launch of negotiations between the EU and Kosovo on the SAA on 28 October 2013; regrets, nevertheless, the fact that, due to internal division in the Council, the negotiating mandate differs from the ones of previous SAAs; stresses that this SAA will create a powerful reform incentive and new opportunities that will strengthen Kosovo's relations with its neighbours and ensure the wider stabilisation of the region;
4. Emphasises the fact that the local elections held on 3 November 2013 were a crucial test in the process of normalising relations between Belgrade and Pristina;
5. Welcomes Kosovo's first ever country-wide local elections held under Kosovan law on 3 November, 17 November and 1 December 2013 as having marked a huge step forward for democracy in Kosovo and for citizens' confidence in the democratic processes underpinning the normalisation process, and welcomes the overall orderly conduct of the elections, as assessed in the preliminary statements of the EU Election Observation Mission (EOM); welcomes the fact that Kosovo's first woman mayor was elected; continues to stress the need to encourage women candidates to participate in future elections; welcomes the measures taken by Kosovan authorities to enhance trust in the country's institutions, for example the strong stand-by mechanism by which citizens can complain about intimidation and irregularities on election day; welcomes the visible voter turnout in Serbian-dominated municipalities to the south of the Ibar river as a crucial step towards the formation of the Association of Serbian Municipalities; stresses, in this regard, that the failure to inaugurate a new mayor in North Mitrovica and the subsequent call for new elections in this municipality must not hinder the continuation of the process and the full implementation of the 19 April 2013 agreement; strongly condemns the murder of Dimitrije Janicijevic, municipal councillor of North Mitrovica, and calls for the relevant authorities to start immediately the investigation and bring the perpetrators to justice;
6. Strongly condemns the violence and persistent intimidation which occurred in north Mitrovica and Zvečan municipalities; underlines the fact that such incidents jeopardise stability and security in the broader region and urges the relevant authorities to do their utmost to facilitate efforts to bring the perpetrators of violence to justice; notes that further vigilant efforts are needed to break up the organised crime network and its ties to local political elites and to re-establish rule of law in the north of Kosovo; welcomes the stance of Serbian political leaders who actively encouraged ethnic Serbians in Kosovo to participate in the elections; regrets, however, the fact that leaders in Belgrade did not actively visit the north of Kosovo before 3 November 2013;
7. Urges the Kosovan authorities to adopt, as soon as possible and in consultation with the Venice Commission, a new electoral law with a view to making election procedures more transparent, simplifying voting and restoring the confidence of Kosovan citizens in the democratic process, and ensuring the participation of civil society in the election reform process;
8. Notes at the same time that further continuous efforts will be needed to bring the ethnic Albanian and Serbian communities closer together;
9. Welcomes the agreements on telecommunications and energy, and stresses the importance of Kosovo being assigned as soon as possible an international telephone code of its own, which will help shape the Kosovan identity and its international visibility;
10. Emphasises the need for complete transparency in communicating the outcome of the Belgrade-Pristina dialogue and for parliaments and civil societies to be involved in the implementation process; welcomes the appointment of liaison officers by both sides and urges that continuous support be given to both of them;

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11. Stresses the importance of visa liberalisation for Kosovan citizens and encourages Kosovan authorities to step up efforts to meet the priorities established in the Visa Action Plan; urges the Commission and the Member States to be more responsive to the efforts made by the Kosovan Government and, in this connection, calls on the Commission to accelerate technical work on the visa liberalisation process;

12. Calls on the Council to adopt, as soon as possible, the decisions needed to enable Kosovo to participate in EU programmes;

13. Encourages the remaining five Member States to proceed with the recognition of Kosovo; calls on all EU Member States to do their utmost to facilitate economic, people-to-people contacts, and social and political relations between their citizens and those of Kosovo; points to the need to take active steps to provide for the full implementation of the IPA, and also to improve cooperation between EULEX, Europol and Interpol, including, as long as full recognition is lacking, practical steps to include Kosovo in the work of both these agencies, and calls on the Commission to work on agreements which would allow Kosovo to cooperate with the EU agencies;

14. Welcomes the establishment of the Kosovo Police Regional Command Team in the north as part of the process to build a unified Kosovan police force;

15. Stresses the importance of the work of EULEX in consolidating the rule of law in Kosovan institutions, but notes the widespread dissatisfaction among both Kosovan Serbs and Albanians with EULEX's performance; calls on EULEX, therefore, to increase the efficiency, transparency and accountability of its work, to inform the European Parliament and the Parliament of Kosovo regularly about its activities and decisions and, in particular, to demonstrate more concrete and high-level results both to the Kosovan and Serbian authorities and the wider population; draws attention to the existence of areas where improvements should be expected, including a better definition of capacity-building objectives and their link to specific benchmarks; stresses the need for better coordination of external and internal objectives, better coordination between EU institutions and between the latter and the Kosovan authorities and the international community; in this regard, urges EULEX wherever possible to prioritise its objectives, optimise the use of its resources and staff and speed up the implementation of the Council operational paper on the implementation of UNSCR 1325 in the ESDP (from November 2005);

16. Calls on the Kosovan authorities to continue to respect EULEX's mandate and to support the exercise of its executive powers; notes the Kosovan Government's interest in taking over the functions of EULEX; insists on EULEX's presence to support the implementation of the 19 April 2013 agreement in the area of rule of law; underlines the fact that public security is essential if the agreements are to be successfully implemented; emphasises the urgent need for measures to address this; stresses that more than 250 cases are currently under investigation by EULEX, including cases of organised crime, corruption, war crimes and other serious charges involving dozens of political party officials among others; underlines that any transfer of responsibilities must be gradual, based on real progress on the ground and involve Kosovan civil society and the democratic institutions of the Republic of Kosovo; thus calls on the Kosovan Government to agree to extend the EULEX Kosovo mandate beyond June 2014;

17. Calls in particular on both Kosovo and Serbia to actively and constructively cooperate with EULEX as regards the implementation of the agreement on mutual legal assistance in order to deal with the growing number of requests concerning properties in Kosovo;

18. Strongly condemns the attack that led to the killing of an EULEX official on 19 September 2013 near the Zvečan/Zvečan municipality and calls for a prompt investigation to be conducted; urges all parties to avoid any action which might lead to tension;

19. Stresses again the need for local responsibility for and ownership of the reconciliation process and, at the same time, condemns nationalistic rhetoric on both sides; believes that the Kosovan authorities should take further decisive steps to build confidence between Kosovan Serbs and Albanians particularly in the north and to reach out to the Serbian and other minorities with a view to ensuring broad integration within society; calls also for the constitutional principle granting Kosovan Serbs the right to access all official services in their own language to be fully implemented; stresses, at the same

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time, the importance of fully bilingual education; encourages all Kosovan Serbs and their political representatives to use all the possibilities afforded to them by the Kosovan Constitution to play a constructive role in politics and society and thus, by active participation within Kosovan institutions together with Kosovan Albanians, to share responsibility for social development and institution-building and to take special care to involve women in this process; welcomes the progress made as regards the organisation of municipal administrations;

20. Applauds the EU's moves to encourage inter-community dialogue and reconciliation; urges that all actors continue to pay close attention to the technical aspects of EU integration, as well as to symbolic gestures of reconciliation;

21. Stresses that implementing legislation on the protection of minorities and cultural rights remains an important challenge in Kosovo; points out the need to implement the legislation on cultural heritage and the Serbian Orthodox Church, as well as the strategy and action plan for the Roma, Ashkali and Egyptian communities, whose situation on the ground is still a major cause for concern; while welcoming the fact that some progress has been made towards improving the livelihoods of Roma, Ashkali and Egyptian communities, remains concerned about their situation, given that children in particular remain vulnerable and marginalised; stresses the need to address the situation of Roma as a key human rights issue; calls on the authorities and the Commission to give adequate attention to improving the living conditions of these communities, including their access to education; stresses the position of Croatian, Bosniak, Ashkali, Turkish, Gorani and Balkan-Egyptian minorities with regard to the importance of multilingual education, for the purpose of ensuring that these ethnic minorities do not feel politically isolated;

22. Welcomes the additional funding made available by the Commission under the EU IPA to support the Serb-majority municipalities throughout Kosovo;

23. Calls on the Kosovan authorities to improve the effectiveness, transparency, accountability and impartiality of the judicial system and to respect its independence in order to ensure that the general public and the business community trust the judiciary, and to tackle effectively all forms of violence against women; urges the authorities to proactively strengthen the rule of law, in particular by reducing political interference in the judiciary, ensuring that disciplinary sanctions against judges and prosecutors result in concrete action, working towards the independence and efficiency of the Prosecutorial Council and the State Prosecutor, and implementing the new criminal code and criminal procedure code;

24. Calls on the authorities to step up their commitment to genuine judicial reform, to build capacity with a focus on merit-based recruitment of the judicial personnel needed to overcome the existing case backlog, and to ensure a safe environment, free from political interference, for judges and prosecutors;

25. Is particularly concerned by the lack of tangible progress in efforts to tackle corruption in Kosovo; believes that corruption remains a major challenge and a serious obstacle to the functioning of the public institutions; considers it regrettable, in this respect, that the Anti-Corruption Agency established in 2006 has no investigative powers; notes that the Assembly of Kosovo adopted a new anti-corruption strategy and action plan; calls on the authorities to ensure their implementation by setting clear roles and responsibilities for the anti-corruption institutions so that they are able to deliver concrete and sustainable results;

26. Remains concerned about the limited scope of the witness protection framework in Kosovo, which is particularly important in high-profile cases, and calls for EU Member States to step up cooperation as regards the possible relocation of witnesses;

27. Is concerned at the lack of any significant progress in tackling corruption and organised crime, and in particular about the high rates of organised crime in the north of Kosovo; notes that corruption and organised crime are widespread in the region and also represent an obstacle to Kosovo's democratic, social and economic development; stresses that Kosovo needs to make it a priority to provide concrete evidence of results in tackling organised crime and corruption; considers that a regional strategy and enhanced cooperation between all the countries in the region are essential for tackling these issues more effectively, in particular as regards improvements to border surveillance and efforts to tackle the trafficking and exploitation of women and minors, notably those who are victims of sexual exploitation or forced begging; urges the central and local-level institutions to provide concrete results in fighting organised crime, trafficking of human beings, and

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drugs and weapons trafficking; stresses the importance of a comprehensive, multi-disciplinary and victim-oriented approach with unhindered access to assistance, support and protection for victims; regrets the fact that high-level corruption and organised crime have been left largely untouched by EULEX;

28. Underlines the importance of implementing the necessary reform of public administration and of increasing the number of women and of people belonging to minorities at all levels of administration; remains concerned that many civil servants hold additional jobs that could in principle lead to conflicts of interests or facilitate corrupt practices;

29. Supports the continued prosecution of war crimes at national level, including the importance of prosecuting war rape; regrets the fact that, as a result of the 1999 war in Kosovo, 1 869 people are still missing; notes that this issue requires a prompt response from the authorities in Serbia and Kosovo as a vital precondition for reconciliation between the communities and for a peaceful future in the region, and stresses that, for the dialogue between Kosovo and Serbia to continue, cooperation to find missing persons and other aspects of transitional justice need to be a priority;

30. Calls, in this connection, on the Serbian authorities to provide full assistance in repatriating the bodies of Kosovan missing persons found recently in Serbia, and to continue searching in the identified zone in which missing persons are presumed to be buried;

31. Urges the authorities of Kosovo and Serbia to cooperate and take full responsibility for finding lasting solutions for internally displaced persons in Serbia and Kosovo; stresses that the Kosovan authorities should strengthen their efforts to find a solution to the problem of internally displaced persons in the context of the EU accession process, in particular the issue of solving property disputes efficiently;

32. Calls on the authorities of Kosovo and of neighbouring countries to continue to show good will towards, cooperate fully with and support the Special Investigative Task Force established following the December 2010 report of the Council of Europe Parliamentary Assembly as well as any prosecutions that may result from the Special Investigative Task Force's work, and encourages further speeding-up of its work;

33. Calls on both central- and local-level institutions to implement effectively legislation relating to human rights and to contribute to the further development of a multi-ethnic society, with particular emphasis on the education and employment of representatives of all minority groups;

34. Supports the professionalisation of the civil service and calls for the necessary legislation to be implemented in this respect; is concerned about cases of political interference in the recruitment and appointment of public employees;

35. Is concerned that discrimination is still a serious problem and calls on the authorities to give effect to the constitutional principle of non-discrimination; stresses the need for a comprehensive anti-discrimination strategy and for the Law on Anti-Discrimination to be implemented fully so as to guarantee, in accordance with the EU Charter of Fundamental Rights, the equality of all people irrespective of their ethnic origin, religion, gender, sexual orientation, age, or disability;

36. Notes the indictment filed against three Kosovan citizens for their involvement in the attack on Kosovo 2.0 on 14 December 2012 in the Red Hall of the Youth and Sport Centre and expects the perpetrators to be prosecuted in due course;

37. Stresses that, although the freedom to join trade unions is guaranteed by law, there is still a need for improvements to be made regarding basic labour and trade union rights; encourages Kosovo to strengthen social dialogue in the decision-making process, policy design and the capacity-building of social partners;

38. Calls on the Kosovan authorities to implement fully the Convention on the Rights of the Child and recommends that policies on child poverty be revised, including by modifying the social assistance scheme and introducing a universal, means-tested child benefit scheme;

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39. Is concerned about the high rates of child poverty and mortality, the low level of cover afforded by Kosovo's social protection system and the high amount of out-of-pocket expenditure on healthcare, exposing vulnerable families to chronic poverty;

40. Calls for Kosovo's relations and representation within international cultural and heritage institutions to be upgraded with a view to improving the protection of religious and cultural sites and monuments, and for its representation in European and international media and sports organisations also to be upgraded with a view to enabling Kosovan artists and athletes to take part in all international cultural and sports events, including the Eurovision song contest, the European and world championships and the Olympics;

41. Underlines the importance of free and independent media and calls on the Commission to step up programmes to improve the quality and professionalism of journalists; stresses the role of a sustainable public service media therein; is concerned about the lack of protection for independent journalists and the pressure exerted upon them; calls on the Kosovan authorities to provide for a sustainable funding mechanism for public service media and to finish appointing the members of its governing body; emphasises the need to ensure clear media ownership, and a free and high-quality broadcasting service; supports the efforts made by the institutions to grant Kosovo its own internet domain code;

42. Stresses the central role of active and independent civil society organisations in strengthening and consolidating democratic political processes and building an integrated society in the country; underlines the importance of dialogue with the CSOs and stresses the crucial role of civil society actors in contributing to enhanced regional cooperation on social and political issues; welcomes improved cooperation by the government with NGOs and calls on the Kosovan authorities to set up a structured dialogue and consultation mechanism with civil society as regards policy making, including consultations on policies and legislation, and the monitoring of the European integration process;

43. Notes the ongoing process of privatising state assets, in particular the Post and Telecommunication Kosovo company (PTK); urges the Kosovan authorities to undertake practical steps to strengthen the transparency, accountability and legitimacy of the process as a whole, for example by making information available to all stakeholders in a timely manner;

44. Calls on Kosovo to improve the business environment for small and medium-sized enterprises by reducing the administrative burden and associated costs, increasing access to funding and providing specific support for start-ups; warmly welcomes the signing of a Memorandum of Understanding between the Chambers of Commerce of Kosovo and of Serbia;

45. Welcomes the fact that, on 17 December 2012, Kosovo became the 66th member of the European Bank for Reconstruction and Development (EBRD); welcomes furthermore the adoption of the first full EBRD strategy for the country on 8 May 2013, which will help speed up the reform process and the support for Kosovo's economy, improve the lives of the people, facilitate the transition and contribute to regional stability;

46. Welcomes the EU provisional commitment to provide additional grant funding to meet the full decommissioning costs of the old Kosovo A power plant by 2017; calls on Kosovo to step up its efforts and take the immediate concrete steps needed for the decommissioning of the Kosovo A power plant, and calls for a full Environmental Impact Assessment to be conducted in line with EU standards for the New Kosovo power plant; calls on Kosovo also to work on developing renewable energy and diversifying energy sources in line with its commitment to meet 25 % of its total energy needs using renewable energy sources by 2020, and underlines, in this regard, the need to allocate more of the financial aid provided by the EU and the EBRD to energy saving, energy efficiency, integration in regional power markets and renewable energy projects;

47. Regrets the delays by the Kosovan authorities in the preparation and adoption of a credible and effective environmental strategy, in particular as regards the Environmental Impact Assessment rules and EU climate targets;

48. Notes with concern the high unemployment rates, in particular among young people, and urges the government to address the issue by providing adequate opportunities for young people and by gearing education towards the needs of the labour market;

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49. Stresses that Kosovan membership of regional cooperation organisations should be promoted and encouraged by all countries in the region; supports, in this connection, Kosovo's engagement in regional organisations and calls for the removal of all obstacles so as to enable Kosovo to take part in these organisations, including the Council of Europe
 50. Stresses the importance of developing public transport, in particular by upgrading or creating new railway links as part of a sustainable transport system; suggests building up a cross-border system of high-speed railways between all countries in the Western Balkans, linked to the EU's Trans-European Network;
 51. Notes with concern the current economic situation in Kosovo; stresses that economic statistics need to be improved in order to properly evaluate the economic situation before identifying ways to address it;
 52. Calls on the Kosovan authorities to work on improving the reliability of statistical information in line with European standards and international methodologies;
 53. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service and the Government and National Assembly of Kosovo.
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P7_TA(2014)0041

2012 progress report on Iceland and post-election perspectives**European Parliament resolution of 16 January 2014 on the 2012 Progress Report on Iceland and the post-election perspectives (2013/2932(RSP))**

(2016/C 482/19)

The European Parliament,

- having regard to the Treaty on European Union,
 - having regard to the decision of the European Council of 17 June 2010 to open accession negotiations with Iceland,
 - having regard to the results of the Accession Conference with Iceland,
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled ‘Enlargement Strategy and Main Challenges 2012-2013’ and the accompanying Iceland 2012 Progress Report, adopted on 10 October 2012 (COM(2012)0600),
 - having regard to its previous resolutions on Iceland, and particularly those of 7 July 2010 on Iceland’s application for membership of the European Union ⁽¹⁾, of 7 April 2011 on the 2010 progress report on Iceland ⁽²⁾ and of 14 March 2012 on the 2011 progress report on Iceland ⁽³⁾,
 - having regard to the agreement of 14 January 2013 on the management of EU accession negotiations in the run-up to parliamentary elections, and to the governmental platform of 22 May 2013 held by the Progressive Party and the Independence Party,
 - having regard to the statements of 13 June 2013 by the Minister for Foreign Affairs of Iceland, Gunnar Bragi Sveinsson, and the Commissioner for Enlargement and European Neighbourhood Policy, Štefan Füle,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas Iceland fulfils the Copenhagen criteria, and accession negotiations with Iceland were opened on 27 July 2010 after approval by the Council;
- B. whereas 27 chapters have been opened for negotiation, of which 11 have been provisionally closed;
- C. whereas the newly elected Icelandic Government has put on hold the accession process and an assessment of the accession negotiations and the developments within the European Union in view of a debate in the Althingi on these issues that is currently underway;
- D. whereas the Icelandic Government has declared that the accession negotiations will not be continued without a prior public national referendum;
1. Notes that, in accordance with Article 49 of the Treaty on European Union and pursuant to a favourable vote in the Althingi, the Icelandic Government applied for membership of the European Union on 17 July 2009;
 2. Welcomes the prospect of having as a new Member State a country with a well-functioning democratic tradition and strong institutions and civil society;
 3. Notes that Iceland has a good general capacity to adopt the obligations of membership, particularly given its participation in the European Economic Area;
 4. Underlines the transparent and inclusive conduct of the accession negotiations and welcomes the opening of 27 negotiation chapters and the provisional closure of 11, marking the good progress made in the accession process;

⁽¹⁾ OJ C 351 E, 2.12.2011, p. 73.

⁽²⁾ OJ C 296 E, 2.10.2012, p. 89.

⁽³⁾ OJ C 251 E, 31.8.2013, p. 61.

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5. Stresses that the European Union remains fully committed to continuing and completing the accession negotiation process;
 6. Notes that recent public opinion polls show that a majority of Icelanders wish to finalise the accession negotiations;
 7. Notes that Iceland continues to be classified as an applicant country;
 8. Takes note of the decision of the Icelandic Government not to wait for the end of the accession negotiations before holding a referendum; looks forward to the parliamentary debate on, and review by the Althingi of, the assessment of the accession negotiations and the developments within the European Union; offers assistance in preparing such an evaluation; hopes that the relevant assessment can be finalised in due time and awaits further decisions on the way ahead, including a decision on whether or not to hold a referendum on the continuation of accession negotiations;
 9. Hopes that the referendum will be organised in a foreseeable time frame;
 10. 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 President of the Althingi and the Government of Iceland.
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P7_TA(2014)0042

Situation in South Sudan**European Parliament resolution of 16 January 2014 on the situation in South Sudan (2014/2512(RSP))**

(2016/C 482/20)

The European Parliament,

- having regard to its previous resolutions on Sudan and South Sudan, in particular that of 10 December 2013 on the efforts of the international community in the area of development and of ‘state building’ in South Sudan ⁽¹⁾,
- having regard to the statements by Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton of 2 January 2014 and 24 December 2013 on the situation in South Sudan,
- having regard to the statements of 16 December and 28 December 2013 by the High Representative’s spokesperson on the situation in South Sudan,
- having regard to the Council conclusions of 22 July 2013 on Sudan and South Sudan,
- having regard to the local EU statement of 20 December 2013 by the European Union delegation,
- having regard to UN Security Council resolutions 2132 (2013) of 24 December 2013 and 2126 (2013) of 25 November 2013,
- having regard to the statement of 24 December 2013 by the UN High Commissioner for Human Rights urging the South Sudan leadership to curb the alarming violence against civilians,
- having regard to the OCHA (UN Office for the Coordination of Humanitarian Affairs) Situation Report as of 7 January 2014 — Report No 8 on the crisis in South Sudan,
- having regard to the talks on the situation in South Sudan, called for by the African Union Peace and Security Council (PSC), notably at its Banjul meeting of 30 December 2013, and by the Summit of the Intergovernmental Authority on Development (IGAD) held in Nairobi on 27 December 2013,
- having regard to the statement of 8 January 2014 issued by the IGAD special envoys after their visit to Juba in order to unblock the talks between the government and the rebel side,
- having regard to the Sudanese Comprehensive Peace Agreement (CPA) of 2005,
- having regard to the Roadmap for Sudan and South Sudan set out in the communiqué issued by the African Union Peace and Security Council on 24 April 2012, which is fully supported by the EU,
- having regard to the press statement issued on behalf of the African Union by the Chairperson of the Commission of the African Union, Dr Nkosazana Dlamini-Zuma, on 4 January 2014,
- having regard to the statement issued by the IGAD Executive Secretariat on 19 December 2013,
- having regard to the revised Cotonou Agreement,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights,

⁽¹⁾ Texts adopted, P7_TA(2013)0546.

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- having regard to the African Charter on Human and Peoples' Rights,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the political conflict started after Salva Kiir, the country's president and a member of the Dinka ethnic group, accused his sacked vice-president, Riek Machar, an ethnic Nuer, of plotting a coup d'état against him; whereas Riek Machar has denied attempting a coup;
- B. whereas the Government of South Sudan has arrested 11 senior politicians, including the former finance minister and the former Secretary-General of the SPLM party, over an alleged coup plot against President Kiir; whereas, on 23 July 2013, President Kiir dissolved the whole cabinet and dismissed Vice-President Riek Machar;
- C. whereas the current conflict should find a democratic political solution and pave the way for democratically agreed institutions to build the new state which came into being after the independence referendum; whereas civil society has demanded a peaceful political solution to the problem;
- D. whereas the parties to the conflict in South Sudan initiated negotiations on 7 January 2014 in Addis Ababa, under the auspices of IGAD; whereas the cessation of hostilities, the opening of humanitarian corridors, the issue of political prisoners and the protection of civilians will form the main agenda of the talks;
- E. whereas, despite the ongoing peace talks, instability, fighting and the mobilisation of armed forces have continued; whereas governmental forces are currently trying to reconquer the town of Bor, the last state capital still in rebel hands;
- F. whereas US envoy Donald Booth and envoys from South Sudan's neighbours met on 11 January 2014 with Riek Machar to try to incorporate the proposals of both sides into a draft ceasefire document;
- G. whereas on 8 January 2014 several dozen people held a peace march in Juba, denouncing the fighting between the president's and the deposed vice-president's camps;
- H. whereas the current conflict, which has also taken on ethnic dimensions, has its roots in the 1991 split within the SPLM/A between the faction of Garang, the late leader of the SPLM/A with whom Salva Kiir stood, and the faction of Riek Machar contesting the leadership of Garang;
- I. whereas the UN Security Council has adopted a resolution under which reinforcements will be sent in the form of 5 500 troops and 440 police officers to increase the overall force levels of the UN mission in South Sudan;
- J. whereas on 15 December 2013 military clashes occurred between presidential guards in the military barracks in Juba; whereas fighting started spreading to the region around Jonglei;
- K. whereas mass extrajudicial killings, the targeting of individuals on the basis of their ethnicity and arbitrary detentions have been documented, with at least three mass graves identified on 6 January 2014;
- L. whereas thousands have been killed and hundreds of thousands of civilians have been displaced by the current crisis in South Sudan, with some tens of thousands in UN bases across the country in urgent need of basic healthcare services, clean water and better sanitation conditions; whereas the number of South Sudanese seeking shelter in Uganda and Ethiopia has risen dramatically; whereas on 14 January 2014 at least 200 civilians drowned in a ferry accident on the White Nile river while fleeing fighting in the city of Malakal;
- M. whereas the active hostilities pose the main access challenge for humanitarian response operations; whereas access to food remains limited for people around the country, and distribution of basic food and nutrition supplies is needed especially in Bor and Bentiu; whereas violence and displacement have resulted in loss of livelihood, particularly affecting food sources, and this may eventually result in a nutrition crisis;

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- N. whereas there have recently been attacks against Nuba people, unlawful killings, mass rapes and arbitrary arrests of civilians living in the Nuba Mountains; whereas during the last two weeks of December 2013 Sudanese government militias and armed forces, supported by security elements, attacked many areas around Kadugli and Dillanj, thousands of civilians fled their homes and unlawful killings and mass rapes of women were reported; whereas this crisis risks affecting a much wider region that is already prone to instability, a fact which the international response being carried out on the ground needs to take into account at all times;
- O. whereas Eastern African neighbours, including Kenya and Ethiopia, have pressed both sides to seek peace; whereas Uganda, at the request of President Kiir, has sent 1 200 troops and military hardware to secure installations such as the airport and state houses;
- P. whereas, following a UN request for assistance, the Union Civil Protection Mechanism was activated on 4 January 2014 to support South Sudan with in-kind assistance in the provision of shelter, medical material, medicine, welfare material and food;
- Q. whereas the Republic of South Sudan is one of the world's poorest and least developed countries, with 50 % of its population living below the poverty line, the highest maternal mortality rate in the world, one of the highest infant mortality rates, illiteracy at around 75 %, and only one third of the population having access to clean water; whereas food insecurity is a threat to over one million people each year; whereas in South Sudan about 80 % of all healthcare and basic services are provided by non-governmental organisations and access to humanitarian aid is still constrained by active hostilities and attacks on aid workers and assets;
- R. whereas the EU has announced that it will be providing EUR 50 million for humanitarian action in South Sudan; whereas this brings EU humanitarian assistance to EUR 170 million to date in the financial years 2013 and 2014;
- S. whereas aid agencies launched the South Sudan Crisis Response Plan on 31 December 2013; whereas OCHA has launched a consolidated appeal for USD 166 million to respond to the crisis and assist an estimated 628 000 people from January to March 2014;
- T. whereas state-building and overcoming fragility require a long-term perspective and a solid, predictable and stable engagement on the part of the international community;
1. Strongly condemns the latest outburst of fighting in South Sudan and calls on all parties to lay down their weapons and to immediately end the violence which has caused deaths, injuries and damage among the civilian population and has displaced hundreds of thousands of people since the beginning of the crisis in December 2013;
 2. Expresses its deep concern at the recent escalation of violence in South Sudan, which is having serious humanitarian, security, political, economic, and social consequences in a country that is already fragile and volatile, and could destabilise the whole East African region; is especially worried about the ethnic dimension of the conflict; stresses that seeking power by violence or division along ethnic lines is contrary to the democratic rule of law and contravenes international law;
 3. Condemns the reported human rights violations and abuses, calls on all parties immediately to end all human rights abuses, including those affecting refugees and displaced persons, women and people belonging to vulnerable groups, as well as journalists, and calls for those responsible for human rights violations to be held accountable; takes the view that President Kiir and Riek Machar should do all they can to stop soldiers under their control from committing such abuses against the people;
 4. Urges all the parties concerned to respect international humanitarian and human rights law, as well as to grant access and protection to humanitarian agencies coming to the assistance of the suffering civilian population and to open humanitarian corridors for the delivery of supplies and equipment; notes that a number of foreign aid agencies have already withdrawn from South Sudan and that those which remain are struggling to meet the needs of displaced civilians; notes also that these aid agencies are still unable to reach many areas where it is thought that tens of thousands of people may still be waiting for help or on the move in search of such help;

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5. Urges both parties to reach an agreement and fully supports the ongoing process of negotiations in Addis Ababa, calling for an immediate ceasefire and efforts to find a way to achieve lasting peace and stability; urges the government and the rebel sides to engage in unconditional, inclusive and holistic political talks in good faith for the successful conclusion of the negotiations; welcomes the efforts of the African Union and IGAD to promote inclusive dialogue and mediation;
 6. Calls for the release of all political prisoners and the 11 political leaders currently detained, whose detention has become a sticking point in the peace negotiations;
 7. Calls on all neighbours of South Sudan and regional powers to work closely together in order to improve the security situation in the country and the region and to find a way towards a peaceful, lasting political solution to the current crisis; stresses that cooperation with Sudan in particular would represent an improvement in ties, after the civil war foes came close to conflict again in disputes over oil fees and the border in the early part of 2012;
 8. Welcomes the decision of the African Union's Peace and Security Council to establish a commission to investigate human rights violations and other abuses and recommend ways and means to ensure accountability, reconciliation and healing among all communities; welcomes the strengthening of the human rights investigation capacity of the UN Mission in South Sudan (UNMISS) with the support of the Office of the UN High Commissioner for Human Rights;
 9. Regrets the decision taken by the EU High Representative to terminate the mandate of the EU's Special Representative for Sudan/South Sudan, given the severe political unrest in Sudan and the armed conflicts; considers that, without a designated EU Special Representative for Sudan/South Sudan, the EU will be left on the sidelines of international negotiations and efforts; calls, therefore, on the High Representative to reverse this decision and extend the mandate of the Special Representative for Sudan/South Sudan;
 10. Calls on the international community to honour its funding commitments to South Sudan and the region and to mobilise resources in order to respond immediately to the worsening humanitarian situation in South Sudan;
 11. Expresses concern at the widespread corruption; is also concerned that such corruption harms the prospects of establishing a free and fair democracy, stability, sustainable development and economic growth;
 12. Welcomes the decision to reinforce UNMISS with additional military, police, logistics and civilian staff; stresses however, that it is the state's primary responsibility to protect civilians; welcomes the work of UN Special Representative and head of UNMISS Hilde Johnson;
 13. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government of South Sudan, the Human Rights Commissioner of South Sudan, the National Legislative Assembly of South Sudan, the African Union's institutions, the Intergovernmental Authority on Development, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the UN Secretary-General.
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P7_TA(2014)0043

EU homelessness strategy**European Parliament resolution of 16 January 2014 on an EU homelessness strategy (2013/2994(RSP))**

(2016/C 482/21)

The European Parliament,

- having regard to the Treaty on European Union, in particular Articles 2 and 3 thereof,
 - having regard to the Treaty on the Functioning of the European Union, in particular Articles 9, 14, 151 and 153 thereof,
 - having regard to the revised European Social Charter of the Council of Europe, in particular Article 31 thereof,
 - having regard to the Charter of Fundamental Rights of the European Union, in particular Article 34 and 36 thereof,
 - having regard to the Commission communication of 16 December 2010 entitled ‘The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion’ (COM(2010)0758),
 - having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽¹⁾,
 - having regard to the Commission Communication entitled ‘Europe 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
 - having regard to its declaration of 22 April 2008 on ending street homelessness ⁽²⁾,
 - having regard to the European consensus conference of December 2010,
 - having regard to its resolution of 14 September 2011 on an EU Homelessness Strategy ⁽³⁾,
 - having regard to the Commission communication of 20 February 2013 entitled ‘Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020’ (COM(2013)0083),
 - having regard to the Commission staff working document of 20 February 2013 entitled ‘Confronting Homelessness in the European Union’ (SWD(2013)0042),
 - having regard to its resolution of 11 June 2013 on social housing in the European Union ⁽⁴⁾,
 - having regard to the six principles which were agreed at the Ministers’ Round Table on Homelessness, held in Leuven on 1 March 2013 on the initiative of the Irish Presidency;
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas all human beings are born free, with equal dignity and rights, and it is the responsibility of the Member States to promote and guarantee these rights;

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

⁽²⁾ OJ C 259 E, 29.10.2009, p. 19.

⁽³⁾ OJ C 51 E, 22.2.2013, p. 101.

⁽⁴⁾ Texts adopted, P7_TA(2013)0246.

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- B. whereas homelessness is a violation of human dignity and of human rights; whereas housing is a basic human need and a precondition for a decent life and social inclusion;
- C. whereas homelessness has become a priority of the EU's poverty policy in the framework of the Europe 2020 strategy and its flagship-initiative European Platform against Poverty and Social Exclusion, as well as in the EU Social Investment Package; whereas, however, the current levels of poverty and social exclusion are jeopardising the Europe 2020 Strategy target of reducing the number of people in or at risk of poverty and social exclusion by at least 20 million;
- D. whereas homelessness represents the most extreme form of poverty and deprivation, and has increased in recent years in virtually all Member States;
- E. whereas the Member States worst hit by the economic and financial crisis are witnessing an unprecedented increase in homelessness;
- F. whereas the social and family profiles of people using social housing have changed, and whereas there is now increased demand for such housing;
- G. whereas in some Member States there is a shortage of social housing facilities and an increasing need for affordable housing;
- H. whereas several EU bodies such as the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO), the Committee of the Regions, the European Economic and Social Committee and Parliament have called on the Commission to develop an EU strategy on homelessness or something similar;
- I. whereas homelessness is by its very nature a multifaceted problem and requires a multifaceted policy response;
- J. whereas there is increasing evidence that housing-led approaches to homelessness are the most effective;
- K. whereas homelessness receives increasing focus in the framework of the EU Semester, with some Member States including homelessness as an anti-poverty priority in their 2012 and 2013 National Reform Programmes;
- L. whereas the current EU policy framework and the social reality on the ground are paving the way for enhanced and more ambitious action on homelessness at EU level;
- M. whereas the EU Member States have the world's most advanced social protection system, with the highest contributions for social benefits for citizens;
- N. whereas the immediate responsibility for tackling homelessness lies with the Member States, and in particular regional and local authorities, and whereas an EU strategy has a complementary role to play;
- O. whereas a stronger role for the Commission is possible within its current areas of competence and while respecting the principle of subsidiarity;
- P. whereas an increasing number of Member States have a holistic homelessness strategy and could benefit from European cooperation to further develop their policies;
- Q. whereas poverty is not a crime and whereas homelessness is neither a crime nor a lifestyle choice;
- 1. Points out that homeless people struggle to cope with life and are forced to live in inhumane conditions;

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2. Urges the Commission to develop an EU homelessness strategy without any further delay along the lines set out in Parliament's resolution of 14 September 2011 on an EU homelessness strategy and in proposals from other EU institutions and bodies;
3. Considers that an EU Homelessness Strategy should fully respect the Treaty, which affirms 'the essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users'; considers that responsibility for fighting homelessness lies with the Member States and that an EU homelessness strategy should therefore support Member States in taking up this responsibility as effectively as possible while fully respecting the principle of subsidiarity;
4. Calls on the Commission to establish a high-level expert group to support it in the preparation and further development of an EU homelessness strategy;
5. Calls on the Commission to give due consideration to homelessness in the Country Specific Recommendations for Member States where progress on homelessness is urgently required; calls on the Member States to further strengthen the inclusion of homelessness in their National Reform Programmes;
6. Underlines the need to collect comprehensive and comparable data concerning homelessness without stigmatising homeless people; stresses that data collection is a precondition for the development of efficient policies leading ultimately to the eradication of homelessness;
7. Welcomes the provisions in the new European Social Fund Regulation concerning the establishment of indicators for the monitoring of the effectiveness of investments with regard to homeless people or people affected by housing exclusion; calls on the Commission to exploit the full potential of these new tools;
8. Invites the Commission to use the EaSI (employment and social innovation) programme as the main source of funding for an EU strategy to finance research and transnational exchanges, and to further build its cooperation with key European stakeholders;
9. Calls on the Commission to mainstream homelessness across all relevant EU policy areas;
10. Invites the Commission to focus on the following priority themes for an EU homelessness strategy:
 - housing-led/Housing First approaches to homelessness;
 - cross-border homelessness;
 - quality of homelessness services;
 - prevention of homelessness;
 - youth homelessness;
11. Recalls its resolution of 14 September 2011 on homelessness for the key elements of an EU homelessness strategy, and stresses the following elements in particular:
 - regular European monitoring of homelessness;
 - research and knowledge building on homelessness policies and services;
 - social innovation in homelessness policies and services;
12. Urges the Member States to develop social and affordable housing adapted for the most vulnerable individuals in order to prevent social exclusion and homelessness;
13. Calls on the Member States not to violate international human rights treaties and to fully respect any agreements they have signed, including the Charter of Fundamental Rights, the UN's International Covenant on Civil and Political Rights and the Council of Europe's revised Social Charter;

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14. Calls on the Member States immediately to put an end to the criminalisation of homeless people and to change the discriminatory practices used to prevent homeless people from accessing social services and shelter;
 15. Calls on the Member States to use the resources of the Fund for European Aid to the Most Deprived (FEAD), as well as other programmes such as the European Social Fund (ESF), to improve the situation of homeless people and create a path to social inclusion and employment integration;
 16. Calls on the Member States and the EU Presidency to hold on a regular basis a European Round Table of EU Ministers responsible for homelessness, as initiated by the Irish EU Presidency in March 2013; invites the Commission to provide practical and financial support for this meeting;
 17. Calls on the Member States to deepen their cooperation in order to enhance mutual learning and exchange of best practices and to develop a common policy approach;
 18. Calls on the Member States to apply a holistic approach when developing comprehensive homelessness strategies which are housing-led and include a strong prevention focus;
 19. Believes that Member States and their local authorities, in cooperation with tenants' organisations, should implement effective prevention policies to reduce the rate of evictions;
 20. Invites the Council to consider introducing a recommendation on a guarantee to ensure that nobody in the EU is forced to sleep rough because of a lack of (emergency) services;
 21. Calls on the Member States to work according to national practice with relevant aid organisations to provide counselling and accommodation to the homeless;
 22. Underlines the urgent need to combat any form of discrimination against the homeless and the marginalisation of entire communities;
 23. Emphasises that the fulfilment of the right to housing is critical for the enjoyment of a full range of other rights, including several political and social rights;
 24. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the European Economic and Social Committee, the Social Protection Committee and the Council of Europe.
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P7_TA(2014)0044

Situation of rights defenders and opposition activists in Cambodia and Laos**European Parliament resolution of 16 January 2014 on the situation of rights defenders and opposition activists in Cambodia and Laos (2014/2515(RSP))**

(2016/C 482/22)

The European Parliament,

- having regard to its previous resolutions on Cambodia and Laos,
- having regard to the Local EU Statements of 4 January 2014 on violence surrounding labour disputes and of 23 September 2013 on new legislature in Cambodia,
- having regard to the statement by the spokesperson of Vice President/High Representative Catherine Ashton following the elections in Cambodia of 29 July 2013,
- having regard to the report of the UN Special Rapporteur on the situation of human rights in Cambodia of 5 August 2013,
- having regard to the report 'Bittersweet harvest — A human rights impact assessment of the European Union's Everything But Arms initiative in Cambodia' by Equitable Cambodia and Inclusive Development International of 2013,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the statement by the spokesperson of Vice-President/High Representative Catherine Ashton on the disappearance of Sombath Somphone in Laos, of 21 December 2012,
- having regard to the statement made by the European Development Partners on 19 November 2013 at the Round Table Meeting organised by the Lao People's Democratic Republic,
- having regard to the Cooperation Agreement between the EU and the Lao People's Democratic Republic of 1 December 1997,
- having regard to the 2008 EU Guidelines on Human Rights Defenders,
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance and to the UN Declaration of 18 December 1992 on the Protection of All Persons from Enforced Disappearance,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

Cambodia

- A. whereas on 3 January 2014, at peaceful demonstrations of textile industry workers for increased wages that turned violent, security forces opened fire with live ammunition on demonstrators, killing five people and injuring more than 30; whereas on 4 January 2014 security forces forcefully cleared Freedom Park, where opposition activists were gathered;
- B. whereas 23 people, including rights defenders, were arrested during the recent events and were reportedly beaten and tortured;
- C. whereas the tension, which escalated with the police presence, resulted in a ban on demonstrations;

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- D. whereas the right to freedom of peaceful assembly is enshrined in Cambodia's constitution, in Article 20 of the Universal Declaration of Human Rights and in Article 21 of the International Covenant on Civil and Political Rights;
- E. whereas Cambodia National Rescue Party (CNRP) leaders Sam Rainsy and Kem Sokha were summoned to appear at the Phnom Penh Municipal Court on 14 January 2014 for questioning; whereas Sam Rainsy and Kem Sokha may be convicted of incitement to civil unrest;
- F. whereas the authorities did not take all the necessary measures to address some of the key shortcomings of the electoral process such as improving the reliability of the voter list, ensuring equitable access to the media and preventing the use of state resources, including campaigning by civil servants and the military;
- G. whereas the King amnestied Sam Rainsy on 14 July 2013, making it possible for him to return to Cambodia; whereas, however, his right to vote and run in the elections was not restored;
- H. whereas in September 2013, following the announcement of the electoral results, the CNRP launched three days of non-violent mass demonstrations against the official results of the National Assembly elections; whereas in response to these peaceful protests the government deployed large numbers of armed police and gendarmes;
- I. whereas there has been ongoing harassment of human rights defenders, in the form of arbitrary arrests or sentencing on false or exaggerated charges for the peaceful exercise of human rights. And whereas a climate of impunity for such acts prevails;
- J. whereas Cambodia has been faced with serious challenges as regards its human rights situation, particularly as a result of systematic land expropriations and corruption by the government, the ruling party and private actors with official support and protection;
- K. whereas the UN Special Rapporteur on the situation of human rights in Cambodia will carry out an official visit to the country from 12 to 17 January 2014;
- L. whereas the EU is Cambodia's single largest donor;
- M. whereas many international companies, including European companies, have allegedly been involved in land right violations, notably in the sugar sector, and whereas in November 2013 Coca-Cola pledged 'zero tolerance' of uncompensated land evictions;

Laos

- N. whereas Sombath Somphone, a human rights and environmental rights activist and civil society leader, co-chair of the 9th Asia-Europe People's Forum held in Vientiane in October 2012 ahead of the ASEM 9 Summit, was allegedly the victim of an enforced disappearance on 15 December 2012 in Vientiane; whereas Sombath Somphone's family have been unable to locate him since that day, despite repeated appeals to the local authorities and searches in the surrounding area;
- O. whereas during the visit of the Delegation for relations with the countries of South East Asia and the Association of South East Nations (ASEAN) to Laos on 28 October 2013 the disappearance of Sombath Somphone was raised with the Lao authorities;
- P. whereas crucial questions linked to the case, including whether or not an investigation has been carried out, remain unsolved more than a year after his disappearance and the Lao authorities declined assistance from abroad for the investigation into the disappearance;
- Q. whereas European partners of Laos regard the unexplained disappearance of Sombath Somphone as a very serious matter and regard the statements made by the government on this case as neither sufficient nor convincing;
- R. whereas on 15 December 2013 62 NGOs called for a new investigation into his disappearance; whereas on 16 December 2013 the UN Working Group on Enforced or Involuntary Disappearances urged the Government of Laos to do its utmost to locate Sombath Somphone, to establish his fate and whereabouts, and to hold the perpetrators accountable;

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- S. whereas there have been several other cases of enforced disappearances; whereas to this day the whereabouts of nine other people — two women, Kingkeo and Somchit, and seven men, Soubinh, Souane, Sinpasong, Khamstone, Nou, Somkhit, and Sourigna — who were arbitrarily detained by the Lao security forces in November 2009 in various locations across the country remain unknown;
- T. whereas Laos has demonstrated the fastest economic growth in Southeast Asia in recent years, and the work of civil society is critical in ensuring that human rights are not sidelined during Laos' rapid development;

Cambodia

1. Extends its condolences to the families of the victims; condemns the disproportionate and excessive use of force by security forces in Cambodia, which resulted in the loss of lives and left people wounded;
2. Calls on the Cambodian authorities to exercise restraint towards protestors and recalls that any use of force by officials must be subject to the principles of legality, necessity and proportionality;
3. Calls on the Cambodian authorities to immediately release the 23 people unjustly arrested;
4. Urges the Cambodian authorities to thoroughly investigate and hold to account those responsible for deaths and injuries among peaceful protesters;
5. Is concerned about the situation of rights defenders and opposition activists in Cambodia; condemns all politically motivated charges, sentences and convictions against political critics, opposition politicians, human rights defenders and land activists in Cambodia; stresses that the authorities must ensure that the rights of individuals and organisations to defend and promote human rights are protected, including the right to peacefully criticise and object to government policies via public protest assemblies and strikes;
6. Calls on the Cambodian Government to strengthen democracy, the rule of law, and respect for human rights and fundamental freedoms, and to immediately revoke the ban on public assemblies;
7. Urges the Cambodian Government to recognise the legitimate role played by the political opposition in contributing to Cambodia's overall economic and political development; calls on the Cambodian authorities to immediately drop the summonses issued to the CNRP leaders, Sam Rainsy and Kem Sokha, and union leader Rong Chhun of the Cambodia Independent Teachers' Association (CITA) and the Cambodian Confederation of Unions (CCFU);
8. Notes with concern the ongoing dispute over alleged irregularities in the electoral process; calls on the political parties to work together to identify any flaws that occurred and to agree on steps to improve the electoral process, notably reform of the voter list, access to the media and balanced reporting, and the National Election Committee, as well as on structural reforms in areas that will contribute to Cambodia's longer term development, including judicial reform, National Assembly reform and other efforts to boost good governance and democracy;
9. Calls on the Cambodian Government to accept an independent, internationally assisted investigation into allegations of vote fraud and other irregularities around the July 2013 elections;
10. Calls on the Cambodian Government and Parliament to pass and implement laws to ensure that the justice system functions independently from political control and corruption;
11. Calls on the Cambodian Government to establish a National Human Rights Institution, to fully cooperate with the UN special procedures and to allow, in particular, a visit by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
12. Urges the Cambodian Government to cease all forced evictions and introduce and enforce a moratorium on evictions in Cambodia until a transparent and accountable legal framework and relevant policies are in place to ensure that evictions are conducted only in accordance with international standards; calls on international companies not to benefit directly from these forced evictions without fair compensation;

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13. Welcomes the visit of the UN Special Rapporteur on the situation of human rights in Cambodia from 12 to 17 January 2014 and asks the Cambodian Government to comply with the recommendations made in the Rapporteur's reports;
14. Welcomes initiatives such as the recently launched Garment Industries Transparency Initiative (GITI), conceived as a joint approach by governments, the business sector and civil society in both producing and consuming countries and aimed at finding agreement on comprehensive, jointly monitored labour standards;
15. Calls for the EU institutions, the Member States and European and multinational companies actively to support this and similar initiatives and to engage in ethical, socially responsible corporate practices, including guaranteeing fair labour standards and living wages, recognising the right to unionise and engage in collective bargaining, and ensuring safe and humane working conditions for all workers;
16. Calls on the Commission to act, as a matter of urgency, on the findings of the recent human rights impact assessment of the functioning of the EU's Everything But Arms (EBA) initiative in Cambodia and to consider including, in the criteria for exporters from least developed countries seeking to take advantage of EBA privileges, an obligation to testify that they have not evicted people from their land and homes without adequate compensation;
17. Calls on the Vice President/High Representative to closely monitor the situation in Cambodia;

Laos

18. Calls on the Lao Government to clarify the state of the investigation into the whereabouts of Sombath Somphone, to answer the many outstanding questions around Sombath's disappearance, and to seek and accept assistance from foreign forensic and law enforcement experts;
19. Considers that the lack of reaction from the Lao Government raises suspicions that the authorities could be involved in his abduction;
20. Reiterates its call on the Vice-President/High Representative to closely monitor the Lao Government's investigations into the disappearance of Sombath Somphone;
21. Calls on the Member States to continue raising the case of Sombath Somphone with the Lao Government; stresses that enforced disappearances remain a major impediment to Laos joining the UN Human Rights Council;
22. Calls on the Lao Government to undertake a thorough, impartial, and effective investigation into all allegations of enforced disappearances, and to address the ongoing repression of civil and political rights, including freedom of expression, association and peaceful assembly, in Laos, to ensure respect for and protect the rights of all human rights defenders, activists, minorities, and members of civil society and to protect the right to freedom of religion or belief;
23. Calls on the Lao Government to ratify without further delay the International Convention for the Protection of all Persons from Enforced Disappearance, signed back in 2008;
24. Calls on the Lao authorities to ensure the promotion of reforms that guarantee respect for fundamental human rights and reminds Laos about its international obligations under the human rights treaties it has ratified;
25. Expresses its concern at forced expropriations and evictions without compensation and corruption in Laos;

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26. 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 EU Special Representative for Human Rights, the governments and parliaments of the Member States, the ASEAN Secretariat, the UN Secretary-General, the UN High Commissioner for Human Rights, the Government and National Assembly of the Kingdom of Cambodia and the Government and Parliament of Laos.

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P7_TA(2014)0045

Recent elections in Bangladesh

European Parliament resolution of 16 January 2014 on recent elections in Bangladesh (2014/2516(RSP))

(2016/C 482/23)

The European Parliament,

- having regard to its resolutions on Bangladesh, in particular those of 21 November 2013 on Bangladesh: human rights and forthcoming elections ⁽¹⁾, of 23 May 2013 on labour conditions and health and safety standards following the recent factory fires and building collapse in Bangladesh ⁽²⁾, of 14 March 2013 on the situation in Bangladesh ⁽³⁾, and of 17 January 2013 on recent casualties in textile factory fires, notably in Bangladesh ⁽⁴⁾,
 - having regard to the Declaration by High Representative Catherine Ashton on behalf of the European Union on the Legislative Elections in Bangladesh of 9 January 2014 and the Statement by High Representative Catherine Ashton on the preparation for general elections in Bangladesh of 30 November 2013,
 - having regard to the Statement by the Spokesperson of High Representative Catherine Ashton on EU Election Observation Mission in Bangladesh of 20 December 2013,
 - having regard to the press release of the UN High Commissioner for Human Rights, Navi Pillay, entitled 'Political brinkmanship driving Bangladesh to the edge' of 1 December 2013,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas on 5 January 2014 Bangladesh held general elections under the auspices of an interim government headed by the former and present Prime Minister Sheikh Hasina, who had done away with the traditional Bangladeshi system of a neutral caretaker government by means of the 15th amendment to the Constitution in 2011;
- B. whereas 2013 has reportedly been the most violent year in post-independence Bangladesh's history, and the pre-election and election phases in particular have been marked by widespread violence, with blockades, strikes and voter intimidation orchestrated mainly by the opposition and with over 300 people killed since the beginning of 2013, including at least 18 on election day, with Bangladesh's fragile economy being paralysed as a result;
- C. whereas the elections were boycotted by the opposition alliance led by the BNP (Bangladesh Nationalist Party), which had insisted on a 'non-party' caretaker government, and resulted in a largely unopposed victory for the ruling Awami League, with over half of the constituencies uncontested and low voter participation; whereas the Election Commission reportedly had to suspend voting at over 300 polling stations due to violence;
- D. whereas Bangladesh's two main parties have a long-standing tradition of uncompromising confrontation and mistrust which risks jeopardising the impressive social and economic progress made by Bangladesh in the last decade;

⁽¹⁾ Texts adopted, P7_TA(2013)0516.

⁽²⁾ Texts adopted, P7_TA(2013)0230.

⁽³⁾ Texts adopted, P7_TA(2013)0100.

⁽⁴⁾ Texts adopted, P7_TA(2013)0027.

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- E. whereas a UN mission led by Óscar Fernández-Taranco, which had been intended to broker a compromise, concluded its five-day visit on 5 October 2013 without having achieving a breakthrough;
- F. whereas UN Secretary-General Ban Ki-moon said that he regretted the fact that the parties had not reached an agreement before the elections, and called on all sides to ensure a peaceful environment 'where people can maintain their right to assembly and expression';
- G. whereas the EU has good, long-standing relations with Bangladesh, including through the Cooperation Agreement on Partnership and Development; whereas, however, it did not send an election observation mission to the country, because the conditions for representative elections had not been met on account of the absence of opposition candidates;
- H. whereas Bangladesh's electoral commission has declared the elections to have been free, fair and credible, and whereas the new government led by the re-elected Prime Minister Sheikh Hasina has been sworn in; whereas voter turnout in these elections was very low, at 40 % according to government figures, 20 % according to Dhaka-based diplomats, and even lower according to representatives of the opposition;
- I. whereas the leader of the opposition, Khaleda Zia, has been restricted in her movements, other prominent BNP members have recently been arrested and numerous BNP supporters have reportedly been going into hiding for fear of reprisals;
- J. whereas the BNP opposition is continuing to cooperate with Jamaat-e-Islami and the splinter group Hafezat-e-Islam, which are regarded as the main instigators of the violence;
- K. whereas on 12 December 2013 Abdul Quader Molla, a prominent leader of Jamaat-e-Islami, became the first person to be executed for war crimes perpetrated during Bangladesh's war of independence, and whereas the proceedings of the country's International Crimes Tribunal (ICT) have been a highly contested electoral issue, with six out of the seven people found guilty of war crimes sentenced to death;
- L. whereas during and after the elections thousands of citizens belonging to vulnerable minority groups, particularly Hindus, have been violently attacked and chased from their homes, reportedly mainly by Jammata e-Islami militants, for reasons partly linked to the ICT trials, as many of the prosecution witnesses are Hindus;
- M. whereas at least one ICT witness, Mustafa Howlader, was killed in his home on 10 December 2013;
1. Strongly condemns the killings and widespread violence which erupted throughout the country in the run-up to and during the January 2014 elections, especially attacks on religious and cultural minorities and other vulnerable groups; expresses serious concern at the paralysis of everyday life in Bangladesh on account of strikes and blockades and the confrontation between the two political camps;
 2. Calls on the Government of Bangladesh to immediately halt all repressive methods used by the security forces, including indiscriminate firing with live ammunition and torture in custody, and to release the opposition politicians who have been subjected to arbitrary arrest; urges that prompt, independent and transparent investigations be carried out into the recent cases of violent deaths before and after the elections, and that the perpetrators, including those in the security services, be brought to justice;
 3. Underlines Bangladesh's reputation as a tolerant society within a secular state, and calls on the Bangladeshi authorities to provide increased protection for ethnic and religious minorities at risk and to ensure effective prosecution of all instigators of intercommunal violence;

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4. Sincerely regrets the fact that the Bangladeshi Parliament and the political parties did not manage to agree on an inclusive mechanism for the elections, and calls on the government and the opposition to put the best interests of Bangladesh first as a matter of urgency and to find a compromise which would give the Bangladeshi people a chance to express their democratic choice in a representative way; believes that all options should be considered, including an early election if all legitimate political parties are willing to stand and offer voters a choice;
 5. Calls on the EU to use all the means at its disposal to assist such a process if requested and to make full use of its resources, in particular the European Instrument for Democracy and Human Rights and the Instrument for Stability; calls also on its Directorate for Democracy Support to make Bangladesh a focal point for activities of the Office for Promotion of Parliamentary Democracy (OPPD);
 6. Believes that, in the interest of Bangladesh's future, parties having a democratic reputation need to develop a culture of mutual respect; urges the BNP to unequivocally distance itself from Jamaat-e-Islami and Hafezat-e-Islam;
 7. Stresses that parties which turn to terrorist acts should be banned;
 8. Acknowledges that, despite its considerable shortcomings, the International Crimes Tribunal has played an important role in providing redress and closure for victims of and those affected by the Bangladeshi war of independence;
 9. Expresses concern, however, at the increasing number of people on death row in Bangladesh, besides the six individuals sentenced by the ICT, and in particular at the sentencing to death of 152 soldiers over a bloody mutiny in 2009 and the recent execution of Abdul Quader Molla; calls on the government and the parliament to abolish the death penalty and to commute all death sentences; calls also on the authorities to urgently set up an effective mechanism to protect witnesses in cases before the ICT;
 10. Calls also on the government to revise the Information and Communication Technology Act and the Anti-Terrorism Act, which were made more stringent under the last government and can lead to the arbitrary criminalisation of citizens;
 11. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the UN Human Rights Council and the Government and Parliament of Bangladesh.
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P7_TA(2014)0046

Recent move to criminalise LGBTI people

European Parliament resolution of 16 January 2014 on recent moves to criminalise lesbian, gay, bisexual, transgender and intersex (LGBTI) people (2014/2517(RSP))

(2016/C 482/24)

The European Parliament,

- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the African Charter on Human and Peoples' Rights and the Indian Constitution,
- having regard to UN Human Rights Council resolution A/HRC/17/19 of 17 June 2011 on human rights, sexual orientation and gender identity,
- having regard to the second revision of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Union and its Member States, of the other part (the Cotonou Agreement), and to the human rights clauses contained therein, in particular Articles 8(4) and 9,
- having regard to Articles 2, 3(5) and 21 of the Treaty on European Union and Article 10 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals,
- having regard to the Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons, adopted by the Council on 24 June 2013,
- having regard to the statement of 20 December 2013 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on the adoption of the Anti-Homosexuality Bill in Uganda,
- having regard to Catherine Ashton's statement of 15 January 2014 expressing her concern about the signing into law in Nigeria of the Same-Sex Marriage (Prohibition) Bill,
- having regard to its previous resolution of 5 July 2012 on violence against lesbian women and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Africa⁽¹⁾, to its position of 13 June 2013 on the draft Council decision on the conclusion of the Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005⁽²⁾, and to its resolution of 11 December 2013 on the Annual Report on Human Rights and Democracy in the World 2012 and the European Union's policy on the matter⁽³⁾,
- having regard to its previous resolutions of 17 December 2009 on 'Uganda: anti-homosexual draft legislation'⁽⁴⁾, of 16 December 2010 on 'Uganda: the so-called "Bahati Bill" and discrimination against the LGBT population'⁽⁵⁾, and of 17 February 2011 on 'Uganda: the killing of David Kato'⁽⁶⁾,

⁽¹⁾ OJ C 349 E, 29.11.2013, p. 88.

⁽²⁾ Texts adopted, P7_TA(2013)0273.

⁽³⁾ Texts adopted, P7_TA(2013)0575.

⁽⁴⁾ OJ C 286 E, 22.10.2010, p. 25.

⁽⁵⁾ OJ C 169 E, 15.6.2012, p. 134.

⁽⁶⁾ OJ C 188 E, 28.6.2012, p. 62.

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- having regard to its previous resolutions of 15 March 2012⁽¹⁾ and of 4 July 2013⁽²⁾ on the situation in Nigeria,
 - having regard to its resolution of 11 May 2011 on the state of play in the EU-India Free Trade Agreement negotiations⁽³⁾,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas all human beings are born free and equal in dignity and rights; whereas all states have an obligation to prevent violence, incitement to hatred and stigmatisation based on individual characteristics, including sexual orientation, gender identity and gender expression;
- B. whereas as many as 78 countries continue to consider consensual activities between adults of the same sex to be a crime, with 7 providing for the death penalty for such ‘crimes’ (Iran, Mauritania, parts of Nigeria, Saudi Arabia, parts of Somalia, Sudan and Yemen); whereas these legal restrictions are outdated in light of the overall mainstreaming of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights over recent decades, and whereas the positive developments in many countries should serve as an example for global improvement in relation to LGBTI issues;
- C. whereas consensual acts between people of the same sex were already punished with 14 years’ imprisonment in Uganda and 7 years’ imprisonment in Nigeria (or the death penalty in the 12 states under Sharia law), and had been decriminalised in India by a 2009 ruling of the Delhi High Court;
- D. whereas on 20 December 2013 the Ugandan Parliament adopted the Anti-Homosexuality Bill, which punishes support for LGBTI people’s rights with up to 7 years’ imprisonment, the non-denunciation of LGBTI people with up to 3 years’ imprisonment, and ‘repeat offenders’ or HIV-positive offenders with life in prison, and whereas consensual same-sex conduct is already criminalised under Section 145 of the Ugandan Penal Code;
- E. whereas on 17 December 2013 the Nigerian Senate adopted the Same-Sex Marriage (Prohibition) Bill, which punishes people in a same-sex relationship with up to 14 years’ imprisonment, and people witnessing same-sex marriages or running LGBTI bars, organisations or meetings with up to 10 years’ imprisonment; whereas the bill was signed into law by President Goodluck Jonathan in January 2014;
- F. whereas on 11 December 2013 the Indian Supreme Court overturned a 2009 Delhi High Court ruling that Section 377 of the Indian Penal Code, a colonial-era law outlawing homosexuality, violated the principle of equality enshrined in the Indian Constitution, and whereas it thereby re-criminalised homosexuality with terms up to life imprisonment;
- G. whereas in June 2013 the Russian State Duma adopted a law banning so-called ‘homosexual propaganda’, which severely limits LGBTI organisations’ freedom of expression and assembly, and whereas President Vladimir Putin has signed it into law;
- H. whereas the media, the public, and political and religious leaders in these countries are increasingly seeking to intimidate LGBTI people, limit their rights and legitimise violence against them;
- I. whereas numerous heads of states and government, United Nations leaders, government and parliamentary representatives, the EU (including the Council, the Parliament, the Commission and the High Representative) and numerous world figures have sternly condemned laws criminalising LGBTI people;
1. Strongly condemns these grave threats to the universal rights to life, to freedom from torture, cruel, inhuman and degrading treatment, to privacy and to freedom of expression and assembly, along with all discrimination against, and legal restrictions on, LGBTI people and anyone defending their human rights; underlines the fact that LGBTI equality is an undeniable element of fundamental human rights;

⁽¹⁾ OJ C 251 E, 31.8.2013, p. 97.

⁽²⁾ Texts adopted, P7_TA(2013)0335.

⁽³⁾ OJ C 377 E, 7.12.2012, p. 13.

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2. Firmly condemns the adoption of ever more repressive laws against LGBTI people; reiterates that sexual orientation and gender identity are matters falling within the remit of individuals' right to privacy, as guaranteed by international law and national constitutions; calls on the aforementioned 78 countries to stop criminalising consensual acts between adults of the same sex;
 3. Calls on the President of Uganda to refrain from signing the Anti-Homosexuality Bill into law and to repeal Section 145 of the Ugandan Penal Code; reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;
 4. Strongly condemns the adoption and signing into law of the Same-Sex Marriage (Prohibition) Bill in Nigeria; calls on the President of Nigeria to repeal this law, along with Sections 214 and 217 of the Nigerian Penal Code;
 5. Highlights the fact that consensual acts between adults of the same sex are legal in Burkina Faso, Benin, Chad, the Central African Republic, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Guinea-Bissau, Côte d'Ivoire, Madagascar, Mali, Niger, Rwanda and South Africa, and that discrimination based on sexual orientation is outlawed in the South African Constitution, demonstrating that African approaches to the matter are diverse;
 6. Asks the Commission, the European External Action Service (EEAS) and the Member States to express their strongest opposition to the three laws in question, and to make it clear that they will have significant implications for the relevant countries' bilateral relationships with the EU and its Member States;
 7. Welcomes the Indian Government's initiative of asking the Supreme Court to review its ruling on the grounds that it violates the constitutional principle of equality; calls on the Indian Parliament to abolish Section 377 of the Indian Penal Code should the Supreme Court fail to review its ruling;
 8. Is deeply concerned by the negative consequences of the law prohibiting propaganda for 'non-traditional sexual relations' in Russia, which is increasing the level of discrimination and violence against LGBTI individuals; calls on the Russian authorities to repeal that law, and calls for continued international vigilance on the issue;
 9. Recalls that laws criminalising consensual activities between adults of the same sex and the defence of LGBTI people's human rights represent a major obstacle in the fight against HIV/AIDS, systematically increase the transmission of HIV and sexually transmissible diseases, since at-risk groups fear interacting with medical professionals, and contribute to a climate of extreme homophobia and discrimination; notes that these laws will, among other things, make HIV/AIDS prevention even more difficult in countries with high prevalence rates;
 10. Stresses that further criminalising consensual activities between adults of the same sex will make it even harder to achieve both the Millennium Development Goals, especially with regard to gender equality and combating disease, and any success in respect of the post-2015 development framework;
 11. Calls on the Commission, the EEAS and the Member States to use all existing channels, including bilateral and multilateral forums and the ongoing negotiations for a free trade agreement with India, to voice in the strongest terms their opposition to the criminalisation of LGBTI people;
 12. Calls on the Commission, the EEAS and the Member States to lend all possible assistance to NGOs and human rights defenders, using the Council's LGBTI Guidelines, the European Instrument for Democracy and Human Rights and other programmes;
 13. Calls on the Commission and the Council to include an explicit mention of non-discrimination based on sexual orientation during the next revision of the Cotonou Agreement, as demanded on multiple occasions by Parliament;
 14. Instructs its President to forward this resolution to the Commission, the Council, the European External Action Service, the Member States, the national Governments and Parliaments of Uganda, Nigeria, India and Russia, and the Presidents of Uganda, Nigeria and Russia.
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II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

P7_TA(2014)0001

Request for the defence of the parliamentary immunity of Lara Comi**European Parliament decision of 14 January 2014 on the request for defence of the immunity and privileges of
Lara Comi (2013/2190(IMM))**

(2016/C 482/25)

The European Parliament,

- having regard to the request by Lara Comi of 30 July 2013 for defence of her immunity in connection with the criminal proceedings pending before the Court of Ferrara, announced in plenary sitting on 9 September 2013,
 - having heard Lara Comi on 5 November 2013 pursuant to Rule 7(3) 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 the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 ⁽¹⁾,
 - having regard to Rules 6(3) and 7 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0469/2013),
- A. whereas Lara Comi, MEP, has requested the defence of her parliamentary immunity in relation to an action brought by the Public Prosecutions Department in Ferrara in response to a complaint alleging aggravated slander as referred to in Article 595(2) and (3) of the Italian Criminal Code and Article 30 of Law No 223 of 6 August 1990 on the basis of statements which she is alleged to have made during a political debate broadcast on television;
- B. whereas Article 8 of the Protocol on the Privileges and Immunities of the European Union, which Lara Comi expressly invokes in her request for defence, stipulates that Members of the European Parliament may not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;

⁽¹⁾ Judgment of 12 May 1964 in Case 101/63, *Wagner v Fohrmann and Krier* (ECR 1964, p. 195); judgment of 10 July 1986 in Case 149/85, *Wybot v Faure and others* (ECR 1986, p. 2403); judgment of 15 October 2008 in Case T-345/05, *Mote v Parliament* (ECR 2008, p. II-2849); judgment of 21 October 2008 in Joined Cases C-200/07 and C-201/07, *Marra v De Gregorio and Clemente* (ECR 2008, p. I-7929); judgment of 19 March 2010 in Case T-42/06, *Gollnisch v Parliament* (ECR 2010, p. II-1135); judgment of 6 September 2011 in Case C-163/10, *Patriciello* (ECR 2011, p. I-7565).

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- C. whereas Rule 6 of its Rules of Procedure stipulates that, in the exercise of its powers in respect of privileges and immunities, Parliament shall seek primarily to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties;
- D. whereas Parliament has wide powers of discretion regarding the line of action which it chooses to adopt in response to a request for defence of the parliamentary immunity of one of its Members ⁽¹⁾;
- E. whereas the Court of Justice has recognised that a statement made by a Member beyond the precincts of the European Parliament may constitute an opinion expressed in the performance of their duties as referred to in Article 8 of the Protocol, taking the view that it is not the place where a statement is made that matters, but the nature and content of the statement ⁽²⁾;
- F. whereas Lara Comi was invited to the television broadcast at issue in her capacity as a Member of the European Parliament and not as a national representative of a party, which was incidentally already represented by another guest, in accordance with the national provisions intended to ensure balanced attendance by political spokespersons in televised debates held during election campaigns, as in the case at issue;
- G. whereas in modern democracies political debate takes place not only in Parliament but also through communications media ranging from press statements to the Internet;
- H. whereas in the television broadcast in question Lara Comi spoke as a Member of the European Parliament to discuss political issues, including public procurement and organised crime, in which she had always taken an interest at European level;
- I. whereas the next day Ms Comi sent her apologies to the complainant, which were subsequently repeated in another national television broadcast;
 - 1. Decides to defend the immunity and privileges of Lara Comi;
 - 2. Instructs its President to forward this decision, and the report of its committee responsible, immediately to the appropriate authorities of the Italian Republic and to Lara Comi.

⁽¹⁾ Case T-42/06 *Gollnisch v Parliament*, paragraph 101.

⁽²⁾ *Patriciello*, judgment cited, paragraph 30.

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P7_TA(2014)0003

Rules on voting and contents of reports in the consent procedure

European Parliament decision of 14 January 2014 on amendment of Rule 81 of Parliament's Rules of Procedure on the consent procedure (2012/2124(REG))

(2016/C 482/26)

The European Parliament,

- having regard to the letter from the Chair of the Conference of Committee Chairs of 9 December 2011,
 - having regard to Rules 211 and 212 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0412/2013),
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that the amendments will enter into force on the first day of the next part-session and will apply to those consent procedures for which the committee responsible has not yet adopted a recommendation;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1

Parliament's Rules of Procedure

Article 50 — interpretation — paragraph 2

Present text

For the purposes of examining international agreements under Rule 90, the procedure with associated committees set out in this Rule may not be applied in relation to the **consent procedure** under Rule 81.

Amendment

The procedure with associated committees set out in this Rule may not be applied in relation to the **recommendation to be adopted by the committee responsible** under Rule 81.

Amendment 2

Parliament's Rules of Procedure

Article 81 — paragraph 1 — subparagraph 1

Present text

Where Parliament is asked to give its consent to a proposed act, it shall **take a decision on the basis of** a recommendation from the committee responsible to approve or reject the act.

Amendment

Where Parliament is asked to give its consent to a proposed act, it shall, **when adopting its decision, take into account** a recommendation from the committee responsible to approve or reject the act. **The recommendation shall include citations but not recitals. It may include a short justification, which shall be the responsibility of the rapporteur and which shall not be put to the vote. Rule 52(1) shall apply mutatis mutandis. Amendments tabled in committee shall be admissible only if they aim to reverse the recommendation as proposed by the rapporteur.**

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Amendment 3

Parliament's Rules of Procedure

Article 81 — paragraph 1 — subparagraph 1 a (new)

Present text

Amendment

The committee responsible may table a motion for a non-legislative resolution. Other committees may be involved in drawing up the resolution in accordance with Rule 188(3) in conjunction with Rules 49, 50 or 51.

Amendment 4

Parliament's Rules of Procedure

Article 81 — paragraph 1 — subparagraph 2

Present text

Amendment

Parliament shall **take a decision** on the act requiring its consent under the Treaty on European Union or the Treaty on the Functioning of the European Union by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the consent shall be the majority indicated in the article of the Treaty on European Union or the Treaty on the Functioning of the European Union that constitutes the legal basis for the proposed act.

Parliament shall **decide** on the act requiring its consent under the Treaty on European Union or the Treaty on the Functioning of the European Union by means of a single vote **on consent, irrespective of whether the recommendation from the committee responsible is to approve or reject the act**, and no amendments may be tabled. The majority required for the adoption of the consent shall be the majority indicated in the article of the Treaty on European Union or the Treaty on the Functioning of the European Union that constitutes the legal basis for the proposed act **or, where no majority is indicated therein, the majority of the votes cast. If the majority required is not obtained, the proposed act shall be deemed to have been rejected.**

Amendment 5

Parliament's Rules of Procedure

Article 81 — paragraph 2

Present text

Amendment

2. In the case of **accession treaties and** international agreements **and** determination of a serious and persistent breach of **common** principles by a Member State, Rules 74c, 74e **and 90** shall apply respectively. **For an enhanced cooperation procedure in an area covered by the ordinary legislative procedure, Rule 74 g shall apply.**

2. **In addition**, in the case of international agreements, **accession treaties, the** determination of a serious and persistent breach of **fundamental** principles by a Member State, **the establishment of the composition of Parliament, the establishment of enhanced cooperation between Member States or the adoption of the multiannual financial framework**, Rules 90, 74c, 74e, 74f, 74 g **and 75** shall apply respectively.

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Amendment 6**Parliament's Rules of Procedure****Article 81 — paragraph 3***Present text*

3. Where Parliament's consent is required for a **proposed** legislative act or an envisaged international agreement, the committee responsible may **decide, in the interests of achieving a positive outcome of the procedure, to** present an interim report **on the proposal** to Parliament including a motion for a resolution containing recommendations for modification or implementation of the proposed act.

Amendment

3. Where Parliament's consent is required for a **proposal for a** legislative act or an envisaged international agreement, the committee responsible may present an interim report to Parliament, including a motion for a resolution containing recommendations for modification or implementation of the proposed **legislative act or envisaged international agreement**.

Amendment 7**Parliament's Rules of Procedure****Article 81 — paragraph 3 a — subparagraph 1 (new)***Present text**Amendment*

3a. The committee responsible shall deal with the request for consent without undue delay. If the committee responsible decides not to give a recommendation, or has not adopted a recommendation within six months after the request for consent has been referred to it, the Conference of Presidents may either place the matter on the agenda for a subsequent part-session for consideration, or decide to extend the six-month period in duly substantiated cases.

Amendment 8**Parliament's Rules of Procedure****Article 81 — paragraph 3 a — subparagraph 2 (new)***Present text**Amendment*

Where Parliament's consent is required for an envisaged international agreement, Parliament may decide, on the basis of a recommendation from the committee responsible, to suspend the consent procedure for no longer than one year.

Wednesday 15 January 2014

P7_TA(2014)0018

Powers and responsibilities of the standing committees

European Parliament decision of 15 January 2014 on the powers and responsibilities of the standing committees (2013/2996(RSO))

(2016/C 482/27)

The European Parliament,

— having regard to the proposal by the Conference of Presidents,

— having regard to Rule 183 of its Rules of Procedure,

1. Decides to replace Annex VII to its Rules of Procedure by the following:

‘Annex VII — Powers and responsibilities of standing committees

I. Committee on Foreign Affairs

Committee responsible for the promotion, implementation and monitoring of the Union’s foreign policy as regards:

1. the common foreign and security policy (CFSP) and the common security and defence policy (CSDP). In this context the committee is assisted by a subcommittee on security and defence;
2. relations with other Union institutions and bodies, the UNO and other international organisations and interparliamentary assemblies for matters falling under its responsibility;
3. oversight of the European External Action Service;
4. the strengthening of political relations with third countries by means of comprehensive cooperation and assistance programmes or international agreements such as association and partnership agreements;
5. the opening, monitoring and concluding of negotiations concerning the accession of European States to the Union;
6. all legislation, programming and scrutiny of actions carried out under the European Instrument for Democracy and Human Rights, the European Neighbourhood Instrument, the Instrument for Pre-Accession Assistance, the Instrument contributing to Stability and Peace and the Partnership Instrument for cooperation with third countries, and the policies underpinning them;
7. the monitoring and follow-up of, inter alia, the European Neighbourhood Policy (ENP), in particular with regard to ENP Annual Progress Reports;
8. issues concerning democracy, the rule of law, human rights, including the rights of minorities, in third countries and the principles of international law. In this context the committee is assisted by a subcommittee on human rights, which should ensure coherence between all the Union’s external policies and its human rights policy. Without prejudice to the relevant rules, members from other committees and bodies with responsibilities in this field shall be invited to attend the meetings of the subcommittee.
9. Parliament’s involvement in election observation missions, where appropriate in cooperation with other relevant committees and delegations;

The committee provides political oversight to, and coordinates the work of, joint parliamentary committees and parliamentary cooperation committees as well as that of the interparliamentary delegations and ad hoc delegations falling within its remit.

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II. Committee on Development

Committee responsible for:

1. the promotion, implementation and monitoring of the development and cooperation policy of the Union, notably:
 - (a) political dialogue with developing countries, bilaterally and in the relevant international organisations and interparliamentary fora,
 - (b) aid to, and cooperation agreements with, developing countries, notably oversight of effective aid funding and evaluation of output, including in relation to poverty eradication,
 - (c) monitoring of the relationship between the policies of the Member States and those implemented at Union level,
 - (d) promotion of democratic values, good governance and human rights in developing countries,
 - (e) the implementation, monitoring and advancement of policy coherence with regard to development policy;
2. all legislation, programming and scrutiny of actions carried out under the Development Cooperation Instrument (DCI), the European Development Fund (EDF) — in close cooperation with national parliaments — and the Humanitarian Aid Instrument, as well as all matters related to humanitarian aid in developing countries and the policy underpinning them;
3. matters relating to the ACP-EU Partnership Agreement and relations with the relevant bodies;
4. matters relating to Overseas Countries and Territories (OCTs);
5. Parliament's involvement in election observation missions, when appropriate in cooperation with other relevant committees and delegations.

The committee coordinates the work of the interparliamentary delegations and ad hoc delegations falling within its remit.

III. Committee on International Trade

Committee responsible for matters relating to the establishment, implementation and monitoring of the Union's common commercial policy and its external economic relations, in particular:

1. financial, economic and trade relations with third countries and regional organisations;
2. the common external tariff and trade facilitation as well as the external aspects of customs provisions and management;
3. the opening, monitoring, conclusion and follow-up of bilateral, multilateral and plurilateral trade agreements governing economic, trade and investment relations with third countries and regional organisations;
4. measures of technical harmonisation or standardisation in fields covered by instruments of international law;
5. relations with the relevant international organisations and international fora on trade-related matters, and with organisations promoting regional economic and commercial integration outside the Union;
6. relations with the WTO, including its parliamentary dimension.

The committee liaises with the relevant interparliamentary and ad hoc delegations for the economic and trade aspects of relations with third countries.

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IV. Committee on Budgets

Committee responsible for:

1. the multiannual financial framework of the Union's revenue and expenditure and the Union's system of own resources;
2. Parliament's budgetary prerogatives, namely the budget of the Union as well as the negotiation and implementation of interinstitutional agreements in this field;
3. Parliament's estimates according to the procedure defined in the Rules;
4. the budget of the decentralised bodies;
5. the financial activities of the European Investment Bank which are not part of European economic governance;
6. the budgetisation of the European Development Fund, without prejudice to the powers of the committee responsible for the ACP-EU Partnership Agreement;
7. financial implications and compatibility with the multiannual financial framework of all Union acts, without prejudice to the powers of the relevant committees;
8. keeping track of and assessing the implementation of the current budget notwithstanding Rule 78(1), transfers of appropriations, procedures relating to the establishment plans, administrative appropriations and opinions concerning buildings-related projects with significant financial implications;
9. the Financial Regulation, excluding matters relating to the implementation, management and control of the budget.

V. Committee on Budgetary Control

Committee responsible for:

1. control of the implementation of the budget of the Union and of the European Development Fund, and the decisions on discharge to be taken by Parliament, including the internal discharge procedure and all other measures accompanying or implementing such decisions;
2. the closure, presenting and auditing of the accounts and balance sheets of the Union, its institutions and any bodies financed by it, including the establishment of appropriations to be carried over and the settling of balances;
3. control of the financial activities of the European Investment Bank;
4. monitoring of the cost-effectiveness of the various forms of Union financing in the implementation of the Union's policies, involving, upon the Committee on Budgetary Control's request, the specialised committees and acting, upon the Committee on Budgetary Control's request, in cooperation with the specialised committees for the examination of special reports of the Court of Auditors;
5. relations with the European Anti-Fraud Office (OLAF), consideration of fraud and irregularities in the implementation of the budget of the Union, measures aimed at preventing and prosecuting such cases, the strict protection of the Union's financial interests and the relevant actions by the European Public Prosecutor in this field;
6. relations with the Court of Auditors, the appointment of its members and consideration of its reports;
7. the Financial Regulation as far as the implementation, management and control of the budget are concerned.

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VI. Committee on Economic and Monetary Affairs

Committee responsible for:

1. the economic and monetary policies of the Union, the functioning of Economic and Monetary Union and the European monetary and financial system (including relations with the relevant institutions or organisations);
2. the free movement of capital and payments (cross-border payments, single payment area, balance of payments, capital movements and borrowing and lending policy, control of movements of capital originating in third countries, measures to encourage the export of the Union's capital);
3. the international monetary and financial system (including relations with financial and monetary institutions and organisations);
4. rules on competition and State or public aid;
5. tax provisions;
6. the regulation and supervision of financial services, institutions and markets including financial reporting, auditing, accounting rules, corporate governance and other company law matters specifically concerning financial services;
7. the relevant financial activities of the European Investment Bank as part of European economic governance in the eurozone.

VII. Committee on Employment and Social Affairs

Committee responsible for:

1. employment policy and all aspects of social policy including working conditions, social security, social inclusion and social protection;
2. workers' rights;
3. health and safety measures at the workplace;
4. the European Social Fund;
5. vocational training policy, including professional qualifications;
6. the free movement of workers and pensioners;
7. social dialogue;
8. all forms of discrimination at the workplace and in the labour market except those based on sex;
9. relations with:
 - the European Centre for the Development of Vocational Training (Cedefop),
 - the European Foundation for the Improvement of Living and Working Conditions,
 - the European Training Foundation,
 - the European Agency for Safety and Health at Work;as well as relations with other relevant Union bodies and international organisations.

VIII. Committee on the Environment, Public Health and Food Safety

Committee responsible for:

1. environmental policy and environmental protection measures, in particular concerning:
 - (a) climate change,
 - (b) air, soil and water pollution, waste management and recycling, dangerous substances and preparations, noise levels and the protection of biodiversity,

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- (c) sustainable development,
 - (d) international and regional measures and agreements aimed at protecting the environment,
 - (e) restoration of environmental damage,
 - (f) civil protection,
 - (g) the European Environment Agency,
 - (h) the European Chemicals Agency;
2. public health, in particular:
- (a) programmes and specific actions in the field of public health,
 - (b) pharmaceutical and cosmetic products,
 - (c) health aspects of bioterrorism,
 - (d) the European Medicines Agency and the European Centre for Disease Prevention and Control;
3. food safety issues, including in particular:
- (a) the labelling and safety of foodstuffs,
 - (b) veterinary legislation concerning protection against risks to human health; public health checks on foodstuffs and food production systems,
 - (c) the European Food Safety Authority and the European Food and Veterinary Office.

IX. Committee on Industry, Research and Energy

Committee responsible for:

1. the Union's industrial policy and related measures, and the application of new technologies, including measures related to SMEs;
2. the Union's research and innovation policy, including science and technology as well as the dissemination and exploitation of research findings;
3. European space policy;
4. the activities of the Joint Research Centre, the European Research Council, the European Institute of Innovation and Technology and the Institute for Reference Materials and Measurements, as well as JET, ITER and other projects in the same area;
5. Union measures relating to energy policy in general and in the context of the establishment and functioning of the internal energy market, including measures relating to:
 - (a) the security of energy supply in the Union,
 - (b) the promotion of energy efficiency and energy saving and the development of new and renewable forms of energy
 - (c) the promotion of interconnection of energy networks and energy efficiency including the establishment and development of trans-European networks in the energy infrastructure sector;
6. the Euratom Treaty and Euratom Supply Agency; nuclear safety, decommissioning and waste disposal in the nuclear sector;
7. the information society, information technology and communications networks and services, including technologies and security aspects and the establishment and development of trans-European networks in the telecommunication infrastructure sector as well as the activities of the European Union Agency for Network and Information Security (ENISA).

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X. Committee on the Internal Market and Consumer Protection

Committee responsible for:

1. coordination at Union level of national legislation in the sphere of the internal market and for the customs union, in particular:
 - (a) the free movement of goods including the harmonisation of technical standards,
 - (b) the right of establishment,
 - (c) freedom to provide services except in the financial and postal sectors;
2. the functioning of the Single Market, including measures aimed at the identification and removal of potential obstacles to the implementation of the Single Market, including the Digital Single Market;
3. the promotion and protection of the economic interests of consumers, except for public health and food safety issues;
4. policy and legislation regarding the enforcement of Single Market rules and consumer rights.

XI. Committee on Transport and Tourism

Committee responsible for:

1. matters relating to the development of a common policy for rail, road, inland waterway, maritime and air transport, in particular:
 - (a) common rules applicable to transport within the European Union,
 - (b) the establishment and development of trans-European networks in the area of transport infrastructure,
 - (c) the provision of transport services and relations in the field of transport with third countries,
 - (d) transport safety,
 - (e) relations with international transport bodies and organisations;
 - (f) the European Maritime Safety Agency, the European Railway Agency, the European Aviation Safety Agency and the SESAR Joint Undertaking;
2. postal services;
3. tourism.

XII. Committee on Regional Development

Committee responsible for:

1. the operation and development of the Union's regional development and cohesion policy, as established in the Treaties;
2. the European Regional Development Fund, the Cohesion Fund and the other instruments of the Union's regional policy,
3. assessment of the impact of other Union policies on economic and social cohesion,
4. coordination of the Union's structural instruments,
5. the urban dimension of the cohesion policy,
6. outermost regions and islands as well as trans-frontier and interregional cooperation,
7. relations with the Committee of the Regions, interregional cooperation organisations and local and regional authorities.

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XIII. Committee on Agriculture and Rural Development

Committee responsible for:

1. the operation and development of the common agricultural policy;
2. rural development, including the activities of the relevant financial instruments;
3. legislation on:
 - (a) veterinary and plant-health matters and animal feeding stuffs provided such measures are not intended to protect against risks to human health,
 - (b) animal husbandry and welfare;
4. improvement of the quality of agricultural products;
5. supplies of agricultural raw materials;
6. the Community Plant Variety Office;
7. forestry and agroforestry.

XIV. Committee on Fisheries

Committee responsible for:

1. the operation and development of the common fisheries policy and its management;
2. the conservation of fishery resources, the management of fisheries and fleets exploiting such resources and marine and applied fisheries research;
3. the common organisation of the market in fishery and aquaculture products and the processing and marketing thereof;
4. structural policy in the fisheries and aquaculture sectors, including the financial instruments and funds for fisheries guidance to support these sectors;
5. the integrated maritime policy as regards fishing activities;
6. sustainable fisheries partnership agreements, regional fisheries organisations and the implementation of international obligations in the field of fisheries.

XV. Committee on Culture and Education

Committee responsible for:

1. the cultural aspects of the European Union, and in particular:
 - (a) improving the knowledge and dissemination of culture,
 - (b) the protection and promotion of cultural and linguistic diversity,
 - (c) the conservation and safeguarding of cultural heritage, cultural exchanges and artistic creation;
2. the Union's education policy, including the European higher education area, the promotion of the system of European schools and lifelong learning;
3. audiovisual policy and the cultural and educational aspects of the information society;
4. youth policy;
5. the development of a sports and leisure policy;
6. information and media policy;
7. cooperation with third countries in the areas of culture and education and relations with the relevant international organisations and institutions.

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XVI. Committee on Legal Affairs

Committee responsible for:

1. the interpretation, application and monitoring of Union law and compliance of Union acts with primary law, notably the choice of legal bases and respect for the principles of subsidiarity and proportionality;
2. the interpretation and application of international law, in so far as the European Union is affected;
3. better law-making and the simplification of Union law;
4. the legal protection of Parliament's rights and prerogatives, including its involvement in actions before the Court of Justice of the European Union;
5. Union acts which affect the Member States' legal order, namely in the fields of:
 - (a) civil and commercial law,
 - (b) company law,
 - (c) intellectual property law,
 - (d) procedural law;
6. measures concerning judicial and administrative cooperation in civil matters;
7. environmental liability and sanctions against environmental crime;
8. ethical questions related to new technologies, applying the procedure with associated committees with the relevant committees;
9. the Statute for Members and the Staff Regulations of the European Union;
10. privileges and immunities as well as verification of Members' credentials;
11. the organisation and statute of the Court of Justice of the European Union;
12. the Office for Harmonisation in the Internal Market.

XVII. Committee on Civil Liberties, Justice and Home Affairs

Committee responsible for:

1. the protection within the territory of the Union of citizens' rights, human rights and fundamental rights, including the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European Union;
2. the measures needed to combat all forms of discrimination other than those based on sex or those occurring at the workplace and in the labour market;
3. legislation in the areas of transparency and of the protection of natural persons with regard to the processing of personal data;
4. the establishment and development of an area of freedom, security and justice while respecting the principles of subsidiarity and proportionality, in particular:
 - (a) measures concerning the entry and movement of persons, asylum and migration,
 - (b) measures concerning an integrated management of the common borders,
 - (c) measures relating to police and judicial cooperation in criminal matters, including terrorism, and substantive and procedural measures relating to the development of a more coherent Union approach to criminal law,

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5. the European Monitoring Centre for Drugs and Drug Addiction and the European Union Agency for Fundamental Rights, Europol, Eurojust, Cefpol, the European Public Prosecutor's Office and other bodies and agencies in the same area;
6. the determination of a clear risk of a serious breach by a Member State of the principles common to the Member States.

XVIII. Committee on Constitutional Affairs

Committee responsible for:

1. the institutional aspects of the European integration process, in particular the preparation, initiation and proceedings of ordinary and simplified Treaty revision procedures;
2. the implementation of the Treaties and the assessment of their operation;
3. the institutional consequences of enlargement negotiations of or withdrawal from the Union;
4. interinstitutional relations, including, with a view to their approval by Parliament, examination of interinstitutional agreements pursuant to Rule 127(2) of the Rules of Procedure;
5. uniform electoral procedure;
6. political parties and political foundations at European level, without prejudice to the competences of the Bureau;
7. the determination of the existence of a serious and persistent breach by a Member State of the principles common to the Member States;
8. the interpretation and application of the Rules of Procedure and proposals for amendments thereto.

XIX. Committee on Women's Rights and Gender Equality

Committee responsible for:

1. the definition, promotion and protection of women's rights in the Union and related Union measures;
2. the promotion of women's rights in third countries;
3. equal opportunities policy, including the promotion of equality between men and women with regard to labour market opportunities and treatment at work;
4. the removal of all forms of violence and discrimination based on sex;
5. the implementation and further development of gender mainstreaming in all policy sectors;
6. the follow-up and implementation of international agreements and conventions involving the rights of women;
7. encouraging awareness of women's rights.

XX. Committee on Petitions

Committee responsible for:

1. petitions;
 2. the organisation of public hearings on citizens' initiatives pursuant to Rule 197a;
 3. relations with the European Ombudsman.'
 2. Decides that this decision will enter into force on the first day of the first part-session of the eighth parliamentary term;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.
-

Thursday 16 January 2014

P7_TA(2014)0035

Amendment of Parliament's Rules of Procedure on the waiver and the defence of parliamentary immunity

European Parliament decision of 16 January 2014 on amendment of Parliament's Rules of Procedure on the waiver and the defence of parliamentary immunity (2013/2031(REG))

(2016/C 482/28)

The European Parliament,

- having regard to the letter from the Chair of the Committee on Legal Affairs of 9 November 2012,
 - having regard to Rules 211 and 212 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Legal Affairs (A7-0012/2014),
1. Decides to amend its Rules of Procedure as shown below;
 2. Points out that the amendments will enter into force on the first day of the next part-session;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1

Parliament's Rules of Procedure

Rule 5 — paragraph 1 a (new)

Present text

Amendment

1a. Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members.

Amendment 2

Parliament's Rules of Procedure

Rule 6 — paragraph 1

Present text

Amendment

1. In the exercise of its powers in respect of privileges and immunities, Parliament **shall seek primarily** to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties.

1. In the exercise of its powers in respect of privileges and immunities, Parliament **acts** to uphold its integrity as a democratic legislative assembly and to secure the independence of its Members in the performance of their duties. **Any request for waiver of immunity shall be evaluated in accordance with Articles 7, 8 and 9 of the Protocol on the Privileges and Immunities of the European Union and with the principles referred to in this Rule.**

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Amendment 3
Parliament's Rules of Procedure
Rule 6 — paragraph 2

Present text

Amendment

2. Any request addressed to the President by a competent authority of a Member State that the immunity of a Member be waived shall be announced in Parliament and referred to the committee responsible.

deleted

Amendment 4
Parliament's Rules of Procedure
Rule 6 — paragraph 3

Present text

Amendment

3. Any request addressed to the President by a Member or a former Member to defend privileges and immunities shall be announced in Parliament and referred to the committee responsible.

deleted

Amendment 5
Parliament's Rules of Procedure
Rule 6 — paragraph 4

Present text

Amendment

4. As a matter of urgency, in circumstances where Members are arrested or have their freedom of movement curtailed in apparent breach of their privileges and immunities, the President, after having consulted the chair and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the Member concerned. The President shall notify the committee of that initiative and inform Parliament.

deleted

Amendment 6
Parliament's Rules of Procedure
Rule 6 — paragraph 4 a (new)

Present text

Amendment

4a. Where Members are required to appear as witnesses or expert witnesses, there is no need to request a waiver of immunity, provided:

- that they will not be obliged to appear on a date or at a time which prevents them from performing their parliamentary duties, or makes it difficult for them to perform those duties, or that they will be able to provide a statement in writing or in any other form which does not make it difficult for them to perform their parliamentary duties; and

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Present text

Amendment

-
- *that they are not obliged to testify concerning information obtained confidentially in the exercise of their mandate which they do not see fit to disclose.*

Amendment 7**Parliament's Rules of Procedure****Rule 6 a (new)**

Present text

Amendment

Rule 6a***Defence of privileges and immunity***

1. *In cases where the privileges and immunities of a Member or former Member are alleged to have been breached by the authorities of a Member State, a request for a Parliament decision as to whether there has, in fact, been a breach of those privileges and immunities may be made in accordance with Rule 7(-1).*
2. *In particular, such a request for the defence of privileges and immunities may be made if it is considered that the circumstances constitute an administrative or other restriction on the free movement of Members travelling to or from the place of meeting of Parliament or on an opinion expressed or a vote cast in the performance of their duties, or that they fall within the scope of Article 9 of the Protocol on the Privileges and Immunities of the European Union.*
3. *A request for the defence of the privileges and immunities of a Member shall not be admissible if a request for the waiver or defence of that Member's immunity has already been received in respect of the same legal proceedings, whether or not a decision was taken at that time.*
4. *No further consideration shall be given to a request for the defence of the privileges and immunities of a Member if a request for the waiver of that Member's immunity is received in respect of the same legal proceedings.*
5. *In cases where a decision has been taken not to defend the privileges and immunities of a Member, the Member may make a request for reconsideration of the decision, submitting new evidence. The request for reconsideration shall be inadmissible if proceedings have been instituted against the decision under Article 263 of the Treaty on the Functioning of the European Union, or if the President considers that the new evidence submitted is not sufficiently substantiated to warrant reconsideration.*

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Amendment 8
Parliament's Rules of Procedure
Rule 6 b (new)

Present text

Amendment

Rule 6b

Urgent action by the President to assert immunity

1. *As a matter of urgency, in circumstances where a Member is arrested or has his or her freedom of movement curtailed in apparent breach of his or her privileges and immunities, the President, after consulting the chair and rapporteur of the committee responsible, may take an initiative to assert the privileges and immunities of the Member concerned. The President shall notify the committee of that initiative and inform Parliament.*

2. *When the President makes use of the powers conferred on him by paragraph 1, the committee shall take cognisance of the President's initiative at its next meeting. Where the committee deems it necessary, it may prepare a report for submission to Parliament.*

Amendment 9
Parliament's Rules of Procedure
Rule 7 — paragraph - 1 (new)

Present text

Amendment

-1. Any request addressed to the President by a competent authority of a Member State that the immunity of a Member be waived, or by a Member or a former Member that privileges and immunities be defended, shall be announced in Parliament and referred to the committee responsible.

Amendment 10
Parliament's Rules of Procedure
Rule 7 — paragraph 1

Present text

Amendment

1. The committee **responsible** shall consider without delay **and in the order in which they have been submitted** requests for the waiver of immunity or requests for the defence of **immunity and** privileges.

1. The committee shall consider without delay, **but having regard to their relative complexity**, requests for the waiver of immunity or requests for the defence of privileges **and immunities**.

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Amendment 11

Parliament's Rules of Procedure

Rule 7 — paragraph 3

Present text

3. The committee may ask the authority concerned to provide any information or explanation which the committee deems necessary in order for it to form an opinion on whether immunity should be waived or defended. **The Member concerned shall be given an opportunity to be heard, may present any documents or other written evidence deemed by that Member to be relevant and may be represented by another Member.**

Amendment

3. The committee may ask the authority concerned to provide any information or explanation which the committee deems necessary in order for it to form an opinion on whether immunity should be waived or defended.

Amendment 12

Parliament's Rules of Procedure

Rule 7 — paragraph 3 a (new)

Present text

Amendment

3a. The Member concerned shall be given an opportunity to be heard, may present any documents or other written evidence deemed by that Member to be relevant and may be represented by another Member.

The Member shall not be present during debates on the request for waiver or defence of his or her immunity, except for the hearing itself.

The chair of the committee shall invite the Member to be heard, indicating a date and time. The Member may renounce the right to be heard.

If the Member fails to attend the hearing pursuant to that invitation, he or she shall be deemed to have renounced the right to be heard, unless he or she has asked to be excused from being heard on the date and at the time proposed, giving reasons. The chair of the committee shall rule on whether such a request to be excused is to be accepted in view of the reasons given, and no appeals shall be permitted on this point.

If the chair of the committee grants the request to be excused, he or she shall invite the Member to be heard at a new date and time. If the Member fails to comply with the second invitation to be heard, the procedure shall continue without the Member having been heard. No further requests to be excused, or to be heard, may then be accepted.

Thursday 16 January 2014

Amendment 13
Parliament's Rules of Procedure
Rule 7 — paragraph 5

Present text

Amendment

5. *Where Members are required to appear as witnesses or expert witnesses, there is no need to request a waiver of immunity, provided:*

deleted

— *that they will not be obliged to appear on a date or at a time which prevents them from performing, or makes it difficult for them to perform, their parliamentary duties, or that they will be able to provide a statement in writing or in any other form which does not make it difficult for them to fulfil their parliamentary duties;*

— *that they are not obliged to testify concerning information obtained confidentially in the exercise of their mandate which they do not see fit to disclose.*

Amendment 14
Parliament's Rules of Procedure
Rule 7 — paragraph 6

Present text

Amendment

6. *In cases concerning the defence of immunity or privileges, the committee shall state whether the circumstances constitute an administrative or other restriction imposed on the free movement of Members travelling to or from the place of meeting of Parliament or an opinion expressed or a vote cast in the performance of the mandate or fall within aspects of Article 9 of the Protocol on Privileges and Immunities which are not a matter of national law, and shall make a proposal to invite the authority concerned to draw the necessary conclusions.*

deleted

Thursday 16 January 2014

Amendment 15**Parliament's Rules of Procedure****Rule 7 — paragraph 10***Present text*

10. *When the President makes use of the powers conferred on him by Rule 6(4), the committee responsible shall take cognisance of the President's initiative at its next meeting. Where the committee deems it necessary it may prepare a report for submission to Parliament.*

Amendment

deleted

Amendment 16**Parliament's Rules of Procedure****Rule 7 — paragraph 12 a (new)***Present text*

Amendment

12a. *The committee shall lay down principles for the application of this Rule.*

Tuesday 14 January 2014

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P7_TA(2014)0004

CO₂ emissions from new light commercial vehicles *I**

European Parliament legislative resolution of 14 January 2014 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles (COM(2012)0394 — C7-0185/2012 — 2012/0191(COD))

(Ordinary legislative procedure: first reading)

(2016/C 482/29)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0394),
 - 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 (C7-0185/2012),
 - 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 12 December 2012 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 4 October 2013 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 55 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 Transport and Tourism (A7-0168/2013),
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.

⁽¹⁾ OJ C 44, 15.2.2013, p. 109.

Tuesday 14 January 2014

P7_TC1-COD(2012)0191

Position of the European Parliament adopted at first reading on 14 January 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 253/2014.)

Tuesday 14 January 2014

P7_TA(2014)0005

Consumer programme 2014-2020 *I**

European Parliament legislative resolution of 14 January 2014 on the proposal for a regulation of the European Parliament and of the Council on a consumer programme 2014-2020 (COM(2011)0707 — C7-0397/2011 — 2011/0340(COD))

(Ordinary legislative procedure: first reading)

(2016/C 482/30)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0707),
 - having regard to Article 294(2) and Article 169 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0397/2011),
 - 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 28 March 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 4 May 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 23 October 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Budgets and the Committee on Legal Affairs (A7-0214/2012),
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.

P7_TC1-COD(2011)0340

Position of the European Parliament adopted at first reading on 14 January 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 254/2014.)

⁽¹⁾ OJ C 181, 21.6.2012, p. 89.

⁽²⁾ OJ C 225, 27.7.2012, p. 217.

Tuesday 14 January 2014

P7_TA(2014)0006

Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues *I**

European Parliament legislative resolution of 14 January 2014 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues (COM(2011)0906 — C7-0524/2011 — 2011/0445(COD))

(Ordinary legislative procedure: first reading)

(2016/C 482/31)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0906),
 - 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 (C7-0524/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 28 October 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0212/2012),
1. Adopts its position at first reading hereinafter set out ⁽¹⁾;
 2. Takes note of the Commission statements 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.

P7_TC1-COD(2011)0445

Position of the European Parliament adopted at first reading on 14 January 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council amending Council Regulation (EC) No 774/94, as regards the implementing and delegated powers to be conferred on the Commission

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 252/2014.)

ANNEX TO THE LEGISLATIVE RESOLUTION**Commission Statement on codification**

The adoption of this Regulation will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once the Regulation is adopted, and at the latest by 30 September 2014.

⁽¹⁾ This position replaces the amendments adopted on 12 September 2012 (Texts adopted, P7_TA(2012)0328).

Tuesday 14 January 2014

Commission Statement on delegated acts

In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

Tuesday 14 January 2014

P7_TA(2014)0007

Imports of olive oil and other agricultural products from Turkey *I**

European Parliament legislative resolution of 14 January 2014 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey as regards the delegated and implementing powers to be conferred on the Commission (COM(2011)0918 — C7-0005/2012 — 2011/0453(COD))

(Ordinary legislative procedure: first reading)

(2016/C 482/32)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0918),
 - 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 (C7-0005/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 28 October 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0209/2012),
1. Adopts its position at first reading hereinafter set out ⁽¹⁾;
 2. Takes note of the Commission statements 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.

P7_TC1-COD(2011)0453

Position of the European Parliament adopted at first reading on 14 January 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council amending Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey, as regards the delegated and implementing powers to be conferred on the Commission

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 255/2014.)

ANNEX TO THE LEGISLATIVE RESOLUTION**Commission Statement on codification**

The adoption of this Regulation will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once the Regulation is adopted, and at the latest by 30 September 2014.

⁽¹⁾ This position replaces the amendments adopted on 12 September 2012 (Texts adopted, P7_TA(2012)0329).

Tuesday 14 January 2014

Commission Statement on delegated acts

In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

Tuesday 14 January 2014

P7_TA(2014)0008

Geographical indications of aromatised wine products *I****European Parliament legislative resolution of 14 January 2014 on the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products (COM(2011)0530 — C7-0234/2011 — 2011/0231(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 482/33)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0530),
 - having regard to Article 294(2) and Articles 43(2) and 114 of the Treaty on the Functioning of the European Union (TFEU), pursuant to which the Commission submitted the proposal to Parliament (C7-0234/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted by the Luxembourg Chamber of Deputies under the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, in which it is argued that the draft legislative act is not consistent with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 7 December 2011 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 14 October 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A7-0158/2012),
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.

P7_TC1-COD(2011)0231**Position of the European Parliament adopted at first reading on 14 January 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 251/2014.)

⁽¹⁾ OJ C 43, 15.2.2012, p. 67.

Wednesday 15 January 2014

P7_TA(2014)0019

Repeal of Council Decision 2007/124/EC, Euratom ***

European Parliament legislative resolution of 15 January 2014 on the draft Council decision repealing Decision 2007/124/EC, Euratom establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks' (15187/2013 — C7-0418/2013 — 2013/0281(APP))

(Special legislative procedure — consent)

(2016/C 482/34)

The European Parliament,

- having regard to the draft Council decision (15187/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 352 of the Treaty on the Functioning of the European Union and Article 203 of the Treaty establishing the European Atomic Energy Community (C7-0418/2013),
 - having regard to Rules 81(1) and 46(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0432/2013),
1. Consents to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

Wednesday 15 January 2014

P7_TA(2014)0020

Renewal of the EU-Russia agreement on cooperation in science and technology *****European Parliament legislative resolution of 15 January 2014 on the draft Council decision concerning the renewal of the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation (13152/2013 — C7-0370/2013 — 2013/0282(NLE))****(Consent)**

(2016/C 482/35)

The European Parliament,

- having regard to the draft Council decision concerning the renewal of the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation (13152/2013),
 - having regard to Council Decision 2000/742/EC of 16 November 2000 concerning the conclusion of the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation,
 - having regard to the request for consent submitted by the Council in accordance with Article 186 and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0370/2013),
 - having regard to Rules 81 and 90(7) and Rule 46(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Industry, Research and Energy and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A7-0473/2013),
1. Consents to renewal 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 Russian Federation.
-

Wednesday 15 January 2014

P7_TA(2014)0021

Denominations and technical specifications of euro coins intended for circulation *

European Parliament legislative resolution of 15 January 2014 on the proposal for a Council regulation on denominations and technical specifications of euro coins intended for circulation (recast) (COM(2013)0184 — C7-0132/2013 — 2013/0096(NLE))

(Consultation — recast)

(2016/C 482/36)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0184),
 - having regard to Article 128(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0132/2013),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽¹⁾,
 - having regard to the letter of 17 June 2013 sent by the Committee on Legal Affairs to the Committee on Economic and Monetary Affairs in accordance with Rule 87(3) of Parliament's Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0479/2013),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question 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 and those amendments, the proposal is a straightforward codification of the existing texts, without any change in their substance;
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 amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation

Recital 4

Text proposed by the Commission

- (4) The single coinage system of the Union should induce public confidence and entail technological innovations which ensure that it is a secure, reliable and efficient system.

Amendment

- (4) The single coinage system of the Union should induce public confidence and entail technological innovations which ensure that it is a secure, reliable and efficient system. **It should also help to prevent counterfeiting.**

⁽¹⁾ OJ C 77, 28.3.2002, p. 1.

Wednesday 15 January 2014

Amendment 2
Proposal for a regulation
Article 10 — paragraph 8

Text proposed by the Commission

8. All relevant information on new national circulation coin designs shall be published by the Commission in the Official Journal of the European Union.

Amendment

8. All relevant information on new national circulation coin designs shall be published by the Commission in the Official Journal of the European Union.

The Commission shall notify the European Parliament of any objections it raises under paragraph 5.

Wednesday 15 January 2014

P7_TA(2014)0023

Tachographs and social legislation relating to road transport *II**

European Parliament legislative resolution of 15 January 2014 on the Council position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council on the harmonisation of certain social legislation relating to road transport (11532/4/2013 — C7-0410/2013 — 2011/0196(COD))

(Ordinary legislative procedure: second reading)

(2016/C 482/37)

The European Parliament,

- having regard to the Council position at first reading (11532/4/2013 — C7-0410/2013),
 - having regard to the opinion of the European Economic and Social Committee of 7 December 2011 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2011) 0451),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0471/2013),
1. Approves the Council position at first reading;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the Commission on Regulation (EC) No 561/2006

In order to ensure effective and uniform implementation of the legislation on driving times and rest periods, the Commission will continue to monitor closely the implementation of that legislation and, where necessary, take the appropriate initiatives.

⁽¹⁾ OJ C 43, 15.2.2012, p. 79.

⁽²⁾ OJ C 349 E, 29.11.2013, p. 105.

Wednesday 15 January 2014

P7_TA(2014)0024

Award of concession contracts *I****European Parliament legislative resolution of 15 January 2014 on the proposal for a directive of the European Parliament and of the Council on the award of concession contracts (COM(2011)0897 — C7-0004/2012 — 2011/0437(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 482/38)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0897),
 - having regard to Article 294(2) and Articles 53(1), 62 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0004/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the German Bundesrat, the Spanish Congress of Deputies and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 26 April 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 19 July 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 17 July 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development and Committee on Legal Affairs (A7-0030/2013),
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.

P7_TC1-COD(2011)0437**Position of the European Parliament adopted at first reading on 15 January 2014 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council on the award of concession contracts***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2014/23/EU.)*⁽¹⁾ OJ C 191, 29.6.2012, p. 84.⁽²⁾ OJ C 277, 13.9.2012, p. 74.

Wednesday 15 January 2014

P7_TA(2014)0025

Public procurement ***I

European Parliament legislative resolution of 15 January 2014 on the proposal for a directive of the European Parliament and of the Council on public procurement (COM(2011)0896 — C7-0006/2012 — 2011/0438(COD))

(Ordinary legislative procedure: first reading)

(2016/C 482/39)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0896),
 - having regard to Article 294(2) and Article 53(1), Article 62 and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0006/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament and by the United Kingdom House of Commons 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 26 April 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 17 July 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee of International Trade, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development, and the Committee on Legal Affairs (A7-0007/2013),
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.

P7_TC1-COD(2011)0438

Position of the European Parliament adopted at first reading on 15 January 2014 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council on public procurement and repealing Directive 2004/18/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2014/24/EU.)

⁽¹⁾ OJ C 191, 29.6.2012, p. 84.
⁽²⁾ OJ C 391, 18.12.2012, p. 49.

Wednesday 15 January 2014

P7_TA(2014)0026

**Procurement by entities operating in the water, energy, transport and postal services sectors
I*European Parliament legislative resolution of 15 January 2014 on the proposal for a directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors (COM(2011)0895 — C7-0007/2012– 2011/0439(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 482/40)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0895),
 - having regard to Article 294(2) and Article 53(1), Article 62 and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0007/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament and by the United Kingdom House of Commons, 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 26 April 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 17 July 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on Regional Development, and the Committee on Legal Affairs (A7-0034/2013),
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.

P7_TC1-COD(2011)0439**Position of the European Parliament adopted at first reading on 15 January 2014 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2014/25/EU.)*

⁽¹⁾ OJ C 191, 29.6.2012, p. 84.
⁽²⁾ OJ C 391, 18.12.2012, p. 49.

Wednesday 15 January 2014

P7_TA(2014)0027

Access of goods and services to public procurement markets ***I

Amendments adopted by the European Parliament on 15 January 2014 on the proposal for a regulation of the European Parliament and of the Council on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries (COM(2012)0124 — C7-0084/2012 — 2012/0060(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 482/41)

Amendment 1

Proposal for a regulation

Title 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries</p> <p>(Text with EEA relevance)</p>	<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>on the access of third-country goods and services to the Union's internal market in public procurement and concessions and procedures supporting negotiations on access of Union goods and services to the public procurement markets and to the concessions of third countries</p> <p>(Text with EEA relevance)</p>

Amendment 2

Proposal for a regulation

Citation 3 a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p>Having regard to the revised public procurement directives (2011/0438(COD), 2011/0439(COD) and 2011/0437(COD));</p>

Amendment 3

Proposal for a regulation

Citation 3 b (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p>Having regard to the revised Plurilateral Agreement on Government Procurement (GPA);</p>

⁽¹⁾ This matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0454/2013).

Wednesday 15 January 2014

Amendment 4
Proposal for a regulation

Recital 1

Text proposed by the Commission

- (1) Article 21 of the Treaty on European Union provides that the Union is to define and pursue common policies and actions, and work for a high degree of cooperation in all fields in international relations in order, inter alia, to encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade.

Amendment

- (1) Article 21 of the Treaty on European Union provides that the Union is to define and pursue common policies and actions, and work for a high degree of cooperation in all fields in international relations in order, inter alia, to **safeguard its values, fundamental interests, security, independence and integrity and to** encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade.

Amendment 86
Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

- (1) Article 21 of the Treaty on European Union provides that the Union is to define and pursue common policies and actions, and work for a high degree of cooperation in all fields in international relations in order, inter alia, to encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade.

Amendment

- (4a) **The revised plurilateral World Trade Organisation (WTO) Agreement on Government Procurement (GPA) provides only for limited market access for Union companies to the public procurement markets of third countries and applies only to a limited number of WTO Members, which are parties to the GPA. The revised GPA was ratified by the Union in December 2013.**

Amendment 5
Proposal for a regulation

Recital 5

Text proposed by the Commission

- (5) Within the context of the World Trade Organisation and through its bilateral relations the Union advocates an ambitious opening of international public procurement markets of the Union and its trading partners, in a spirit of reciprocity and mutual benefit.

Amendment

- (5) Within the context of the World Trade Organisation and through its bilateral relations the Union advocates an ambitious opening of international public procurement **and concessions** markets of the Union and its trading partners, in a spirit of reciprocity and mutual benefit.

Wednesday 15 January 2014

Amendment 6
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) ***Public procurement forms an important part of the Union's gross domestic product and should therefore be used to strengthen the Union's potential for innovation and industrial production. With a view to a sustainable industry policy strategy in the Union, unfair tenders comprising goods and/or services originating outside the Union should therefore be excluded. At the same time, reciprocity and fair conditions for the market access of Union industries should be ensured.***

Amendment 7
Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

- (5b) ***Union trade policy should help to reduce poverty worldwide by promoting improved working conditions, health and safety at work and fundamental rights.***

Amendment 8
Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

- (6) Many third countries are reluctant to open their public procurement markets to international competition, or to open those markets further than what they have already done. As a result, Union economic operators face restrictive procurement practices in many of the trading partner of the Union. Those restrictive procurement practices result in the loss of substantial trading opportunities.

- (6) Many third countries are reluctant to open their public procurement ***and their concessions*** markets to international competition, or to open those markets further than what they have already done. As a result, Union economic operators face restrictive procurement practices in many of the trading partner of the Union. Those restrictive procurement practices result in the loss of substantial trading opportunities.

Wednesday 15 January 2014

Amendment 87
Proposal for a regulation

Recital 7

Text proposed by the Commission

- (7) Directives 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors⁽¹⁰⁾ and 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽¹¹⁾ contain only a few provisions concerning the external dimension of the public procurement policy of the Union, in particular Articles 58 and 59 of Directive 2004/17/EC. These provisions however only **have** a limited scope and due to a lack of guidance they **are** not much applied by contracting entities.

⁽¹⁰⁾ OJ L 134, 30.4.2004, p. 1.

⁽¹¹⁾ OJ L 134, 30.4.2004, p. 114.

Amendment

- (7) Directives 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors⁽¹⁰⁾ and 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽¹¹⁾ contain only a few provisions concerning the external dimension of the public procurement policy of the Union, in particular Articles 58 and 59 of Directive 2004/17/EC. These provisions, however only **had** a limited scope and due to a lack of guidance they **were** not much applied by contracting entities, **and should therefore be replaced by more concise and applicable provisions.**

⁽¹⁰⁾ OJ L 134, 30.4.2004, p. 1.

⁽¹¹⁾ OJ L 134, 30.4.2004, p. 114.

Amendment 88
Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) **Market access for bidders from third countries to Union public procurement markets should be provided in accordance with Directives 2014/.../EU⁽¹²⁾, 2014/.../EU⁽¹³⁾ and 2014/.../EU⁽¹⁴⁾ of the European Parliament and of the Council;**

⁽¹²⁾ Directive 2014/.../EU of the European Parliament and of the Council of ... on public procurement (OJ L ...).

⁽¹³⁾ Directive 2014/.../EU of the European Parliament and of the Council of ... on procurement by entities operating in the water, energy, transport and postal services sectors (OJ L ...).

⁽¹⁴⁾ Directive 2014/.../EU of the European Parliament and of the Council of ... on the award of concession contracts (OJ L ...).

Wednesday 15 January 2014

Amendment 9
Proposal for a regulation
Recital 8

Text proposed by the Commission

- (8) In accordance with Article 207 TFEU the common commercial policy in the field of public procurement is to be based on uniform principles.

Amendment

- (8) In accordance with Article 207 TFEU the common commercial policy in the field of public procurement **and concessions** is to be based on uniform principles.

Amendment 10
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) In the interest of legal certainty for Union and third-country economic operators and contracting authorities/entities, the international market access commitments undertaken by the Union vis-à-vis third countries in the field of public procurement should be reflected in the legal order of the EU, thereby ensuring effective application thereof. The Commission should issue guidance on the application of the existing international market access commitments of the European Union. This guidance should be updated on a regular basis and provide easy to use information.

Amendment

- (9) In the interest of legal certainty for Union and third-country economic operators and contracting authorities/entities, the international market access commitments undertaken by the Union vis-à-vis third countries in the field of public procurement **and concessions** should be reflected in the legal order of the EU, thereby ensuring effective application thereof. The Commission should issue guidance on the application of the existing international market access commitments of the European Union. This guidance should be updated on a regular basis and provide easy to use information.

Amendment 11
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) ***The Commission should ensure that it does not fund programmes for which international public contracts are awarded or implemented in a manner inconsistent with the principles laid down in the public procurement directives (2011/0438(COD), 2011/0439(COD) and 2011/0437(COD)).***

Wednesday 15 January 2014

Amendment 12
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) The objectives of improving the access of EU economic operators to the public procurement markets of certain third countries protected by restrictive procurement measures and preserving equal conditions of competition within the European Single Market require that the treatment of third-country goods and services not covered by the international commitments of the Union be harmonised throughout the European Union.

Amendment

- (10) The objectives of improving the access of EU economic operators to the public procurement **and concessions** markets of certain third countries protected by restrictive procurement measures and preserving equal conditions of competition within the European Single Market require that the treatment of third-country goods and services not covered by the international commitments of the Union be harmonised throughout the European Union.

Amendment 13
Proposal for a regulation
Recital 11

Text proposed by the Commission

- (11) For this purpose rules of origin should be established so that contracting authorities/entities know whether goods and services are covered by the international commitments of the European Union. The origin of a good should be determined in accordance with Article **22 to 26 of Regulation (EC) No 2913/1992 of the European Parliament and of the Council of 12 October 1992 establishing the Community Customs Code** ⁽¹²⁾. According to this Regulation goods should be considered to be Union goods when they are wholly obtained or produced in the Union. Goods whose production involved one or more third countries should be deemed to originate in the country where they underwent their last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture. The origin of a service should be determined on the basis of the origin of the natural or legal person providing it. The guidance referred to in recital 9 should cover the application in practice of the rules of origin.

Amendment

- (11) For this purpose rules of origin should be established so that contracting authorities/entities know whether goods and services are covered by the international commitments of the European Union. The origin of a good should be determined in accordance with Articles **59 to 63 of Regulation (EU) No 952/2013** of the European Parliament and of the Council, **including the additional provisions to be adopted under Article 65 thereof**. According to this Regulation goods should be considered to be Union goods when they are wholly obtained or produced in the Union. Goods whose production involved one or more third countries should be deemed to originate in the country where they underwent their last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture. The origin of a service should be determined on the basis of the origin of the natural or legal person providing it. **The determination of the origin of a service should be made in line with the principles of the WTO General Agreement on Trade in Services (GATS). The provisions determining the rules of origin of services should prevent the circumvention of restrictions on access to the Union public procurement market through the establishment of 'letterbox' companies.** The guidance referred to in recital 9 should cover the application in practice of the rules of origin.

⁽¹²⁾ OJ L 302, 19.10.1992, p. 1

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Amendments 14 and 89

Proposal for a regulation

Recital 12

Text proposed by the Commission

- (12) The Commission should assess whether to approve that contracting authorities/entities within the meaning of Directives [2004/17/EC, 2004/18/EC and Directive [...] of the European Parliament and the Council of [...]....on the award of concession contracts⁽¹³⁾] exclude, for contracts with an estimated value equal or above EUR 5 000 000 from procedures for the award of contracts goods and services not covered by the international commitments undertaken by the European Union.

⁽¹³⁾ OJ L

Amendment

- (12) ***In the event that the Commission initiates an external procurement investigation to determine whether a lack of substantial reciprocity can be observed regarding access to the public procurement markets of third countries,*** the Commission should assess whether to approve that contracting authorities/entities within the meaning of Directives [2004/17/EC, 2004/18/EC and Directive [...] of the European Parliament and the Council of [...]....on the award of concession contracts⁽¹³⁾] exclude, for ***procedures for the award of contracts or concessions*** with an estimated value equal or above EUR 5 000 000 from procedures for the award of contracts goods and services not covered by the international commitments undertaken by the European Union. ***This does not concern procedures for the award of contract goods and services originating in the countries of the European Economic Area as defined by the relevant rules of origin, as well as contract goods and services originating in countries that benefit from the ‘Everything But Arms’ arrangement as listed in Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council^(13a), as well as contract goods and services originating in developing countries considered to be vulnerable due to a lack of diversification and insufficient integration within the international trading system as defined in Annex VII to Regulation (EU) No 978/2012.***

⁽¹³⁾ OJ L

^(13a) Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 (OJ L 303, 31.10.2012, p. 1).

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Amendments 15 and 90**Proposal for a regulation****Recital 13***Text proposed by the Commission*

- (13) For the sake of transparency, contracting authorities/entities intending to make use of their power in accordance with this Regulation to exclude tenders comprising goods and/or services originating outside the European Union, in which the value of the non-covered goods or services exceeds 50 % of the total value of these goods or services from procedures for the award of contracts should inform economic operators thereof in the **contract notice published in the Official Journal of the European Union**.

Amendment

- (13) For the sake of transparency, contracting authorities/entities intending to make use of their power in accordance with this Regulation to exclude tenders comprising goods and/or services originating outside the European Union, in which the value of the non-covered goods or services exceeds 50 % of the total value of these goods or services from procedures for the award of contracts **or concessions** should inform economic operators thereof in the **introductory part of the 'technical specifications' or of the 'descriptive document' as referred to in point 15 of Article 2(1) of Directive [2014/.../EU] on public procurement and point 15 of Article 2 of Directive [2014/.../EU] on procurement by entities operating in the water, energy, transport and postal services sectors, or in the introductory part of the 'technical and functional requirements' as referred to in Article 2(13) of Directive [2014/.../EU] on the award of concession contracts**.

Wednesday 15 January 2014

Amendment 16
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) For contracts with an estimated value equal or above EUR 5 000 000 the Commission should approve the intended exclusion if the international agreement concerning market access in the field of public procurement between the Union and the country where the goods and/or services originate contains, for the goods and/or services for which the exclusion is proposed, explicit market access reservations taken by the Union. Where such an agreement does not exist, the Commission should approve the exclusion where the third country maintains restrictive procurement measures leading to a lack of substantial reciprocity in market opening between the Union and the third country concerned. A lack of substantial reciprocity should be presumed where restrictive procurement measures result in serious and recurring discriminations of EU economic operators, goods and services.

Amendment

- (15) For contracts **and concessions** with an estimated value equal or above EUR 5 000 000 the Commission should approve the intended exclusion if the international agreement concerning market access in the field of public procurement **and concessions** between the Union and the country where the goods and/or services originate contains, for the goods and/or services for which the exclusion is proposed, explicit market access reservations taken by the Union. Where such an agreement does not exist, the Commission should approve the exclusion where the third country maintains restrictive procurement measures **in the field of procurement or the award of concessions** leading to a lack of substantial reciprocity in market opening between the Union and the third country concerned. A lack of substantial reciprocity should be presumed where restrictive procurement measures **in the field of procurement or the award of concessions** result in serious and recurring discriminations of EU economic operators, goods and services **or if the non-observance of international labour law provisions listed in Annex XI to the Directive on public procurement [...] 2014 and in Annex XIV to the Directive on procurement by entities operating in the water, energy, transport and postal services sectors [...] (2014) by public authorities have led to serious difficulties encountered by European undertakings and reported to the Commission, when those European undertakings have tried to secure the award of contracts and concessions in third countries.**

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Amendment 17
Proposal for a regulation

Recital 16

Text proposed by the Commission

- (16) When assessing whether a lack of substantial reciprocity exists, the Commission should examine to what degree public procurement laws of the country concerned ensure transparency in line with international standards in the field of public procurement and preclude any discrimination against Union goods, services and economic operators. In addition, it should examine to what degree public authorities and/or individual procuring entities maintain or adopt discriminatory practices against Union goods, services and economic **operators**.

Amendment

- (16) When assessing whether a lack of substantial reciprocity exists, the Commission should examine to what degree **the laws on public procurement and concessions** of the country concerned ensure transparency in line with international standards in the field of public procurement and **concessions** preclude any discrimination against Union goods, services and economic operators. In addition, it should examine to what degree public authorities and/or individual procuring entities maintain or adopt discriminatory practices against Union goods, services and economic **operator or to what degree the non-observance of international labour law provisions listed in Annex XI to the Directive on public procurement [...] 2014 and in Annex XIV to the Directive on procurement by entities operating in the water, energy, transport and postal services sectors [...] (2014) by public authorities have led to serious difficulties encountered by European undertakings and reported to the Commission, when these European undertakings have tried to secure the award of contracts and concessions in third countries.**

Amendment 18
Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) **When assessing tenders comprising goods and/or services originating outside the Union, contracting authorities and the Commission should ensure the compliance with the criteria for fair trade, as well as for the compliance with labour rights and environmental standards as laid down in Article 15(2) of and Annex 11 to the Directive on public procurement [...] (2014) XXX.**

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Amendment 19
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) The Commission should be able to prevent the possible negative impact of an intended exclusion on on-going trade negotiations with the country concerned. Therefore, the Commission may, where a country is engaging in substantive negotiations with the Union concerning market access in the field of public procurement and the Commission considers that there is a reasonable prospect of removing the restrictive procurement practices in the near future, it should be able to adopt a implementing act providing that goods and services from that country should not be excluded from procedures for the award of contracts for a period of one year.

Amendment

- (17) The Commission should be able to prevent the possible negative impact of an intended exclusion on on-going trade negotiations with the country concerned. Therefore, the Commission may, where a country is engaging in substantive negotiations with the Union concerning market access in the field of public procurement **and/or concessions** the Commission considers that there is a reasonable prospect of removing the restrictive procurement **and/or concessions** practices in the near future, it should be able to adopt a implementing act providing that goods and services from that country should not be excluded from procedures for the award of contracts for a period of one year.

Amendment 20
Proposal for a regulation
Recital 18

Text proposed by the Commission

- (18) In view of the fact that the access of third country goods and services to the public procurement market of the Union falls within the scope of the common commercial policy, Member States or their contracting authorities/entities should not be able to restrict the access of third country goods or services to their tendering procedures by any other measure than the ones provided for in this Regulation.

Amendment

- (18) In view of the fact that the access of third country goods and services to the public procurement market of the Union and **to concessions** falls within the scope of the common commercial policy, Member States or their contracting authorities/entities should not be able to restrict the access of third country goods or services to their tendering procedures by any other measure than the ones provided for in this Regulation **or by relevant Union law**.

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Amendment 21
Proposal for a regulation
Recital 19

Text proposed by the Commission

- (19) In view of the greater difficulty for contracting authorities/entities to assess, in the context of tenders comprising goods and/or services originating outside the European Union, in which the value of the non-covered goods or services exceeds 50 % of the total value of these goods or services, the explanations of tenderers it is appropriate to provide for an increased transparency in the treatment of abnormally low tenders. In addition to the rules provided by Article 69 of *the* Directive on public procurement and Article 79 of *the* Directive on procurement by entities operating in the water, energy, transport and postal services sectors the contracting authority/entity that intends to accept such an abnormally low tender, should inform the other tenderers of this in writing including the reasons for the abnormally low character of the price or costs charged. This allows these tenderers to contribute to a more accurate assessment as to whether the successful tenderer will be able to fully perform the contract under the conditions spelled out in the tender documentation. Therefore, this additional information would achieve a more level playing field on the EU public procurement market.

Amendment

- (19) In view of the greater difficulty for contracting authorities/entities to assess, in the context of tenders comprising goods and/or services originating outside the European Union, in which the value of the non-covered goods or services exceeds 50 % of the total value of these goods or services, the explanations of tenderers it is appropriate to provide for an increased transparency in the treatment of abnormally low tenders. **Tenders that appear abnormally low in relation to the works, supplies or services might be based on technically, economically or legally unsound assumptions or practices.** In addition to the rules provided by Article 69 of Directive **2014/XXX/EU of the European Parliament and of the Council**^(13a) and Article 79 of Directive **2014/XXX/EU of the European Parliament and of the Council**^(13b) the contracting authority/entity that intends to accept such an abnormally low tender, should inform the other tenderers of this in writing including the reasons for the abnormally low character of the price or costs charged. **Where the tenderer cannot provide a sufficient explanation, the contracting authority should be entitled to reject the tender.** This allows these tenderers to contribute to a more accurate assessment as to whether the successful tenderer will be able to fully perform the contract under the conditions spelled out in the tender documentation. Therefore, this additional information would achieve a more level playing field on the EU public procurement market.

^(13a) *Directive 2014/XXX/EU of the European Parliament and of the Council on public procurement (OJ XXX) (2011/0438(COD)).*

^(13b) *Directive 2014/XXX/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors (OJ XXX) (2011/0439(COD)).*

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Amendments 22 and 91**Proposal for a regulation****Recital 20***Text proposed by the Commission*

- (20) The Commission should be able, on its own initiative or at the application of interested parties or a Member State, to initiate at any time an external **procurement** investigation into restrictive procurement practices allegedly maintained by a third country. **In particular it shall take into account the fact that the Commission has approved a number of intended exclusions concerning a third country pursuant to Article 6(2) of this Regulation.** Such investigative procedures should be without prejudice to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization ⁽¹⁴⁾.

⁽¹⁴⁾ OJ L 349, 31.12.1994

Amendment

- (20) The Commission should be able, on its own initiative or at the application of interested parties or a Member State, to initiate at any time an external investigation into restrictive procurement **and concessions** practices allegedly maintained by a third country. **In its decision to initiate an external investigation procedure, it should take into account the number of requests made by contracting authorities/entities or Member States.** Such investigative procedures should be without prejudice to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization ⁽¹⁴⁾.

⁽¹⁴⁾ OJ L 349, 31.12.1994

Amendment 23**Proposal for a regulation****Recital 21***Text proposed by the Commission*

- (21) Where the Commission has, on the basis of information available to it, reason to believe that a third country has adopted or maintains a restrictive procurement practice, it should be able to start an investigation. If the existence of a restrictive procurement practice in a third country is confirmed the Commission should invite the country concerned to enter into consultations with a view to improving the tendering opportunities for economic operators, goods and services in public procurement in that country.

Amendment

- (21) Where the Commission has, on the basis of information available to it, reason to believe that a third country has adopted or maintains a restrictive procurement **and concession** practice, it should be able to start an investigation. If the existence of a restrictive procurement practice in a third country is confirmed the Commission should invite the country concerned to enter into consultations with a view to improving the tendering opportunities for economic operators, goods and services in public procurement in that country.

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Amendment 24
Proposal for a regulation
Recital 22

Text proposed by the Commission

- (22) If the consultations with the country concerned do not lead to sufficient improvement in the tendering opportunities for EU economic operators, goods and services, the Commission should take appropriate restrictive measures.

Amendment

- (22) If the consultations with the country concerned do not lead to sufficient improvement in the tendering opportunities for EU economic operators, goods and services **within a reasonable timeframe or remedial/corrective measures taken by the third country concerned are not considered satisfactory**, the Commission should take appropriate restrictive measures.

Amendment 25
Proposal for a regulation
Recital 23

Text proposed by the Commission

- (23) Such measures may entail the mandatory exclusion of certain third-country goods and services from public procurement procedures in the European Union, or may subject tenders made up of goods or services originating in that country to a mandatory price penalty. To avoid circumvention of these measures, it may also be necessary to exclude certain foreign-controlled or owned juridical persons established in the European Union, that are not engaged in substantive business operations such that it has a direct and effective link with the economy of a Member State concerned. Appropriate measures should not be disproportionate to the restrictive procurement practices to which they respond.

Amendment

- (23) Such measures may entail the mandatory exclusion of certain third-country goods and services from public procurement procedures **or procedures for the award of concessions** in the European Union, or may subject tenders made up of goods or services originating in that country to a mandatory price penalty. To avoid circumvention of these measures, it may also be necessary to exclude certain foreign-controlled or owned juridical persons established in the European Union, that are not engaged in substantive business operations such that it has a direct and effective link with the economy of a Member State concerned. Appropriate measures should not be disproportionate to the restrictive procurement practices to which they respond **and should apply for a maximum period of five years, which can be extended for another five years.**

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Amendment 26
Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

- (24a) *It is also imperative that, in view of an appropriate integration of environmental, social and labour requirements, contracting authorities take relevant measures to ensure compliance with obligations in the fields of environmental, social and labour law that apply at the place where the works are executed and result from international obligations, laws, regulations, decrees and decisions, at both national and Union level, as well as from collective agreements.*

Amendment 27
Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

- (26) In the light of the overall policy of the Union **with regard to least-developed countries as provided for, inter alia, in Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences from 1 January 2009, it is appropriate to assimilate** goods and services from **these** countries to Union goods and services.

- (26) In the light of the overall policy **objective** of the Union **to support the economic growth of developing countries and their integration into the global value chain, which is the basis for the establishment by the Union of a generalised system of preferences as outlined in the European Parliament and Council Regulation (EU) No 978/2012, it is appropriate to assimilate goods and services from least-developed countries benefitting from the ‘Everything But Arms’ arrangement as well as** goods and services from **developing** countries **considered to be vulnerable due to a lack of diversification and insufficient integration within the international trading system as defined respectively in Annexes IV and VII to Regulation (EU) No 978/2012, to** Union goods and services.

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Amendment 28
Proposal for a regulation

Recital 27

Text proposed by the Commission

- (27) In order to reflect in the legal order of the European Union the international market access commitments undertaken in the field of public procurement after the adoption of this Regulation, the Commission should be empowered to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union amendments to the list of international agreements annexed to this Regulation. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment

- (27) In order to reflect in the legal order of the European Union the international market access commitments undertaken in the field of public procurement **and concessions** after the adoption of this Regulation, the Commission should be empowered to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union amendments to the list of international agreements annexed to this Regulation. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 29
Proposal for a regulation

Recital 30

Text proposed by the Commission

- (30) The Commission should report at least every three years on the application of this Regulation.

Amendment

- (30) The Commission should report at least every three years on the application of this Regulation. ***In its report, the Commission should assess the functioning of this Regulation as well as the progress made in achieving reciprocity in the opening of public procurement markets. Together with the second report on the application of this Regulation, due at the latest six years following this Regulation's entry into force, the Commission should either submit a proposal to improve this Regulation or set out the reasons why, in the Commission's view, no changes to this Regulation are needed. In the event that the Commission neither submits a proposal nor sets out the reasons why no changes are needed to this Regulation, this Regulation should cease to apply.***

Wednesday 15 January 2014

Amendment 30
Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) In accordance with the principle of proportionality, it is necessary and appropriate for achievement of the basic objective of establishing a common external policy in the field of public procurement to lay down rules on the treatment of goods and services not covered by the international commitments of the European Union. This Regulation on the access of third-country economic operators, goods and services does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty on European Union,

Amendment

(31) In accordance with the principle of proportionality, it is necessary and appropriate for achievement of the basic objective of establishing a common external policy in the field of public procurement **and concessions** to lay down rules on the treatment of goods and services not covered by the international commitments of the European Union. This Regulation on the access of third-country economic operators, goods and services does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty on European Union,

Amendment 31

Proposal for a regulation

Article 1 — paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules on the access of third-country goods and services to the award of contracts for the execution of works or a work, the supply of goods and the provision of services by Union contracting authorities/entities, and establishes procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries.

Amendment

1. This Regulation lays down rules on the access of third-country goods and services to the award of contracts for the execution of works or a work, the supply of goods and the provision of services by Union contracting authorities/entities, and establishes procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries. **Member States or their contracting authorities/entities may restrict the access of third country goods and services to their tendering procedures only by measures provided for in this Regulation or by relevant Union law.**

Amendment 93

Proposal for a regulation

Article 1 — paragraph 2 — subparagraph 2

Text proposed by the Commission

This Regulation shall apply to the award of contracts where the goods or services are procured for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods or in the provision of services for commercial sale.

Amendment

This Regulation shall apply to the award of contracts where the goods or services are procured for governmental purposes **and to the award of works and services concessions provided for governmental purposes** and not with a view to commercial resale or with a view to use in the production of goods or in the provision of services for commercial sale.

Wednesday 15 January 2014

Amendment 33**Proposal for a regulation****Article 2 — paragraph 1 — point a***Text proposed by the Commission*

(a) **'supplier'** means any natural or legal person which offers on the market **goods**;

Amendment

(a) **'economic operator'** means any natural or legal person **or public entity or group of such persons and/or entities** which offers **the execution of works or a work, the supply of products or the provision of services** on the market;

Amendment 34**Proposal for a regulation****Article 2 — paragraph 1 — point b***Text proposed by the Commission*

(b) **'service provider'** means **any natural or legal person which offers on the market the execution of works or a work, or services**;

Amendment

(b) **'tenderer'** means **an economic operator that has submitted a tender**;

Amendment 35**Proposal for a regulation****Article 2 — paragraph 1 — point d***Text proposed by the Commission*

(d) **'covered goods or services'** means a good or service originating in a country with which the Union has concluded an international agreement in the field of public procurement including market access commitments and in respect of which the relevant agreement applies. Annex I to this Regulation contains a list of relevant agreements;

Amendment

(d) **'covered goods or services'** means a good or service originating in a country with which the Union has concluded an international agreement in the field of public procurement **and concessions** including market access commitments and in respect of which the relevant agreement applies. Annex I to this Regulation contains a list of relevant agreements;

(This amendment applies to the whole of the legislative text (addition of the reference to concessions whenever public procurement is mentioned); adoption of the regulation will entail technical changes throughout the text.)

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Amendment 39

Proposal for a regulation

Article 2 — paragraph 1 — point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘lack of substantial reciprocity’ means the existence of any legislative, regulatory or administrative measure, procedure or practice, adopted or performed by public authorities or individual procuring entities in a third country, restricting access to public procurement or concession markets, in particular by a lack of transparency compared to international standards and discriminatory legislative provisions and administrative practices, which results in serious and recurrent discriminatory treatment against Union economic operators, goods or services.

A ‘lack of substantial reciprocity’ shall also be presumed, where the non-observance of international labour law provisions listed in Annex XI to the Directive on public procurement [...] 2014 and in Annex XIV to the Directive on procurement by entities operating in the water, energy, transport and postal services sectors [...] (2014) by public authorities have led to difficulties encountered by European undertakings and reported to the Commission, when those European undertakings have tried to secure the award of contracts and concessions in third countries.

Amendment 36

Proposal for a regulation

Article 2 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) the term ‘economic operator’ shall cover equally the concepts of supplier and service provider;

deleted

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Amendment 37**Proposal for a regulation****Article 2 — paragraph 2 — point c***Text proposed by the Commission**Amendment*

(c) *an economic operator who has submitted a tender shall be designated a ‘tenderer’;*

deleted

Amendment 38**Proposal for a regulation****Article 2 — paragraph 2 — point e***Text proposed by the Commission**Amendment*

(e) a ‘mandatory price penalty’ shall refer to an obligation for contracting entities to increase, subject to certain exceptions, the price of services and/or goods originating in certain third countries that have been offered in contract award procedures.

(e) a ‘mandatory price penalty’ shall refer to an obligation for contracting entities to increase, subject to certain exceptions, the price of services and/or goods originating in certain third countries that have been offered in contract award procedures **or concession award procedures.**

(This amendment applies to the entire legislative text under consideration (addition of the reference to ‘concession award procedures’ whenever there is mention of ‘contract award procedures’, in the singular or the plural); if it is adopted, technical adjustments will have to be made throughout the text.)

Amendment 40**Proposal for a regulation****Article 3 — paragraph 1***Text proposed by the Commission**Amendment*

1. The origin of a good shall be determined in accordance with **Article 22 to 26 of** Regulation (EC) No **2913/1992** of the European Parliament and of the Council of **12 October 1992 establishing the Community Customs Code** ⁽¹⁸⁾.

1. The origin of a good shall be determined in accordance with Article **59 to 63** of Regulation (EU) No **952/2013** of the European Parliament and of the Council, **including the additional provisions to be adopted under Article 65 thereof.**

⁽¹⁸⁾ OJ L 302, 19.10.1992, p. 1

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Amendment 41

Proposal for a regulation

Article 3 — paragraph 2 — subparagraph 1 — introductory part

Text proposed by the Commission

The origin of a service shall be determined on the basis of the origin of the natural or legal person providing it. The origin of the **service provider** shall be deemed to be:

Amendment

The origin of a service shall be determined on the basis of the origin of the natural or legal person providing it. The origin of the **economic operator providing the service** shall be deemed to be:

Amendment 42

Proposal for a regulation

Article 4

Text proposed by the Commission

Treatment of covered goods and services

When awarding contracts for the execution of works and/or a work, the supply of goods or the provision of services, contracting authorities/entities shall treat covered goods and services equally to goods and services originating in the **European** Union.

Goods or services originating in least-developed countries listed in Annex I to Regulation (EC) No 732/2008 shall be treated as covered goods and services.

Amendment

Treatment of covered goods and services

When awarding contracts for the execution of works and/or a work, the supply of goods or the provision of services, **or when awarding work and services concessions**, contracting authorities/entities shall treat covered goods and services equally to goods and services originating in the Union.

Goods or services originating in least-developed countries listed in Annex IV to Regulation (EU) No 978/2012 **of the European Parliament and of the Council or in developing countries considered to be vulnerable due to a lack of diversification and insufficient integration within the international trading system and in the world economy as defined in Annex VII to Regulation (EU) No 978/2012** shall be treated as covered goods and services.

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Amendment 43
Proposal for a regulation
Article 6 — paragraph 1

Text proposed by the Commission

1. Upon request of contracting authorities/entities **the Commission shall assess** whether to approve, for contracts with an estimated value equal or above EUR 5 000 000 exclusive of value-added tax (VAT) the exclusion from procedures for the award of contracts tenders comprising goods or services originating outside the Union, if the value of the non-covered goods or services exceeds 50 % of the total value of the goods or services constituting the tender, under the following conditions.

Amendment

1. **Where the Commission initiates an external procurement investigation as provided for in Article 8, the Commission shall,** upon request of contracting authorities/entities **and after publication of the notice of the initiation in the Official Journal of the Union, assess** whether to approve, for contracts with an estimated value equal or above EUR 5 000 000 exclusive of value-added tax (VAT) the exclusion from procedures for the award of contracts tenders comprising goods or services originating outside the Union, if the value of the non-covered goods or services exceeds 50 % of the total value of the goods or services constituting the tender, under the following conditions.

Amendment 44
Proposal for a regulation
Article 6 — paragraph 2 — subparagraph 1

Text proposed by the Commission

Where contracting authorities/entities intend to request the exclusion from procedures for the award of contracts on the basis of paragraph 1 they shall indicate this **in the contract notice they publish pursuant to Article 35 of Directive 2004/18/EC or pursuant to Article 42 of Directive 2004/17/EC or Article 26 of the Directive** on the award of concession contracts.

Amendment

Where contracting authorities/entities intend to request the exclusion from procedures for the award of contracts on the basis of paragraph 1 they shall indicate this **clearly in the introductory part of the ‘technical specifications’ or of the ‘descriptive document’ as referred to in Article 2(15) of Directives [2014/.../EU] on public procurement and of Directive [2014/.../EU] on procurement by entities operating in the water, energy, transport and postal services sectors, or in the introductory part of the ‘technical and functional requirements’ as referred to in Article 2(13) of Directive [2014/.../EU] on the award of concession contracts.**

Amendment 45
Proposal for a regulation
Article 6 — paragraph 2 — subparagraph 3

Text proposed by the Commission

Where contracting authorities/entities receive tenders that meet the conditions of paragraph 1 for which they intend to request the exclusion for that reason, they shall notify the Commission. During the notification procedure the contracting authority/entity may continue its analysis of the tenders.

Amendment

Where contracting authorities/entities receive tenders that meet the conditions of paragraph 1 for which they intend to request the exclusion for that reason, they shall notify the Commission **within eight calendar days**. During the notification procedure the contracting authority/entity may continue its analysis of the tenders.

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Amendment 46

Proposal for a regulation

Article 6 — paragraph 2 — subparagraph 4 — point b

Text proposed by the Commission

(b) a description of the object of the contract;

Amendment

(b) a description of the object of the contract **or concession**;

Amendment 47

Proposal for a regulation

Article 6 — paragraph 2 — subparagraph 4 — point d a (new)

Text proposed by the Commission

Amendment

(da) where appropriate, any other information deemed useful by the Commission.

Amendment 48

Proposal for a regulation

Article 6 — paragraph 2 — subparagraph 5

Text proposed by the Commission

The Commission may ask the contracting authority/entity for additional information.

Amendment

deleted

Amendment 49

Proposal for a regulation

Article 6 — paragraph 2 — subparagraph 6

Text proposed by the Commission

That information shall be provided within eight **working** days, commencing on the first **working** day following the date on which it receives the request for additional information. If the Commission receives no information within this period the period established in paragraph 3 shall be suspended, until the Commission receives the requested information.

Amendment

That information shall be provided within eight **calendar** days, commencing on the first **calendar** day following the date on which it receives the request for additional information. If the Commission receives no information within this period the period established in paragraph 3 shall be suspended, until the Commission receives the requested information.

Wednesday 15 January 2014

Amendment 50
Proposal for a regulation
Article 6 — paragraph 3

Text proposed by the Commission

3. For contracts referred to in paragraph 1, the Commission shall adopt an implementing act concerning the approval of the intended exclusion within a period of **two months** commencing on the first **working** day following the date on which it receives the notification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17 (2). This period may be extended once by a maximum of **two months** in duly justified cases, in particular if the information contained in the notification or in the documents annexed thereto is incomplete or inexact or if the facts as reported undergo any substantive changes. If, at the end of this **two-month** period, or the extended period the Commission has not adopted a decision approving or disapproving the exclusion, the exclusion shall be deemed to have been disapproved by the Commission.

Amendment

3. **Where the Commission finds, for the goods and/or services for which the exclusion is proposed, a lack of substantial reciprocity as defined in point (ga) of Article 2 (1), it shall adopt an implementing act approving the exclusion of the tenders concerned by the investigation in accordance with the examination procedure referred to in Article 17(2).** The implementing act shall be adopted within a period of **one month** commencing on the first **calendar** day **after a request referred to in paragraph 1.** This period may be extended once by a maximum of **one month** in duly justified cases, in particular if the information contained in the notification or in the documents annexed thereto is incomplete or inexact or if the facts as reported undergo any substantive changes. If, at the end of this **one-month** period, or the extended period the Commission has not adopted a decision approving or disapproving the exclusion, the exclusion shall be deemed to have been disapproved by the Commission.

That exclusion shall be a temporary measure pending the finalisation of the external procurement investigation as provided for in Article 8, the conclusions of the consultation procedure provided for under Article 9 and, where applicable, the adoption of any measures limiting access of non-covered goods and services to the Union public procurement market under Article 10.

Amendment 51
Proposal for a regulation
Article 6 — paragraph 4 — subparagraph 1 — point b

Text proposed by the Commission

(b) where an agreement referred to in point (a) does not exist and the third country maintains restrictive procurement measures leading to a lack of substantial reciprocity in market opening between the Union and the third country concerned.

Amendment

(b) where an agreement referred to in point (a) does not exist and the third country maintains restrictive procurement **or concession award** measures leading to a lack of substantial reciprocity in market opening between the Union and the third country concerned, **notably where those restrictive measures are detrimental to the Union's industrial policy.**

Wednesday 15 January 2014

Amendment 52

Proposal for a regulation

Article 6 — paragraph 4 — subparagraph 2

Text proposed by the Commission

For the purposes of point (b), a lack of substantial reciprocity is presumed where restrictive procurement measures result in serious and recurring discriminations of Union economic operators, goods and services.

Amendment

deleted

Amendment 53

Proposal for a regulation

Article 6 — paragraph 5

Text proposed by the Commission

5. When assessing whether a lack of substantial reciprocity exists, the Commission shall examine the following:

(a) to what degree public procurement laws of the country concerned ensure transparency in line with international standards in the field of public procurement and preclude any discrimination against Union goods, services and economic operators;

(b) to what degree public authorities and/or individual procuring entities maintain or adopt discriminatory practices against Union goods, services and economic operators.

Amendment

deleted

Amendment 92

Proposal for a regulation

Article 6 — paragraph 7

Text proposed by the Commission

7. Contracting authorities/entities which have excluded tenders pursuant to paragraph 1 shall indicate this in the contract award notice they publish pursuant to Article 35 of Directive 2004/18/EC, Article 42 of Directive 2004/17/EC, or Article 27 of the Directive on the award of concession contracts. The Commission shall adopt implementing acts establishing the standard forms for contract award notices. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 17 (3).

Amendment

7. Where tenders have been excluded pursuant to paragraph 3, contracting authorities/entities shall indicate this, including the reasons for exclusion, in the contract award notice they publish pursuant to Article 35 of Directive 2004/18/EC, Article 42 of Directive 2004/17/EC, or Article 27 of the Directive on the award of concession contracts. The Commission shall adopt implementing acts establishing the standard forms for contract award notices. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 17 (3).

Wednesday 15 January 2014

Amendment 55**Proposal for a regulation****Article 6 — paragraph 8***Text proposed by the Commission*

8. Paragraph 1 **shall** not apply where the Commission has adopted the implementing act on temporary access of the goods and services from a country engaged in **substantive** negotiations with the Union as set out in Article 9(4).

Amendment

8. Paragraph 1 **may** not apply where the Commission has adopted the implementing act on temporary access of the goods and services from a country engaged in negotiations with the Union as set out in Article 9(4). **The Commission shall duly justify its corresponding decision to the contracting entity that submitted the application.**

Amendment 56**Proposal for a regulation****Article 7 — paragraph 1***Text proposed by the Commission*

Where the contracting authority/entity intends, under Article 69 of the Directive on public procurement or under Article 79 of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors, after verifying the explanations of the tenderer, to accept an abnormally low tender comprising goods and/or services originating outside the Union, in which the value of the non-covered goods or services exceeds 50 % of the total value of the goods or services constituting the tender, it shall inform the other tenderers of this in writing, including the reasons for the abnormally low character of the price or costs charged.

Amendment

Where the contracting authority/entity intends, under Article 69 of the Directive on public procurement or under Article 79 of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors, after verifying the explanations of the tenderer, to accept an abnormally low tender comprising goods and/or services originating outside the Union, in which the value of the non-covered goods or services exceeds 50 % of the total value of the goods or services constituting the tender, it shall inform the other tenderers of this in writing, including the reasons for the abnormally low character of the price or costs charged. **Member States shall take appropriate measures to ensure that in the performance of public contracts economic operators comply with applicable obligations in the fields of environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex XI to the Directive on public procurement [...] 2013.**

Wednesday 15 January 2014

Amendment 57

Proposal for a regulation

Article 7 — paragraph 2

Text proposed by the Commission

A contracting authority/entity *may withhold any information release of it would impede law enforcement, would otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of economic operators, whether public or private, or might prejudice fair competition between them.*

Amendment

After being informed by the contracting authority/entity of their intention to accept an abnormally low tender, the other tenderers shall have the possibility to provide relevant information to the contracting authority/entity within a reasonable period of time in order to allow the contracting authority/entity to take a decision on the acceptance in full knowledge of potential factors which might have an influence on the assessment of the abnormally low character of the price or costs charged.

Amendment 58

Proposal for a regulation

Article 8 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Where the Commission considers it to be in the interest of the Union, it may at any time, on its own initiative or upon application of interested parties or a Member State, may initiate an external procurement investigation into alleged restrictive procurement measures.

Amendment

The Commission may at any time, on its own initiative or upon application of interested parties, contracting authority/entity or a Member State, may initiate an external procurement investigation into alleged restrictive procurement measures. In its decision to initiate an external procurement investigation, the Commission shall take into account the number of requests made by contracting authorities/entities or Member States. In the event that the Commission declines to initiate an investigation, it shall duly justify its decision to the Member State, interested party or the contracting entity that submitted the application.

Amendment 59

Proposal for a regulation

Article 8 — paragraph 1 — subparagraph 2

Text proposed by the Commission

In particular, the Commission shall take into account whether a number of intended exclusions have been approved pursuant to Article 6(3) of this Regulation.

Amendment

deleted

Wednesday 15 January 2014

Amendment 60**Proposal for a regulation****Article 8 — paragraph 2***Text proposed by the Commission*

2. *The investigation referred to in paragraph 1 is conducted on the basis of the criteria laid down in Article 6.*

Amendment

2. *The investigation referred to in paragraph 1 is conducted on the basis of the criteria laid down in point (ga) of Article 2 (1).*

Amendment 61**Proposal for a regulation****Article 8 — paragraph 3***Text proposed by the Commission*

3. The assessment by the Commission of whether restrictive procurement measures are maintained by the third country concerned shall be made on the basis of the information supplied by interested parties and Member States and/or facts collected by the Commission during its investigation, and shall be concluded within a period of **nine** months after the initiation of the investigation. In duly justified cases this period may be extended by **three months**.

Amendment

3. The assessment by the Commission of whether restrictive procurement measures are maintained by the third country concerned shall be made on the basis of the information supplied by interested parties and Member States and/or facts collected by the Commission during its investigation, **or its regular reports on existing trade barriers in third countries**, and shall be concluded within a period of **three** months after the initiation of the investigation. In duly justified cases this period may be extended by **one month**.

The assessment by the Commission shall take into account the requests made by contracting authorities/entities for investigations under article 6 paragraph 1 after initiating the procedure laid down in this article.

Amendment 62**Proposal for a regulation****Article 9 — paragraph 3 — subparagraph 1***Text proposed by the Commission*

When, after the initiation of a consultation, the country concerned takes satisfactory remedial/corrective measures, but without undertaking new market access commitments, the Commission may suspend or terminate the consultation.

Amendment

When, after the initiation of a consultation, the country concerned takes satisfactory remedial/corrective measures, but without undertaking new market access commitments, the Commission may suspend or terminate the consultation **or invite the country concerned to enter into negotiations under Article 9(4)**.

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Amendment 63

Proposal for a regulation

Article 9 — paragraph 3 — subparagraph 3 — introductory part

Text proposed by the Commission

Where the remedial/corrective measures taken by the third country concerned are rescinded, suspended or improperly implemented, the Commission **may**:

Amendment

Where the remedial/corrective measures taken by the third country concerned are rescinded, suspended or improperly implemented, the Commission **acts under Article 10 to adopt implementing acts to limit the access of goods and services originating in a third country.**

Amendment 64

Proposal for a regulation

Article 9 — paragraph 3 — subparagraph 3 — point i

Text proposed by the Commission

(i) **resume or restart the consultation with the third country concerned, and/or**

Amendment

deleted

Amendment 65

Proposal for a regulation

Article 9 — paragraph 3 — subparagraph 3 — point ii

Text proposed by the Commission

(ii) **act under Article 10 to adopt implementing acts to limit the access of goods and services originating in a third country**

Amendment

deleted

Amendment 66

Proposal for a regulation

Article 9 — paragraph 4

Text proposed by the Commission

4. Where, after the initiation of a consultation, it appears that the most appropriate means to end a restrictive procurement practice is the conclusion of an international agreement, negotiations shall be carried out in accordance with the provisions of Articles 207 and 218 of the Treaty on the Functioning of the European Union. If a country has engaged in **substantive** negotiations with the European Union concerning market access in the field of public procurement, the Commission may adopt an implementing act providing that goods and services from that country cannot be excluded from procedures for the award of contracts pursuant to Article 6.

Amendment

4. Where, after the initiation of a consultation, it appears that the most appropriate means to end a restrictive procurement practice is the conclusion of an international agreement, negotiations shall be carried out in accordance with the provisions of Articles 207 and 218 of the Treaty on the Functioning of the European Union. If a country has engaged in negotiations with the European Union concerning market access in the field of public procurement, the Commission may adopt an implementing act providing that goods and services from that country cannot be excluded from procedures for the award of contracts pursuant to Article 6. **The Commission shall duly justify its corresponding decision to the Member State, interested party or the contracting entity that submitted the application.**

Wednesday 15 January 2014

Amendment 67**Proposal for a regulation****Article 9 — paragraph 5 — subparagraph 1 — introductory part***Text proposed by the Commission*

The Commission may terminate the consultation if the country concerned **undertakes international commitments agreed** with the Union **in any of** the following **frameworks**:

Amendment

The Commission may terminate the consultation if the country concerned **has undertaken** with the Union **or at international level** the following **measures**:

Amendment 68**Proposal for a regulation****Article 9 — paragraph 5 — subparagraph 1 — point a (new)***Text proposed by the Commission**Amendment*

(a) international commitments have been agreed with the European Union in any of the following frameworks:

Amendment 69**Proposal for a regulation****Article 9 — paragraph 5 — subparagraph 1 — point a iii***Text proposed by the Commission**Amendment*

(iii) Expansion of its market access commitments undertaken under the WTO Government Procurement Agreement (GPA) or under a bilateral agreement concluded with the Union in that framework,

(iii) Expansion of its market access commitments undertaken under the WTO Government Procurement Agreement (GPA) or under a bilateral agreement concluded with the Union in that framework, and

Amendment 70**Proposal for a regulation****Article 9 — paragraph 5 — subparagraph 1 — point b (new)***Text proposed by the Commission**Amendment*

(b) corrective measures have been adopted by the country concerned.

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Amendment 71

Proposal for a regulation

Article 9 — paragraph 6

Text proposed by the Commission

6. In the event that a consultation with a third country does not lead to satisfactory results within **15** months from the day the consultation with the third country started, the Commission shall terminate the consultation and consider acting under Article 10 to adopt implementing acts to limit the access of goods and services originating in a third country.

Amendment

6. In the event that a consultation with a third country does not lead to satisfactory results within **12** months from the **calendar** day the consultation with the third country started, the Commission shall terminate the consultation and consider acting under Article 10 to adopt implementing acts to limit the access of goods and services originating in a third country.

Amendment 72

Proposal for a regulation

Article 10 — paragraph 1

Text proposed by the Commission

1. Where it is found in an investigation pursuant to Article 8, and after following the procedure foreseen in Article 9, that restrictive procurement measures adopted or maintained by that third country leads to an lack of substantial reciprocity in market opening between the Union and the third country as referred to in Article 6, the Commission may adopt implementing acts to temporarily limit the access of non-covered goods and services originating in a third country. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).

Amendment

1. Where it is found in an investigation pursuant to Article 8, and after following the procedure foreseen in Article 9, that **there is** an lack of substantial reciprocity in market opening between the Union and the third country as referred to in **point (ga) of Article 2(1)**, the Commission may adopt implementing acts to temporarily limit the access of non-covered goods and services originating in a third country **for up to five years, which can be extended for another five years**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).

Amendment 73

Proposal for a regulation

Article 10 — paragraph 3 — introductory part

Text proposed by the Commission

Measures adopted pursuant to paragraph 1 may in particular be limited to:

Amendment

The Commission shall not approve an intended exclusion where it would violate market access commitments entered into by the Union in its international agreements. Measures adopted pursuant to paragraph 1 may in particular be limited to:

Amendment 74

Proposal for a regulation

Article 11 — paragraph 1 — subparagraph 2 a (new)

Text proposed by the Commission

Amendment

If the measures adopted pursuant to Article 9(4) and Article 10 have not in the meantime been suspended or repealed, they shall expire five years after their entry into force.

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Amendment 75**Proposal for a regulation****Article 13 — paragraph 1 — introductory part***Text proposed by the Commission*

1. Contracting authorities/entities may **decide** not to apply the measures pursuant to Article 10 with respect to a procurement procedure if:

Amendment

1. Contracting authorities/entities may **request the Commission** not to apply the measures pursuant to Article 10 with respect to a procurement procedure if:

Amendment 76**Proposal for a regulation****Article 13 — paragraph 1 — subparagraph 2 (new)***Text proposed by the Commission**Amendment*

If, after 15 calendar days, the Commission has not adopted a decision approving or disapproving such a request, the request shall be deemed to have been disapproved by the Commission. In exceptional circumstances, that deadline may be extended by a further maximum period of five calendar days.

Amendment 77**Proposal for a regulation****Article 13 — paragraph 2 — subparagraph 1***Text proposed by the Commission*

Where a contracting authority/entity intends not to apply measures adopted pursuant to Article 10 of this Regulation, or reinstated pursuant to Article 11, it shall indicate its intention in the contract notice that it shall publish pursuant to Article 35 of Directive 2004/18/EC or Article 42 of Directive 2004/17/EC. ***It shall notify the Commission no later than ten calendar days after the publication of the contract notice.***

Amendment

Where a contracting authority/entity intends not to apply measures adopted pursuant to Article 10 of this Regulation, or reinstated pursuant to Article 11, it shall indicate its intention in the contract notice that it shall publish pursuant to Article 35 of Directive 2004/18/EC or Article 42 of Directive 2004/17/EC.

Amendment 78**Proposal for a regulation****Article 13 — paragraph 2 — subparagraph 2***Text proposed by the Commission*

This notification shall be sent by electronic using a standard form. The Commission shall adopt implementing acts establishing the standard forms for contract notices ***and notification*** in accordance with the advisory procedure referred to in Article 17 (3).

Amendment

The Commission shall adopt implementing acts establishing the standard forms for contract notices in accordance with the advisory procedure referred to in Article 17 (3).

Wednesday 15 January 2014

Amendment 79

Proposal for a regulation

Article 13 — paragraph 2 — subparagraph 3

Text proposed by the Commission

Amendment

The notification shall contain the following information:

deleted

- (a) **the name and contact details of the contracting authority/entity;**
- (b) **a description of the object of the contract;**
- (c) **information on the origin of the economic operators, the goods and/or services to be admitted;**
- (d) **the ground on which the decision not to apply the restrictive measures is based, and a detailed justification for the use of the exception;**
- (e) **where appropriate, any other information deemed useful by the contracting authority/entity.**

Amendment 80

Proposal for a regulation

Article 15 — paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect on the **calendar** day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Wednesday 15 January 2014

Amendment 81
Proposal for a regulation
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Procurement conditions in connection with Union-funded programmes in third countries

In connection with public procurements funded by the European Union and its Member States, the Commission shall ensure that a binding regulatory framework intended to govern the award and performance of public contracts is introduced. In that connection, the Union shall adopt uniform rules to ensure fair conditions of competition between Union and third country economic operators.

Amendment 82
Proposal for a regulation
Article 18 — paragraph 2

Text proposed by the Commission

Amendment

2. Neither the Commission nor the Council, nor the European Parliament nor Member States, nor their officials shall reveal any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.

deleted

Amendment 83
Proposal for a regulation
Article 18 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Under no circumstances shall information received pursuant to this Regulation and declared by the provider of the information to be of a confidential nature be revealed, unless the provider gives his specific permission.

Wednesday 15 January 2014

Amendment 84
Proposal for a regulation
Article 19

Text proposed by the Commission

By 1 January 2017 and at least every three years after the entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council on the application of this Regulation and on progress made in international negotiations regarding access for EU economic operators to public contract award procedures in third countries undertaken under this Regulation. To this effect, Member States shall upon request provide the Commission with appropriate information.

Amendment

At least every three years after the entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council on the application of this Regulation and on progress made in international negotiations regarding access for EU economic operators to public contract award procedures in third countries undertaken under this Regulation. To this effect, Member States shall upon request provide the Commission with appropriate information. **When the Commission submits its second report, it shall also submit to the European Parliament and to the Council a legislative proposal for an amended Regulation or set out the reasons why, in its view, no changes are necessary. Should the Commission not comply with these obligations, the Regulation shall cease to apply at the end of the second year following the submission of the second report.**

Amendment 85
Proposal for a regulation
Article 20

Text proposed by the Commission

Articles 58 and 59 of Directive 2004/17/EC shall be **repealed** with effect from the entry into force of this Regulation.

Amendment

The Commission shall assess whether Articles 58 and 59 of Directive 2004/17/EC **are to be maintained. In view of the conclusions of that assessment, the Commission shall submit a legislative proposal repealing those Articles** with effect from the entry into force of this Regulation.

Wednesday 15 January 2014

P7_TA(2014)0028

Honey *I**

Amendments adopted by the European Parliament on 15 January 2014 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey (COM(2012)0530 — C7-0304/2012 — 2012/0260(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 482/42)

Amendment 17**Proposal for a directive****Recital 1**

Text proposed by the Commission

Amendment

- (1) *Following the judgment of the Court of Justice of 6 September 2011 in case C-442/09⁸, pollen in honey is to be considered as an ingredient within the meaning of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁹. The judgment of the Court was based on the consideration relying on the facts brought before it that pollen in honey is mainly due to the centrifugation carried out by the beekeeper for the purposes of honey collection. However, pollen only enters into the hive as a result of the activity of the bees and it is naturally present in honey regardless of whether or not the beekeeper extracts the honey through centrifugation. It is necessary therefore to clarify, without prejudice to the application of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed¹⁰ to genetically modified pollen in honey, that pollen is a constituent of honey, which is a natural substance that has no ingredients, and not an ingredient within the meaning of Directive 2000/13/EC. Therefore, Council Directive 2001/110/EC of 20 December 2001 relating to honey ⁽¹¹⁾ should be amended accordingly.*

- (1) *Council Directive 2001/110/EC ⁽¹⁾ defines honey as the natural sweet substance produced by bees. Honey consists essentially of different sugars, predominantly fructose and glucose, as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. Directive 2001/110/EC preserves the natural character of honey by limiting human intervention that could alter the composition of honey. In particular, that Directive prohibits the addition of any food ingredient to honey, including food additives, or to make any other additions other than honey. Similarly, that Directive prohibits the removal of any constituent particular to honey, including pollen, unless it is unavoidable in the removal of foreign matter. Those requirements are in line with the Codex Alimentarius standard for honey.*

⁽¹⁾ OJ L 10, 12.1.2002, p. 47.

⁽¹¹⁾ OJ L 10, 12.1.2002, p. 47.

⁽¹⁾ This matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0440/2013).

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Amendment 2
Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1a) *In order to take account of consumers' increasing sensitivity over the presence of genetically modified organisms in food and of their rights to be informed thereof, and in accordance with Regulation (EU) No 1169/2011, Council Directive 2001/110/EC(*) should be amended accordingly.*

(*) *Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).*

Amendment 18
Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

- (1b) *Pollen is part of the composition criteria for honey set out by Directive 2001/110/EC. Available evidence, including empirical and scientific data, confirms that honeybees are the origin of the presence of pollen in honey. Pollen grains fall into nectar which is collected by honeybees. In the hive collected nectar containing pollen grains is transformed into honey by the bees. According to the available data, additional pollen in honey can come from pollen on bees' hair, pollen in the air inside the hive and from pollen packed by bees in cells which might incidentally open during the extraction of honey by operators. It follows that pollen enters into the hive as a result of the activity of the bees and is naturally present in honey regardless of whether or not operators extract the honey. Furthermore, there is no intentional addition of pollen into honey by operators, such an addition being prohibited by Directive 2001/110/EC.*

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Amendment 19
Proposal for a directive
Recital 1 c (new)

Text proposed by the Commission

Amendment

- (1c) *Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁽¹⁾ defines an ‘ingredient’ as any substance used in the manufacture or preparation of a foodstuff and still present in the finished product, even in altered form. This definition implies an intentional use of a substance in the manufacture or preparation of a foodstuff. Taking into account the natural character of honey, and in particular the natural origin of the presence of constituents particular to honey, including pollen, it is necessary to clarify that pollen and any other constituents particular to honey should not be considered as ‘ingredients’ of honey within the meaning of Regulation (EU) No 1169/2011.*

⁽¹⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).

Amendment 6
Proposal for a directive
Recital 1 d (new)

Text proposed by the Commission

Amendment

- (1d) *As honey is a natural product, it should be exempted from the requirement to bear a list of ingredients.*

Amendment 23
Proposal for a directive
Recital 1 e (new)

Text proposed by the Commission

Amendment

- (1e) *Coexistence measures at Member State level established in accordance with Article 26a of Directive 2001/18/EC should ensure that standard analyses of honey are not necessary, inter alia by setting minimum distance requirements.*

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Amendment 7
Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

- (4) *The Annexes to Directive 2001/110/EC contain technical elements which might have to be adapted or updated to take account of developments in relevant international standards. That Directive does not confer on the Commission appropriate powers to promptly adapt or update those Annexes to take account of developments in international standards. Therefore, for the consistent implementation of Directive 2001/110/EC, the power to adapt or update the Annexes to that Directive to take account not only of technical progress but also of developments in international standards should also be conferred on the Commission.*

deleted

Amendment 8
Proposal for a directive

Recital 6

Text proposed by the Commission

Amendment

- (6) *Therefore, in order to take account of technical progress and, where appropriate, the developments in international standards, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to adapt or update the technical characteristics related to the product descriptions and definitions in the Annexes to Directive 2001/110/EC.*

deleted

Amendment 20
Proposal for a directive

Article 1 — point 1

Directive 2001/110/EC

Article 2 — point 5

Text proposed by the Commission

Amendment

5. Pollen, being a natural constituent particular to honey, shall not be considered an ingredient, within the meaning of Article 6(4) of **Directive 2000/13/EC**, of the products defined in Annex 1 to this Directive.

5. Pollen, being a natural constituent particular to honey, shall not be considered an ingredient, within the meaning of Article 2(2)(f) of **Regulation (EU) No 1169/2011**, of the products defined in Annex 1 to this Directive.

Wednesday 15 January 2014

Amendment 12**Proposal for a directive****Article 1 — paragraph 1 — point 3**

Directive 2001/110/EC

Article 6

Text proposed by the Commission

Amendment

Article 6**deleted**

The Commission shall be empowered to adopt delegated acts in accordance with Article 6a to amend the technical characteristics related to the names, product descriptions and definitions in Annex I and to the composition criteria for honey in Annex II, to take account of technical progress and, where appropriate, of the developments in relevant international standards.

Amendment 13**Proposal for a directive****Article 1 — point 3**

Directive 2001/110/EC

Article 6a — paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in **Articles 4 and 6** shall be conferred on the Commission for **an indeterminate period of time** from (...). (Publications Office is to fill in the date of entry into force of this amending Act).

2. The power to adopt delegated acts referred to in **Article 4** shall be conferred on the Commission for **a period of five years** from ... (*). **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

(*) Date of into force of the amending directive.

Wednesday 15 January 2014

Amendment 14

Proposal for a directive

Article 1 — point 3

Directive 2001/110/EC

Article 6a — paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in **Articles 4 and 6** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of *the* delegated acts already in force.

Amendment

3. The delegation of power referred to in **Article 4** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication **of the decision** in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of *any* delegated acts already in force.

Amendment 15

Proposal for a directive

Article 1 — point 3

Directive 2001/110/EC

Article 6a — paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to **Articles 4 and 6** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to **Article 4** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Wednesday 15 January 2014

Amendment 16**Proposal for a directive****Article 2 — paragraph 1 — subparagraph 1***Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (1) by **[date]**. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (1) by ... (*). They shall forthwith communicate to the Commission the text of those provisions.

(*) **12 months after the entry into force of the amending directive.**

Wednesday 15 January 2014

P7_TA(2014)0029

Hercule III programme and protection of the European Union's financial interests *I**

European Parliament legislative resolution of 15 January 2014 on the proposal for a regulation of the European Parliament and of the Council on the Hercule III programme to promote activities in the field of the protection of the European Union's financial interests (COM(2011)0914 — C7-0513/2011 — 2011/0454(COD))

(Ordinary legislative procedure: first reading)

(2016/C 482/43)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0914),
 - having regard to Article 294(2) and Article 325 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0513/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Court of Auditors of 15 May 2012 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 14 November 2013 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 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Budgets (A7-0385/2012),
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.

P7_TC1-COD(2011)0454

Position of the European Parliament adopted at first reading on 15 January 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 250/2014.)

⁽¹⁾ OJ C 201, 7.7.2012, p. 1.

Wednesday 15 January 2014

P7_TA(2014)0030

Statistics relating to trading of goods between Member States *I**

Amendments adopted by the European Parliament on 15 January 2014 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 638/2004 on Community statistics relating to trading of goods between Member States as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value (COM(2013)0578 — C7-0242/2013 — 2013/0278(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 482/44)

Amendment 1**Proposal for a regulation****Recital 6***Text proposed by the Commission*

- (6) It is of particular importance that the Commission carries out the appropriate consultations during its preparatory work, including at expert level. When preparing and drawing up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment

- (6) It is of particular importance that the Commission carries out the appropriate consultations during its preparatory work, including at **the most efficient** expert level **after informing the Member States who is to be consulted and on what basis the respect of impartiality is to be ensured and possible conflicts of interest are to be avoided**. When preparing and drawing up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment 2**Proposal for a regulation****Recital 7***Text proposed by the Commission*

- (7) The Commission should ensure that these delegated acts do not impose a significant additional administrative burden on the Member States and on the respondent units.

Amendment

- (7) The Commission should ensure that these delegated acts do not impose a significant additional **cost or** administrative burden on the Member States and on the respondent units **and that they remain as economical as possible**.

⁽¹⁾ This matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0457/2013).

Wednesday 15 January 2014

Amendment 3
Proposal for a regulation
Recital 8

Text proposed by the Commission

- (8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 638/2004, implementing powers should be conferred on the Commission enabling it to adopt the arrangements for collecting information, particularly concerning the codes to be used, technical provisions for compiling annual statistics on trade by business characteristics and any measures necessary to ensure that the quality of the statistics transmitted is according to the quality criteria. These powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

- (8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 638/2004, implementing powers should be conferred on the Commission enabling it to adopt the arrangements for collecting information, particularly concerning the codes to be used, technical provisions for compiling annual statistics on trade by business characteristics and any measures necessary to ensure that the quality of the statistics transmitted **free of charge** is according to the quality criteria. These powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment 4
Proposal for a regulation
Recital 10

Text proposed by the Commission

- (10) Under the strategy for a new European Statistical System (hereinafter referred to as 'ESS') structure intended to improve coordination and partnership in a clear pyramid structure within the ESS, the European Statistical System Committee (hereinafter referred to as 'ESSC'), established by Regulation (EC) No 223/2009 of the European Parliament and of the Council **of 11 March 2009 on European statistics**⁽⁹⁾, should have an advisory role and assist the Commission in exercising its implementing powers.

⁽⁹⁾ OJ L 87, 31.3.2009, p. 164.

Amendment

- (10) Under the strategy for a new European Statistical System (hereinafter referred to as 'ESS') structure intended to improve coordination and partnership in a clear pyramid structure within the ESS, the European Statistical System Committee (hereinafter referred to as 'ESSC'), established by Regulation (EC) No 223/2009 of the European Parliament and of the Council⁽⁹⁾, should have an advisory role and assist the Commission in exercising its implementing powers. **Improving coordination between national authorities and the Commission (Eurostat) is key to producing higher quality statistics in the Union.**

⁽⁹⁾ **Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics** (OJ L 87, 31.3.2009, p. 164).

Wednesday 15 January 2014

Amendment 5
Proposal for a regulation

Recital 11

Text proposed by the Commission

- (11) Regulation (EC) No 638/2004 should be amended by replacing the reference to the Intrastat Committee with a reference to the ESSC.

Amendment

- (11) Regulation (EC) No 638/2004 should be amended by replacing the reference to the Intrastat Committee with a reference to the ESSC. ***The ESSC should have the same membership structure as that of the Intrastat Committee, namely one member from each Member State.***

Amendment 6
Proposal for a regulation

Recital 12

Text proposed by the Commission

- (12) Simplifications of customs clearance schemes have led to the non-availability, at customs level, of statistical information about goods under customs processing procedures. To assure coverage of the data, movements of those goods should be included in the Intrastat system.

Amendment

- (12) Simplifications of customs clearance schemes have led to the non-availability, at customs level, of statistical information about goods under customs processing procedures. To assure coverage of the data, movements of those goods should be included in the Intrastat system ***while any additional costs should be limited to the greatest extent possible. Information should follow the principle of ‘single-flow reporting’, thus, in so far as the quality of the data can be guaranteed, the data should only be collected by the exporting companies.***

Amendment 7
Proposal for a regulation

Recital 13

Text proposed by the Commission

- (13) The exchange of confidential data relating to intra-EU trade statistics should be allowed between Member States ***with a view to increasing*** the efficiency of the development, production and dissemination or to improving the quality of those statistics.

Amendment

- (13) The exchange of confidential data relating to intra-EU trade statistics should be allowed between Member States ***and should be free of charge if necessary to increase*** the efficiency of the development, production and dissemination or to improving the quality of those statistics. ***Such exchanges should be voluntary and should be possible for a transitional period following the entry into force of this Regulation. Such exchange of confidential data should, however, be treated carefully and should not in itself entail increased administrative burden on companies.***

Wednesday 15 January 2014

Amendment 8
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The definition of statistical value should be clarified and aligned with the definition of this data element under the extra-EU trade statistics.

Amendment

(14) The definition of statistical value should be clarified and aligned with the definition of this data element under the extra-EU trade statistics **in order to enable better comparability between intra-and extra-EU trade statistics. Uniform definitions are essential for the proper and frictionless functioning of cross-border trade and are especially important as a prerequisite for different national authorities to be able to make concordant interpretations of rules having an impact on the cross-border activities of businesses.**

Amendment 9
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In accordance with the principle of proportionality, it is necessary and appropriate to lay down rules on the communication of information by the customs administration, the exchange of confidential data between MS and the definition of statistical value in the domain of intra-EU trade statistics. This Regulation does not go beyond what is necessary to achieve that objective, in accordance with Article 5(4) of the Treaty on the European Union.

Amendment

(15) In accordance with the principle of proportionality, it is necessary and appropriate to lay down **harmonised** rules on the communication of information by the customs administration, the exchange of confidential data between MS and the definition of statistical value in the domain of intra-EU trade statistics. This Regulation does not go beyond what is necessary to achieve that objective, in accordance with Article 5(4) of the Treaty on the European Union.

Amendment 10
Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) **Data transmission by the national authorities should be free of charge for the Member States and for the Union institutions or agencies.**

Wednesday 15 January 2014

Amendment 11
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) *Given the economic situation of the Member States and the stepping up of coordination measures at Union level, there is a need to develop an integrated approach and ever more reliable statistical indicators in order to implement policies more effectively.*

Amendment 12
Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

- (17b) *Following the recent discovery of breaches of the protection of the data of Union citizens and Member States, there is a need to enhance the security of the modes of transmission of sensitive statistical data, including economic data,*

Amendment 13
Proposal for a regulation
Article 1 — point 2 — point b
Regulation (EC) No 638/2004
Article 5 — paragraph 2

Text proposed by the Commission

Amendment

2. The statistical information on dispatches and arrivals of goods which are the subject of a single administrative document for customs or fiscal purposes shall be provided directly by customs to the national authorities, **at least** once a month.

2. The statistical information on dispatches and arrivals of goods which are the subject of a single administrative document for customs or fiscal purposes shall be provided directly by customs to the national authorities once a month.

Wednesday 15 January 2014

Amendment 14

Proposal for a regulation

Article 1 — point 5

Regulation (EC) No 638/2004

Article 9a — paragraph 1

Text proposed by the Commission

The exchange of confidential data, as defined by Article 3(7) of Regulation (EC) No 223/2009 of the European Parliament and of the Council **of 11 March 2009 on European statistics** (*), shall for statistical purposes only, be allowed between the respective national authorities of each Member State, where the exchange serves the efficient development, production and dissemination of European statistics relating to the trading of goods between Member States or improves their quality.

(*) OJ L 87, 31.3.2009, p. 164.

Amendment

The exchange, **free of charge**, of confidential data as defined by Article 3(7) of Regulation (EC) No 223/2009 of the European Parliament and of the Council (*), shall for statistical purposes only, be allowed between the respective national authorities of each Member State, where **it is proven that** the exchange serves the efficient development, production and dissemination of European statistics relating to the trading of goods between Member States or **significantly** improves their quality. **Any additional administrative burden and costs for the Member States shall be kept to a minimum. Such exchange of confidential information shall be voluntary until ... (**).**

(*) **Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics** (OJ L 87, 31.3.2009, p. 164).

(**) **Five years after the date of entry into force of this Regulation.**

Amendment 15

Proposal for a regulation

Article 1 — point 5

Regulation (EC) No 638/2004

Article 9a — paragraph 2

Text proposed by the Commission

National authorities that have obtained confidential data shall treat this information confidentially and shall use it exclusively for statistical purposes.

Amendment

National authorities that have obtained confidential data shall treat this information confidentially and shall use it exclusively for statistical purposes. **National authorities shall not transmit such data to any international organisation other than as provided in this Regulation.**

Wednesday 15 January 2014

Amendment 16**Proposal for a regulation****Article 1 — point 6 — point c**

Regulation (EC) No 638/2004

Article 10 — paragraph 5

Text proposed by the Commission

5. Member States may, under certain conditions that meet quality requirements, simplify the information to be provided for small individual transactions. The Commission shall be empowered to adopt, in accordance with Article 13a, delegated acts to define these conditions.

Amendment

5. Member States may, under certain conditions that meet quality requirements, simplify the information to be provided for small individual transactions **provided that such simplification has no detrimental effects on the quality of the statistics.** The Commission shall be empowered to adopt, in accordance with Article 13a, delegated acts to define these conditions.

Amendment 17**Proposal for a regulation****Article 1 — point 6 a (new)**

Regulation (EC) No 638/2004

Article 11

Present text

Article 11

Statistical confidentiality

Only where the party or parties that have provided information so request shall the national authorities decide whether statistical results which may make it possible to identify the said provider (s) are to be disseminated or are to be amended in such a way that their dissemination does not prejudice statistical confidentiality.

*Amendment***(6a) Article 11 is replaced by the following:**

‘Article 11

Statistical confidentiality

Only where the party or parties that have provided information so request shall the national authorities decide whether statistical results which may make it possible to identify the said provider (s) are to be disseminated or are to be amended in such a way that their dissemination does not prejudice statistical confidentiality. **The national authorities shall ensure that any detrimental effects on a party or parties providing information is clearly outweighed by statistical benefits.**

Wednesday 15 January 2014

Amendment 18

Proposal for a regulation

Article 1 — point 7 — point c

Regulation (EC) No 638/2004

Article 12 — paragraph 4 — subparagraph 3

Text proposed by the Commission

The Commission shall adopt, by means of implementing acts, technical provisions for compiling these statistics.

Amendment

The Commission shall adopt, by means of implementing acts, technical provisions for compiling these statistics **in the most economical way**.

Amendment 19

Proposal for a regulation

Article 1 — point 8

Regulation (EC) No 638/2004

Article 13 — paragraph 4 — subparagraph 1

Text proposed by the Commission

(4) The Commission shall adopt, by means of implementing acts, any measures necessary to ensure the quality of the statistics transmitted according to the quality criteria.

Amendment

(4) The Commission shall adopt, by means of implementing acts, any measures necessary to ensure the quality of the statistics transmitted according to the quality criteria, **avoiding excessive costs for the national authorities**.

Amendment 20

Proposal for a regulation

Article 1 — point 9

Regulation (EC) No 638/2004

Article 13a — paragraph 2

Text proposed by the Commission

(2) When exercising the powers delegated in Articles 3(4), 6 (2), 10(3) (4) and (5), 12(1)(a) and (2), the Commission shall ensure that the delegated acts do not impose **a** significant additional administrative burden on the Member States and on the respondents.

Amendment

(2) When exercising the powers delegated in Articles 3(4), 6 (2), 10(3) (4) and (5), 12(1)(a) and (2), the Commission shall ensure that the delegated acts do not impose significant additional **costs or** administrative burden on the Member States and on the respondents. **The Commission shall pursue reductions of costs and administrative burden where possible. In addition, the Commission shall duly justify the actions in those intended delegated acts and provide information, with input from Member States, on any associated burden and production costs in accordance with Article 14(3) of Regulation (EC) No 223/2009.**

Wednesday 15 January 2014

Amendment 21**Proposal for a regulation****Article 1 — point 9**

Regulation (EC) No 638/2004

Article 13a — paragraph 3

Text proposed by the Commission

3. The power to adopt delegated acts referred to in Articles 3 (4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2) shall be conferred on the Commission for **an indeterminate** period of **time** from [(Publication office: please insert the exact date of the entry into force of the amending Regulation)].

Amendment

3. The power to adopt delegated acts referred to in Articles 3 (4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2) shall be conferred on the Commission for **a** period of **five years** from [Publication office: please insert the exact date of the entry into force of the amending Regulation]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

Amendment 22**Proposal for a regulation****Article 1 — point 9**

Regulation (EC) No 638/2004

Article 13a — paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 3(4), 6(2), 10 (3) (4) and (5), 12(1)(a) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or the Council.

Amendment

6. A delegated act adopted pursuant to Articles 3(4), 6(2), 10 (3) (4) and (5), 12(1)(a) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or the Council.

Thursday 16 January 2014

P7_TA(2014)0033

Appointment of a Member of the Executive Board of the European Central Bank (Sabine Lautenschläger)

European Parliament decision of 16 January 2014 on the Council recommendation for appointment of a Member of the Executive Board of the European Central Bank (N7-0002/2014 — C7-0010/2014 — 2014/0801(NLE))

(Consultation)

(2016/C 482/45)

The European Parliament,

- having regard to the Council's recommendation of 7 January 2014 (N7-0002/2014) ⁽¹⁾,
 - having regard to Article 283(2), second subparagraph, of the Treaty on the Functioning of the European Union, pursuant to which the European Council consulted Parliament (C7-0010/2014),
 - having regard to Rule 109 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0023/2014),
- A. whereas, by letter of 8 January 2014, received on 9 January 2014, the European Council consulted Parliament on the appointment of Sabine Lautenschläger as a Member of the Executive Board of the European Central Bank (ECB) for a term of office of eight years;
- B. whereas Parliament's Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of Ms Lautenschläger, in particular in view of the requirements laid down in Article 283(2) of the Treaty on the Functioning of the European Union (TFEU) and in the light of the need for full independence of the ECB in the area of monetary policy pursuant to Article 130 TFEU, whereas in carrying out this evaluation, the committee received a curriculum vitae from Ms Lautenschläger as well as her replies to the written questionnaire that had been sent to her;
- C. whereas the committee subsequently held a hearing with Ms Lautenschläger on 13 January 2014, at which she made an opening statement and then responded to questions from the members of the committee;
1. Delivers a favourable opinion on the Council recommendation to appoint Sabine Lautenschläger as Member of the Executive Board of the ECB;
 2. Instructs its President to forward this decision to the European Council, the Council and the governments of the Member States.

⁽¹⁾ Not yet published in the Official Journal.

Thursday 16 January 2014

P7_TA(2014)0034

Authorising France to apply a reduced rate of certain indirect taxes on ‘traditional’ rum produced in Guadeloupe, French Guiana, Martinique and Réunion *

European Parliament legislative resolution of 16 January 2014 on the proposal for a Council decision authorising France to apply a reduced rate of certain indirect taxes on ‘traditional’ rum produced in Guadeloupe, French Guiana, Martinique and Réunion and amending Decision 2007/659/EC (COM(2013)0839 — C7-0488/2013 — 2013/0413(CNS))

(Special legislative procedure — consultation)

(2016/C 482/46)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0839),
 - having regard to Article 349 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0488/2013),
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0013/2014),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
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